1968 No. 1

A MEASURE passed by The National Assembly of the Church of England to make better provision for the cure of souls and for the use, preservation or disposal of redundant churches, to amend the law relating to pluralities, to enable certain pastoral functions of bishops relating to property to be delegated, and for purposes connected with the matters aforesaid.

[30th May 1968]

PART I

PROCEDURE FOR MAKING PASTORAL SCHEMES AND ORDERS

Pastoral Committees

Constitution and procedure of Pastoral Committees.

1.—(1) The Diocesan Conference of every diocese shall as soon as possible appoint a committee to be known as the Pastoral Committee of the diocese concerned.

(2) The constitution and rules of procedure of Pastoral Committees shall be those set out in Schedule 1 to this Measure.

(3) The Pastoral Committee of a diocese shall present annually to the Diocesan Conference a report of its activities during the preceding year.

(4) The Diocesan Reorganisation Committees appointed under section 1 of the Diocesan Reorganisation Committees Measure 1941 and the Pastoral Committees appointed under section 1 of the Pastoral Reorganisation Measure 1949 shall cease to exercise any functions and, when they have made their final reports to the Diocesan Conferences, shall cease to exist.

1941 No. 1.

1949 No. 3.

Duties of Pastoral Committees.

2.—(1) It shall be the duty of the Pastoral Committee of a diocese from time to time as may be directed by or agreed with the bishop to review the arrangements for pastoral supervision in the diocese or any part thereof and, in cases where they consider it desirable, to make recommendations to the bishop in accordance with the next following section for any of the matters for which provision may be made under Part II or Part III of this Measure (other than section 36 thereof) by a pastoral scheme or pastoral order. [a]

[a] S. 2 (1) am. 1970 C. A M. No. 2 s. 1.

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(2) The Pastoral Committee shall at all times—

(*a*) have particular regard to the making of provision for the cure of souls in the diocese as a whole, including the provision of appropriate spheres of work and conditions of service for all persons engaged in the cure of souls and the provision of reasonable remuneration for such persons;

(*b*) have regard also to the traditions, needs and characteristics of individual parishes.

Procedure for schemes and orders affecting a single diocese

Formulation and submission to bishop of draft proposals.

3.—(1) Before deciding to make any recommendations to the bishop, the Pastoral Committee shall so far as may be practicable ascertain the views of the interested parties.

(2) In this Part of this Measure "interested parties", in relation to any recommendations, proposals or draft scheme or order, means—

(*a*) incumbents of any benefices which would be affected by the implementing thereof, including vicars in a team ministry established for any such benefice;

(*b*) the patrons of any such benefices;

(*c*) the parochial church councils of any parishes which would be so affected;

(*d*) the archdeacons and rural deans of any archdeaconries and rural deaneries which would be so affected or to which any such benefices or parishes belong; and

(*e*) the local planning authority or authorities concerned:

Provided that if the recommendations, proposals, scheme or order is or are limited to creating, naming, altering or dissolving archdeaconries and rural deaneries, no patrons of benefices shall be included among the interested parties, and, in the case of proposals and orders under section 13, the local planning authority or authorities shall not be included.

For the purposes of this subsection a change in the patronage of a benefice shall be deemed to affect that benefice and the parish or parishes thereof.

(3) In the case of interested parties being incumbents or vicars in a team ministry or parochial church councils, the Committee shall, before reaching their decision, afford to each incumbent or vicar and to each council or their representative an opportunity, if desired, of meeting the Committee or a sub-committee or representative thereof:

Provided that, in the case of a recommendation for a union of benefices or otherwise for the dissolution of any benefice or

for the holding in plurality of any benefice or benefices, or the establishment of a team or group ministry for any benefice or benefices, or the abolition of any office of vicar in a team ministry, the incumbent of the benefice or each of the benefices or the holder of the office of vicar shall have an opportunity of meeting the Committee itself (as distinct from a sub-committee or representative thereof), if he so desires.

(4) Before deciding to make a recommendation that a declaration of redundancy be made in respect of any church, the Committee shall also ascertain the views of the Council for the Care of Churches, and shall obtain from them information about the historic and architectural qualities of that church and other churches in the area and the historic and aesthetic qualities of their contents.

(5) When the Committee have decided to make recommendations, they shall formulate them in draft proposals and submit them to the bishop, and shall annexe to the draft proposals (in a case to which the last foregoing subsection applies) the comments and information furnished by the Council for the Care of Churches, and the bishop may, with the agreement of the Committee, make such amendments of the draft proposals as appear to him desirable.

(6) If the bishop approves the draft proposals either with or without amendments, he shall submit the proposals as approved to the Commissioners, who shall send copies thereof to the interested parties, informing them that, if the Commissioners prepare a draft scheme or draft order in pursuance of the proposals, they will be given an opportunity of making representations with respect thereto.

The bishop shall also send to the Commissioners, with the proposals, the annexe (if any) containing the comments and information furnished by the Council for the Care of Churches.

Amendment of proposals and preparation of draft scheme or order by Commissioners.

4.—(1) The Commissioners shall consider any proposals submitted to them as aforesaid and may make, with the agreement of the bishop given after consultation with the Pastoral Committee, such amendments thereof as appear to them desirable.

(2) If the proposals provide for a declaration of redundancy and also provide, in the circumstances mentioned in section 46 or section 47 of this Measure,—

(*a*) for the demolition of the church to which the declaration relates, or

(*b*) for the church being put to a use involving architectural or structural changes in the church,

the Commissioners shall consult the Advisory Board.

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(3) If it appears to the Commissioners that the implementing of the proposals, with such amendments (if any) as may have been made under subsection (1) of this section, would be within the powers exercisable under Part II or Part III of this Measure (other than section 36 thereof) by a pastoral scheme or order, they shall proceed as follows:—

(*a*) if the implementing of the proposals or any of them would require the exercise of powers only exercisable by a pastoral scheme, the Commissioners shall prepare a draft scheme to give effect to the proposals; or

(*b*) if all the proposals could be implemented by the exercise of powers by a pastoral order (being powers mentioned in section 38 of this Measure), they shall prepare a draft order to give effect to the proposals:

Provided that—

(i) the Commissioners may, with the agreement of the bishop given after consultation with the Pastoral Committee, decide to proceed with some but not all of the proposals, and in that case this subsection shall apply as if they were the only proposals;

(ii) if some but not all the proposals concerned could be implemented by a pastoral order, the Commissioners may prepare a draft order to give effect to those proposals, or some of them, and prepare a draft scheme to give effect to the other proposals.

Notice and publication of draft schemes or orders.

5.—(1) The Commissioners shall serve a copy of any draft scheme or order prepared under the last foregoing section on each of the interested parties, together with a notice stating that written representations with respect thereto may be made to the Commissioners not later than a date specified in the notice, being a date not less than twenty-eight days after the service of the notice.

(2) If a draft scheme provides for a declaration of redundancy, the Commissioners shall—

(*a*) also serve a copy thereof on the Advisory Board;

(*b*) publish in one or more newspapers circulating in the locality affected by the scheme a notice stating the objects of the draft scheme and naming a place or places within the locality where a copy thereof may be inspected, and stating that written representations with respect to the draft scheme may be made to the Commissioners not later than a date specified in the notice, being a date not less than twenty-eight days after the first publication of the notice in such a newspaper;

and the requirements of paragraph (*b*) hereof shall also apply

to a draft scheme providing for any of the matters mentioned in section 30 of this Measure.

(3) The Commissioners shall, in the case of every draft scheme, send copies of such a notice as is mentioned in the last foregoing subsection, but specifying a date not less than twenty-eight days after the sending of the notice, to the secretary of the parochial church council of every parish affected by the draft scheme, and require him to affix a copy on or near the principal door of the parish church or of each of the parish churches and of any other church in the parish to which a proposed declaration of redundancy relates.

(4) The Commissioners shall consider any written representations duly made with respect to any draft scheme or order and may, if they think fit, afford an opportunity to any person, whether he has made written representations or not, to make oral representations to their representative with respect to the draft scheme or order.

(5) The Commissioners may, before or after the end of the period within which written representations may be made under this section, extend that period, and any representations made within the period so extended shall be deemed to be duly made.

Amendment of draft schemes and orders.

6.—(1) The Commissioners may, whether as a result of representations or otherwise, amend any draft scheme or order prepared by them under this Part of this Measure, but any such amendments shall only be made with the agreement of the bishop given after consultation with the Pastoral Committee.

(2) If any such amendments are made, the amended draft scheme or order shall be treated in the same manner as an original draft scheme or order, and the last foregoing section shall apply thereto accordingly.

Submission to bishop and making of scheme or order.

7. Where the Commissioners, having considered the representations (if any), are of opinion that any such draft scheme or order should be made, and do not propose to make any amendments or any further amendments thereof, then—

(*a*) in the case of a draft scheme, they shall submit it to the bishop for his consent and, when he has given his consent, they shall seal a copy of the draft scheme and so make the scheme, and shall submit it for confirmation by Her Majesty in Council;

(*b*) in the case of a draft order, they shall seal a copy thereof and submit it to the bishop who may, by applying his seal thereto, make the order.

Confirmation of schemes by Order in Council.

8.—(1) As soon as possible after a scheme is submitted for confirmation by Her Majesty in Council under the last foregoing section, the Commissioners shall give notice of such submission to the interested parties and so far as practicable to any other

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persons who have duly made written representations with respect thereto, and shall publish notice thereof in one or more newspapers circulating in the locality affected by the scheme, and the notice shall inform persons who have duly made written representations of their right to appeal to Her Majesty in Council and the time within which such right may be exercised.

(2) Any person who has duly made written representations with respect to the scheme may appeal to Her Majesty in Council against the scheme or any provisions thereof by lodging notice of appeal with the Clerk of the Privy Council before the expiration of a period of twenty-eight days beginning with the day immediately after the date of the first publication of the notice of the submission of the scheme as aforesaid.

(3) If no notice of appeal is given before the expiration of the period aforesaid, Her Majesty may by Order in Council confirm the scheme.

(4) If a notice of appeal is given before the expiration of the said period, Her Majesty in Council may order that the appeal be heard by the Judicial Committee of the Privy Council, and the Judicial Committee shall make a report thereon and may propose to Her Majesty in Council that the appeal should be allowed or dismissed or that the scheme should be returned to the Commissioners for reconsideration, and Her Majesty in Council may accordingly—

(*a*) allow the appeal, in which case the scheme shall be of no effect, but without prejudice to the making and submission of a further scheme ; or

(*b*) dismiss the appeal and confirm the scheme ; or

(*c*) return the scheme to the Commissioners for reconsideration.

(5) Where a scheme is returned to the Commissioners for reconsideration as aforesaid, they may—

(*a*) withdraw the scheme, or

(*b*) re-submit the scheme without any amendment thereof, or

(*c*) amend the scheme with the agreement of the bishop given after consultation with the Pastoral Committee.

(6) Where the Commissioners re-submit a scheme without amendment, the Judicial Committee of the Privy Council, without any further hearing, may propose to Her Majesty in Council that the appeal should be allowed or dismissed, and the like effect shall follow on that proposal as if it had been made under subsection (4) hereof.

(7) Where the Commissioners amend the scheme, it shall be treated as a draft scheme amended under section 6 of this Measure and the provisions of this Part of this Measure

shall apply thereto accordingly, and if the amended scheme is submitted to Her Majesty in accordance with those provisions, it shall, on such submission, be treated as a new scheme.

(8) The provisions of Schedule 2 to this Measure shall apply to appeals to Her Majesty in Council.

Publication of notice of confirmation or making of scheme or order.

9.—(1) As soon as possible after a scheme is confirmed by Order in Council under the last foregoing section or an order is made by the bishop under section 7 of this Measure, there shall be published in the London Gazette a notice sufficiently identifying the scheme or order and stating that it has been confirmed or made, as the case may be, and stating where a copy of the Order in Council or order may be obtained.

(2) The Commissioners shall send a copy of every such Order in Council or order to the interested parties, and, in the case of a scheme containing a declaration of redundancy, to the Advisory Board.

(3) The Commissioners shall also send a copy of every such Order in Council or order to the registrar of the diocese concerned, who shall file it in the diocesan registry.

(4) An Order in Council made under the last foregoing section shall not be a statutory instrument as defined by section 1 of the Statutory Instruments Act 1946, and the provisions of that Act shall accordingly not apply thereto. 1946 c. 36.

Validity and operation of schemes and orders.

10.—(1) The validity of a scheme made and confirmed by Order in Council under this Part of this Measure and notified in the London Gazette as aforesaid, or of an order made under this Part of this Measure and notified as aforesaid, shall not be questioned in any legal proceedings.

(2) Except in so far as any such scheme or order, or any provision thereof, is expressed to come into operation on a date, event or contingency specified therein, it shall come into operation on the date on which notice thereof is given in the London Gazette.

Modified procedure for schemes and orders affecting more than one diocese

Limited extension of diocesan proposals and schemes to other dioceses.

11.—(1) The Pastoral Committee of any diocese may include in recommendations made by them such recommendations affecting another diocese as are capable of implementation by the exercise of the powers specified in section 35 of this Measure, and such recommendations and a scheme or order to implement them may be proceeded with, made and (in the case of a

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scheme) confirmed under and in accordance with the foregoing provisions of this Measure, subject to the following conditions:—

(*a*) before ascertaining the views of any of the persons who would be interested parties as a result of the recommendations affecting the other diocese, the Pastoral Committee shall obtain the consent of the bishop of that other diocese to the consideration of those recommendations, and he shall, before giving his consent, consult the Pastoral Committee of his diocese;

(*b*) the bishop of the first-mentioned diocese shall not submit any draft proposals formulating such recommendations to the Commissioners under section 3(6) of this Measure without the consent of the bishop of the other diocese and, if both the dioceses concerned are in the same province, of the archbishop of that province, or if they are in different provinces, of both archbishops.

(2) The powers conferred by the foregoing subsection may be used to include recommendations affecting more than one other diocese, and in that case the conditions aforesaid shall be complied with in relation to each of the other dioceses.

Recommendations and schemes for the alteration of diocesan boundaries.

12.—(1) If it appears to the bishops of two or more dioceses that a committee should be constituted for the purpose of considering the boundaries of the dioceses concerned and the pastoral arrangements in the areas adjacent thereto and of making recommendations (if the committee so decide) the implementing of which would require the exercise of powers under section 36 of this Measure, they may by an instrument sealed by each of them provide for constituting a committee in accordance with the next following subsection.

(2) The committee shall be known as the Joint Pastoral Committee for the dioceses concerned, and shall comprise an equal number of members not exceeding five from each diocese and a chairman appointed by the bishops jointly, or, in default of their agreement, by the Commissioners; and the members from any diocese shall include the bishop if he so desires and shall otherwise be nominated by the Pastoral Committee from among their members.

(3) The functions of the Joint Pastoral Committee, and the powers exercisable in pursuance of their proposals under section 36 of this Measure, may be limited by the instrument aforesaid or any subsequent instrument sealed by the bishops of the dioceses concerned to a specified section or sections of the boundaries of the dioceses concerned or to an area or areas so specified, or to the consideration of proposals or questions so

specified relating to those boundaries or areas, but any such limitation may be revoked or varied by a subsequent instrument sealed by the bishops of the dioceses concerned.

(4) Paragraphs 7 to 11 of Schedule 1 to this Measure shall apply to a Joint Pastoral Committee in like manner as they apply to the Pastoral Committee of a diocese, with the omission of the reference in paragraph 11 to the directions of the Diocesan Conference.

(5) Any recommendations made by the Joint Pastoral Committee shall be made to the bishops of the dioceses concerned, and section 3 of this Measure shall apply to any such recommendations and their formulation and submission in draft proposals in like manner as it applies to the recommendations and draft proposals of the Pastoral Committee of a diocese, and the like proceedings may be taken on such proposals under sections 3 to 9 of this Measure as may be taken on proposals formulated and submitted by a Pastoral Committee, subject to the following modifications:—

(*a*) anything required or authorised to be done by or to the bishop or registrar of the diocese shall be required or authorised to be done by or to the bishops or registrars of the dioceses concerned;

(*b*) the words in section 4(3) "(other than section 36 thereof)" shall be omitted and so much of that subsection as relates to the preparation of a draft order shall not apply.

(6) If it appears to the bishops of the dioceses concerned that the purposes for which a Joint Pastoral Committee was appointed have been sufficiently fulfilled, either by the making of a scheme or by a report or otherwise, or are unlikely to be fulfilled, they may by instrument sealed by them dissolve the Committee.

Supplementary

Power of bishop to formulate and submit proposals on certain matters.

13.—(1) If the bishop is of opinion after consultation with the Pastoral Committee that proposals for the holding of two or more benefices in plurality, being proposals which could be implemented under Part II of this Measure by a pastoral order, should be submitted to the Commissioners and the interested parties have consented to the proposals, then—

(*a*) the bishop may of his own motion submit such proposals to the Commissioners together with the said consents; and

(*b*) the Commissioners shall prepare a draft order to give effect to the proposals, with such amendments (if any) as may be agreed with the bishop after consultation with the Pastoral Committee; and

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(*c*) the order shall be forthwith sealed and made under section 7(*b*) of this Measure.

(2) Proposals submitted under the foregoing subsection may provide for including among the benefices to be held in plurality one or more benefices from a diocese other than the diocese of the bishop submitting the proposals, but before seeking the consents of the interested parties in the other diocese, the said bishop shall obtain the consent of the bishop of the other diocese, who shall before giving it consult the Pastoral Committee of his diocese.

(3) Proposals submitted under subsection (1) of this section may include proposals for any matters arising in connection with the holding of benefices in plurality for which provision may be made under Part II of this Measure by a pastoral order.

(4) Where a part of a parish in which there is no church used for public worship is wholly surrounded by another parish, the bishop may, after consultation with the Pastoral Committee and with the consents of the interested parties, submit of his own motion to the Commissioners, together with the said consents, proposals for including the said part in the other parish, and subsection (1)(*b*) and (*c*) of this section shall apply to those proposals.

(5) If the bishop is of opinion that proposals should be submitted to the Commissioners for the substitution for a parish church of some other church in the parish approved by the Commissioners as suitable for a parish church, or for altering the name of any benefice or parish, being proposals which could be implemented under Part II of this Measure by a pastoral order, and is satisfied, after consultation with the Pastoral Committee and the parochial church councils of any parishes which would be affected that no other interested party would be likely to object to such proposals, he may of his own motion formulate and submit proposals providing for the matters aforesaid, and the foregoing provisions of this Part of this Measure shall apply to those proposals as if they had been submitted to the Commissioners under section 3(6) of this Measure.

Withdrawal of scheme or order at request of bishop.

14. If the bishop of the diocese concerned or, in a case to which section 11, section 12 or section 13(2) hereof applies, the bishops of the dioceses concerned, requests or request the Commissioners not to proceed with any proposals, or to withdraw a draft scheme or order, the Commissioners shall comply with that request, but without prejudice to the making of fresh proposals:

Provided that such a request shall only be made after consultation with the Pastoral Committee or Committees or (in a case to which section 12 applies) the Joint Pastoral Committee of the diocese or dioceses concerned.

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Supplementary powers of Commissioners and Pastoral Committees.

15.—(1) At any time between the submission of proposals to the Commissioners under this Part of this Measure and the making of a scheme by them or the making of an order by the bishop with respect to the proposals, the Commissioners may, without reference to any other person, make such amendments of the proposals or of any draft scheme or order prepared to give effect thereto as may seem to them necessary for the purpose of correcting any drafting mistake or omission.

(2) Nothing in this Part of this Measure shall be construed as limiting in any way the powers of a Pastoral Committee or a Joint Pastoral Committee or the Commissioners to consider any representations made to them by any person and to hold such consultations and interviews and make such inquiries as they think fit.

PART II

CONTENTS AND EFFECT OF PASTORAL SCHEMES AND ORDERS

Changes in benefices, parishes, extra-parochial places, archdeaconries and rural deaneries

Creation, alteration or dissolution of benefices, parishes and extra-parochial places.

16.—(1) A pastoral scheme may provide for any of the following matters:—

(*a*) for the creation, whether by union or otherwise, of new benefices or parishes;

(*b*) for the dissolution of existing benefices or parishes;

(*c*) for the alteration of the areas of existing benefices or parishes (including the transfer of a parish from one benefice to another) or the definition of their boundaries;

(*d*) for the creation of new extra-parochial places, the incorporation in parishes of existing extra-parochial places, or the alteration or definition of the boundaries of existing extra-parochial places.

(2) A pastoral scheme shall name every new benefice and new parish created by the scheme, and may alter the name of any benefice or parish.

(3) A pastoral scheme providing for the union of two or more benefices may provide for uniting all the parishes within the area of the new benefice, or for uniting some but not all those parishes, or may leave them as separate parishes.

(4) A pastoral scheme may provide for the creation of a new parish with full parochial status, notwithstanding that the parish so created will have no parish church when the provision comes into operation.

PART II
Holding of benefices in plurality.

17.—(1) A pastoral scheme may provide for the holding in plurality of any two or more benefices subject to such conditions, if any, as may be specified in the scheme.

(2) The provisions of a pastoral scheme for the holding of benefices in plurality shall, unless the scheme otherwise provides, continue in force notwithstanding the occurrence of any vacancy:

Provided that, when the bishop gives notice of any vacancy or impending vacancy under section 1 of the Benefices (Exercise of Rights of Presentation) Measure 1931, the said provisions may be terminated either by the bishop or by one of the interested parochial church councils, as follows:—

1931 No. 3.

(*a*) the bishop may state in the said notice that the said provisions are to be terminated and shall in that case serve the notice on all the persons who are or, on such termination, become the patrons of the benefices concerned, and the said provisions shall cease to have effect on the vacancy or the service of the notice, whichever is the later; or

(*b*) any interested parochial church council may, within 28 days after the service of the said notice, pass a resolution that the said provisions are to be terminated, and shall forthwith notify the bishop of the resolution, and the bishop shall notify the other interested parochial church councils and all the persons who are or, on such termination, become the patrons of the benefices concerned, and the said provisions shall cease to have effect on the vacancy or the service of the notice, whichever is the later, and the bishop shall serve a fresh notice under section 1 of the said Measure on all the councils and patrons concerned, which shall have effect in substitution for the previous notice.

(3) The termination of the provisions aforesaid under the last foregoing subsection shall be without prejudice to any provisions relating to the future exercise of the rights of patronage of the benefices concerned in the event of a renewal of the plurality.

(4) Except with the leave of the bishop, an incumbent of two or more benefices held in plurality may not resign any of those benefices without resigning the other or others; and, if leave is granted for such resignation and there are at least two other benefices, the resignation shall not affect the holding in plurality of those other benefices.

Archdeaconries and rural deaneries.

18. A pastoral scheme—

(*a*) may provide for creating, altering or dissolving an archdeaconry or rural deanery, and shall name any new archdeaconry or rural deanery created by the scheme;

(*b*) shall, where necessary, designate the archdeaconry or rural deanery to which any benefice created or altered by the scheme is to belong;

(*c*) may alter the name of any archdeaconry or rural deanery.

Team and Group Ministries

Establishment of team ministries.

19.—(1) A pastoral scheme may provide for the establishment of a team ministry for the area of any benefice, that is to say, for the sharing of the cure of souls in that area by a team of ministers consisting of—

(*a*) the incumbent of the benefice which, if it is not or would not otherwise be a rectory, shall be a rectory;

(*b*) one or more other ministers who shall have the title of vicar and a status equal to that of an incumbent of a benefice.

(2) The office of rector in a team ministry shall, according as the scheme may provide, be either a freehold office or an office to be held by each holder thereof for such term of years as may be specified in the scheme; but the fact that the office is held for a term of years shall not affect its other attributes as a benefice and, in particular, the rector shall be a corporation sole and as such hold the property of the benefice during his term of office.

(3) The office of vicar in a team ministry shall be an ecclesiastical office constituted by the scheme and shall be held by each holder thereof for such term of years as may be specified in the scheme or fixed in accordance therewith by the bishop's licence; and the vicar shall, during that term, have the same security of tenure of his office as an incumbent of a benefice, and shall not be affected by a vacancy in the benefice of the rector.

(4) A pastoral scheme establishing a team ministry may designate the first rector (who may be the existing incumbent) or the first holder of any office of vicar but, subject to any such provision,—

(*a*) the rector shall be presented or collated to the benefice in accordance with paragraph 1 of Schedule 3 to this Measure and the provisions of the scheme made thereunder;

(*b*) the vicar or vicars shall be chosen by the bishop and the rector jointly and shall be appointed to the office by licence of the bishop under seal and publicly admitted in a church in the area;

(*c*) before a vicar is chosen to whom a special cure of souls in respect of a part of the area is to be assigned in accordance with subsection (7)(*a*) hereof, the parochial

PART II

church council and any district church council concerned shall be consulted.

(5) The term of years for which the office of rector or vicar in a team ministry is held may, subject to any provision in a pastoral scheme, be extended by licence of the bishop under seal for a further term or further terms not exceeding, in the case of any one extension, the length of the original term, but any such extension shall be personal to the rector or vicar concerned and not affect the term of office of subsequent holders.

(6) The rector in a team ministry shall have a general responsibility for the cure of souls in the area of the benefice, which may be subject to any special cure or special responsibility given to a vicar as hereinafter provided, and shall be responsible for the leadership of the team; and the scheme may make further provision as to the relationship of the rector and other members of the team ministry.

(7) A vicar in a team ministry shall by virtue of his office, but subject to his licence, have authority to perform in the area of the benefice all such offices and services as may be performed by an incumbent, and the scheme or, subject to the scheme, the bishop's licence may—

(*a*) assign to a vicar a special cure of souls in respect of a part of the said area and, if appropriate, the name of vicar of a church in that part;

(*b*) assign to a vicar a special responsibility for a particular pastoral function;

(*c*) provide that any such special cure or responsibility shall be independent of the rector's general responsibility;

(*d*) assign to a vicar a general responsibility to be shared with the rector for the cure of souls in the area as a whole;

and, if any such provision as aforesaid is made by the bishop's licence, it may (subject to the scheme) be varied or revoked, with the consent of the rector and the vicar concerned, by a subsequent licence under seal.

1963 No. 1.

(8) The Ecclesiastical Jurisdiction Measure 1963 shall apply to vicars in a team ministry as if they were incumbents of the benefice for the area of which the team ministry is established.

(9) The rector and vicars in a team ministry shall meet as a chapter for the purpose of discussing and reaching a common mind on all matters of general concern or special interest to the team ministry; and the rector shall convene meetings of the chapter at regular intervals and shall preside when present, and in his absence a vicar appointed by him as deputy chairman shall preside.

(10) Paragraph 3(1), (2), (3) and (4) of Schedule 3 to this Measure shall apply to parochial church meetings and parochial church councils in the area of a benefice for which a team ministry is established, and for the election of district church councils and churchwardens, and, if the area comprises more than one parish, for establishing a group council.

(11) Where two or more benefices are held in plurality, and a team ministry is established or is to be established for the area of one of those benefices, a pastoral scheme may provide for extending the operation of the team ministry, so long as the plurality continues, to the cure of souls in the area of any other benefice so held, and subsections (6), (7) and (10) hereof and the provisions of Schedule 3 therein referred to shall have effect as if the references to the area of the benefice were references to the combined area of the benefices concerned.

Establishment of group ministries.

20.—(1) A pastoral scheme may provide for establishing for a group of benefices specified in the scheme a group ministry to which the following provisions shall apply:—

(*a*) each of the incumbents of the benefices in the group shall have authority to perform in the area of every such benefice all such offices and services as may be performed by the incumbent of that benefice;

(*b*) the incumbent of any such benefice shall, in performing such offices and services in the area of another benefice, act in accordance with the directions of the incumbent of that other benefice;

(*c*) it shall be the duty of all the incumbents to assist each other so as to make the best possible provision for the cure of souls throughout the area of the group ministry.

(2) Where a group ministry is established, the rights and duties aforesaid of each incumbent shall attach to his office, and accordingly, so long as the group ministry continues and the benefice is included therein, the incumbent shall not be entitled to resign or withdraw from those rights and duties, except by resigning the benefice, and on a vacancy the new incumbent shall be admitted to the benefice as an office in the group ministry, with the rights and subject to the duties thereof.

(3) A pastoral scheme establishing a group ministry may designate the first person (who may be the existing incumbent) to hold any benefice as a benefice in the group, but subject as aforesaid the incumbent of any such benefice shall be presented or collated to the benefice by the patron thereof, with the approval of the bishop (in the case of presentation) given in accordance with paragraph 2 of Schedule 3 to this Measure.

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(4) The incumbents in a group ministry shall meet as a chapter for the purpose of discussing and reaching a common mind on all matters of general concern or special interest to the group ministry; and a pastoral scheme may provide for the chairmanship of the chapter and, in default of such provision, the members shall elect a chairman, normally for a term of three years; and the chairman shall convene meetings of the chapter at regular intervals and shall preside when present, and in his absence a deputy chairman appointed by the meeting shall preside.

(5) Paragraph 3(4) and (5) of Schedule 3 to this Measure shall apply for the establishment of group councils and with respect to parochial church meetings and parochial church councils in parishes in the area of a group ministry.

(6) A pastoral scheme may include in a group ministry a benefice for which a team ministry is established, and in that case the foregoing provisions of this section and the provisions of Schedule 3 therein referred to shall apply to all the vicars in the team ministry, as well as to the rector, in like manner as they apply to the incumbents of the other benefices in the group, except that directions to those incumbents in respect of their ministry in the area of the benefice for which the team ministry is established shall only be given by the rector.

Termination and alteration of team ministries and group ministries.

21.—(1) Without prejudice to the generality of the powers of revocation and amendment of pastoral schemes, a pastoral scheme may—

(*a*) terminate a team ministry by abolishing the offices of the vicars and restoring the rectory, if it is held for a term of years, to the status of a freehold office;

(*b*) alter a team ministry by abolishing one or more of the offices of the vicars or increasing the number of such offices;

(*c*) with the consent of the rector or vicar concerned or on a vacancy, change the office of a rector in a team ministry from a freehold office to an office held for a specified term of years or alter the term of years for which an office of rector or vicar in a team ministry is held;

(*d*) terminate a group ministry by abolishing the rights and duties attaching to the benefices in the group under the last foregoing section;

(*e*) alter a group ministry by reducing or increasing or changing the benefices in the group;

(*f*) provide for such supplementary, consequential or transitional provisions as may be necessary or expedient,

including in particular the provision relating to patronage required by paragraph 1(9) of Schedule 3 to this Measure and provisions relating to the matters mentioned in paragraph 3 of the said Schedule.

(2) If a benefice for which a team ministry is established is dissolved by a pastoral scheme, the offices of the vicars in the team ministry (as well as the office of rector) shall cease to exist, without prejudice to the creation of such offices for any benefice created or altered by the scheme.

Other provisions as to clergy and ministry

Status and duties of new benefices.

22.—(1) Where a pastoral scheme provides—

(*a*) for the union of two or more benefices one of which is a rectory, or

(*b*) for the dissolution of a rectory, otherwise than as a result of a union of benefices,

the new benefice created by the union or, as the case may be, the benefice in the area of which the residence of the rector of the dissolved rectory is situated, shall be a rectory.

(2) Save as aforesaid and except in the case of a benefice for which a team ministry is established, every new benefice created by a pastoral scheme shall be a vicarage.

(3) Any question under the foregoing provisions of this section whether a benefice is or was a rectory shall be determined by the Commissioners.

(4) The rector or vicar of a new benefice created by a pastoral scheme shall have the exclusive cure of souls in the area of the benefice, subject to the rights of the bishop of the diocese and, if there is a team or group ministry established for the benefice, to the rights and duties of the other members of the team or group, and shall accordingly have all the rights and duties appertaining to a benefice with cure of souls, and shall be a corporation sole.

(5) Where any office attaches to a benefice which is united with any other benefice or benefices by a pastoral scheme, that office shall attach to the new benefice created by the union unless the scheme otherwise provides.

Designation, selection and admission of certain incumbents.

23.—(1) A pastoral scheme providing for the creation of a new benefice by the union of two or more benefices, may provide for the designation or selection of the first incumbent of the new benefice and of the incumbent of any of the benefices concerned which falls vacant before the union takes effect, and for restricting rights of presentation on any such vacancy.

(2) A pastoral scheme providing for the holding of two or more benefices in plurality may provide for the designation or selection of the incumbent who is to hold all the benefices

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concerned and of the incumbent of any such benefice falling vacant before all the said benefices come to be held in plurality, and for restricting rights of presentation on any such vacancy.

(3) The two last foregoing subsections shall not apply to the first rector of a team ministry or the first incumbent of a benefice in a group ministry to whom sections 19(4) and 20(3) of this Measure respectively apply.

(4) Paragraph 4 of Schedule 3 to this Measure shall apply, with respect to the admission and induction of incumbents of benefices created or affected by pastoral schemes as therein mentioned.

Operation of schemes dispossessing clergy or dissolving archdeaconries or rural deaneries.

24.—(1) A provision of a pastoral scheme which dissolves any benefice, archdeaconry or rural deanery or abolishes or results in the abolition of any office of vicar in a team ministry may be brought into operation without the assent of the incumbent, archdeacon, rural dean or vicar and without waiting for a vacancy in the benefice, archdeaconry, rural deanery or office.

(2) If, on the date of the coming into operation of any provision of a pastoral scheme—

(*a*) for the holding of benefices in plurality ; or

(*b*) for the establishment of a team ministry for the area of a benefice ; or

(*c*) for the establishment of a group ministry for a group of benefices ;

any of the benefices concerned, or the benefice concerned, is not vacant, and the existing incumbent is not to hold the benefice by virtue of a designation by the scheme or any appointment under the scheme or this Measure, the benefice shall be deemed to be vacated on the said date.

(3) A pastoral scheme any provision of which will or may have the effect of vacating a benefice under the last foregoing subsection or of dissolving a benefice or archdeaconry which is not already vacant or of abolishing the office of a vicar in a team ministry which is not already vacant, shall provide that the said provision is not to come into operation until a date at least six months after the notice of the scheme is published in the London Gazette or, if the operation thereof is dependent on the happening of any event or contingency, until a date at least six months after the happening thereof:

Provided that—

(*a*) this subsection shall not apply to a benefice which is dissolved in consequence of a union of benefices, if the incumbent of that benefice is to be the holder of the new benefice created by the union ;

(*b*) the scheme may provide that if, owing to a subsequent vacancy, any such provision will not have the effect

aforesaid, it shall come into operation either on the date of publication or the happening of the event or contingency or on the vacancy, whichever last occurs.

(4) If, on the coming into operation of any provision to which the last foregoing subsection applies, the official residence of the incumbent, archdeacon or vicar concerned, being the parsonage house or the house held on trust for use as such residence, is not vested in the Diocesan Board of Finance, the said Board shall have a right to take proceedings to recover possession of the residence.

Compensation of clergy.

25. The provisions of Schedule 4 to this Measure shall have effect for the purpose of conferring rights to compensation on incumbents of benefices, vicars in team ministries and archdeacons whose benefices or offices are dissolved, abolished, vacated or resigned in the circumstances specified in the said Schedule, and of determining claims to such compensation, and for other matters relating thereto.

Assistant curates and other clerical and lay assistance.

26. A pastoral scheme may provide in relation to any benefice—

(*a*) for the employment of one or more assistant curates or for the provision of assistance by other clergymen;

(*b*) for placing an area or district under the special care of an assistant curate;

(*c*) for the employment of deaconesses, readers or other lay workers.

Churches, Churchyards and parsonage houses

Provisions as to parish churches.

27.—(1) Where a pastoral scheme creates a new parish, by union or otherwise, or alters a parish, then—

(*a*) if there is one existing parish church in the parish so created or altered, that church shall be the parish church, unless the scheme designates another church as the parish church;

(*b*) if there are two or more existing parish churches in the parish so created or altered, the scheme may provide that the parish shall have more than one church with the status of a parish church, and the scheme shall designate the church or churches that is or are to be the parish church or parish churches, and a church which is not one of the existing parish churches may be so designated;

(*c*) if there is no existing parish church in the parish so created or altered, but the Commissioners have, before the scheme comes into operation, approved a church in that parish as suitable to be a parish church, that church shall, on the coming into operation of the

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scheme or on its consecration, whichever last occurs, become the parish church.

In this subsection "existing parish church" means a church which, immediately before the scheme comes into operation, is a parish church and is not declared redundant by the scheme.

(2) Where, in a parish which has no parish church, a church is approved by the Commissioners as suitable to be a parish church and is consecrated, it shall become the parish church of that parish.

(3) Where a parish has more than one parish church by virtue of such a designation as aforesaid, the following provisions shall apply:—

(*a*) the parishioners of the parish shall have the same rights of worship in each of the parish churches;

(*b*) marriages may be solemnized in any of the parish churches, and the bishop may give directions under section 23 of the Marriage Act 1949, as extended by paragraph 14(3) of Schedule 3 to this Measure, with respect to the publication of banns and solemnization of marriages in the parish churches;

1949 c. 76.

(*c*) burial rights shall not be affected by the designation, but shall be governed by paragraph 15 of the said Schedule 3;

(*d*) the powers, duties and liabilities of the parochial church council of the parish shall extend to each of the parish churches;

(*e*) two churchwardens shall be appointed for each of the parish churches, and the Churchwardens (Appointment and Resignation) Measure 1964 shall apply separately to each pair of churchwardens, but all the churchwardens shall be churchwardens of the whole parish, except so far as they may arrange to perform separate duties in relation to the several parish churches;

1964 No. 3.

and the pastoral scheme may make such other adaptations or modifications of enactments or Measures relating to parish churches (including the foregoing provisions) as may be necessary or expedient.

(4) A pastoral scheme may substitute for a parish church of any parish another church situated in that parish which has been approved by the Commissioners as suitable to be a parish church, whether or not the parish is otherwise affected by the scheme.

(5) A pastoral scheme may provide for a new church and for it to become, after its approval by the Commissioners as suitable to be a parish church and its consecration, a parish

church of the parish in which it is situated, either in substitution for an existing parish church or otherwise. PART II

(6) It shall be lawful in any church designated by a pastoral scheme as a parish church or becoming a parish church under this section, to publish banns of matrimony, solemnize marriages and perform all such other ecclesiastical offices as may be performed in a parish church, and a pastoral scheme may provide for transferring to the church aforesaid registers or other parochial documents from any other church ceasing to be a parish church or otherwise affected by or in pursuance of that or any other pastoral scheme, and may provide for determining claims to sittings and other claims in respect of the church so designated or becoming a parish church as aforesaid.

Redundant churches.

28.—(1) A pastoral scheme may make a declaration of redundancy in respect of—

(*a*) a church which the Commissioners are satisfied is not required as a parish church or chapel of ease or will cease to be so required as a result of any provision of the scheme; or

(*b*) any part of a church (being a parish church or chapel of ease) which the Commissioners are satisfied is no longer required for use as a part of the church or will cease to be so required as a result of any provision of the scheme;

and in that case provision may be made in accordance with Part III of this Measure, either by the pastoral scheme (in the circumstances specified in sections 46 and 47) or by a scheme made under the said Part III, for the use, the care and maintenance or the demolition of the church or part of a church to which the declaration relates (in this Measure referred to as the "redundant building"), and also for dealing with a churchyard or other land annexed or belonging to the church.

(2) A declaration of redundancy may be made as aforesaid in respect of a parish church notwithstanding that the parish will have no parish church when the declaration takes effect, and the status of the parish shall not be affected by the lack of a parish church.

(3) As from the date when a declaration of redundancy takes effect in respect of the whole of a church, the church shall be closed for public worship except as may be provided under Part III of this Measure.

Places of worship in parishes without parish churches.

29.—(1) Where a parish has no parish church, the bishop shall make provision for public worship according to the rites and ceremonies of the Church of England by licensing one or more buildings or parts of buildings for such worship.

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(2) The bishop may designate any building or part of a building licensed as aforesaid as the parish centre of worship, and thereupon for the purposes of the Marriage Act 1949, and paragraph 14 of Schedule 3 to this Measure, and of any other enactment, provision of a Measure (including this Measure) rule or law requiring or authorising any service or ceremony to be held or notices to be affixed or other thing done in or at the parish church, a building or part of a building so designated shall be deemed, while the designation is in force, to be the parish church:

1949 c. 76.

Provided that—

(*a*) if the persons to be married so elect, they may proceed under section 6 and section 15 of the Marriage Act 1949 (which contain provisions whereby parishes in which there is no parish church are deemed to belong to adjoining parishes) as if there had been no such designation;

(*b*) a building or part of a building so designated shall not by virtue of the designation be subject to the faculty jurisdiction, but without prejudice to the power of the bishop under section 6 of the Faculty Jurisdiction Measure 1964 to direct that it shall be so subject.

1964 No. 5.

(3) A designation under the last foregoing subsection may be revoked by the bishop and, if a parish church is approved and consecrated under section 27(2) of this Measure, any such designation shall cease to have effect, but without prejudice to the continuation in force of any licence under this section, if the bishop thinks fit.

(4) Any such designation or revocation thereof shall be under seal and shall be registered in the registry of the diocese, and the registrar of the diocese shall give public notice thereof in one or more newspapers circulating in the locality.

Use of churchyards and burial grounds not annexed to redundant churches.

30.—(1) Subject to the next following subsection a pastoral scheme may provide for the appropriation of the whole or any part of a churchyard or other land annexed or belonging to a church (other than a church to which a declaration of redundancy relates), or the whole or any part of any burial ground vested in the incumbent of the benefice but not annexed or belonging to a church, to such use or uses as may be specified or generally described in the scheme, and may provide for the disposal of any such property for such use or uses or without limitation of use:

Provided that, in the case of a churchyard or other land annexed or belonging to a church or a burial ground adjacent to a church, the scheme shall make such provision as appears

to the bishop and the Commissioners to be desirable for safeguarding the use and amenities of the church. PART II

(2) A scheme providing for the matters aforesaid shall have effect notwithstanding section 3 of the Disused Burial Grounds Act 1884 (which prohibits the erection of buildings on disused burial grounds), if one or other of the following conditions is satisfied, namely— 1884 c. 72.

(*a*) that no person has been buried in any of the land to which the provisions apply during the period of fifty years immediately before the making of the scheme; or

(*b*) that no relative or personal representative of any deceased person buried in the land during the said period has objected to the draft scheme, or all such objections have been withdrawn;

and the said section shall otherwise apply.

(3) Any scheme providing for the matters aforesaid may also make provision for the vesting of the property and for applying in relation thereto, with such modifications as may be specified in the scheme, any of the provisions of Part III of this Measure relating to the appropriation, disposal and vesting of property, rights of way, the removal of the legal effects of consecration and the imposing of covenants; and the provisions of the said Part III relating to the disposal of human remains shall apply to the property.

31.—(1) A pastoral scheme may provide for any of the following matters:— Parsonage houses.

(*a*) the designation of the place of residence of the incumbent of any benefice created or affected by the scheme or of the incumbent of any benefices to be held in plurality by virtue of the scheme or of any vicar in a team ministry established for any benefice by the scheme or of any assistant curate employed in any such benefice as aforesaid;

(*b*) the provision by purchase or otherwise or the improvement or repair of a house in which an incumbent or a vicar in a team ministry or assistant curate or lay worker is to reside and for the vesting of any house so provided;

(*c*) the transfer of a parsonage house to the incumbent of any benefice as his residence, or to the Diocesan Board of Finance for disposal in accordance with paragraph 9 of Schedule 3 to this Measure or for use as a residence for a vicar in a team ministry or a minister of an extra-parochial place or an assistant curate or for other parochial or diocesan purposes;

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(*d*) the demolition in whole or in part of a parsonage house and the disposal of the materials thereby obtained, and the determination of the person who is to carry out the demolition and the person who is to bear the expense thereof;

(*e*) the transfer of the site of any demolished parsonage house to the said Board for such disposal as aforesaid or for use for diocesan or parochial purposes;

(*f*) the division of a parsonage house into two or more parts.

(2) The power under paragraph (*a*) of the foregoing subsection to designate the place of residence of an incumbent or a vicar in a team ministry or an assistant curate shall be construed as a power either to designate the particular house or the locality where he is to live, and the designation of a particular house shall be without prejudice to the subsequent exercise of any power to dispose of the house.

(3) The powers under paragraphs (*c*) and (*e*) of subsection (1) of this section to provide for the transfer of a parsonage house or the site thereof to the Diocesan Board of Finance for such disposal or use as aforesaid shall include power to exclude from such transfer any land held with the parsonage house or any part of the site.

Patronage

Provisions as to patronage.

32.—(1) A pastoral scheme may, with the consent of the patron or patrons concerned, 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) Unless provision is made under the foregoing provisions of this section, the patron of a new benefice created by a pastoral scheme shall be the Diocesan Board of Patronage for the diocese in which the benefice lies.

(4) 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 the exercise thereof on a renewal of the said provision for plurality.

(5) 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.

(6) In the exercise of the powers conferred by the foregoing provisions of 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 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 the first-mentioned persons or on all of them or for 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.

(7) Any provision with respect to rights of patronage made by or by virtue of the foregoing provisions of this section shall have effect subject to any provision made by virtue of section 23 of this Measure with respect to the incumbents and vacancies therein mentioned.

(8) A pastoral scheme providing for the vesting or exercise of rights of patronage under subsection (2) or subsection (4) of this section, 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.

(9) Nothing in the foregoing provisions of this section shall affect the provisions of sections 19(4) and 20(3) of this Measure and paragraphs 1 and 2 of Schedule 3 thereto, 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 the said provisions

(10) Paragraph 5 of Schedule 3 to this Measure shall apply to patronage rights affected by pastoral schemes as therein mentioned.

Endowments, stipends and other remuneration

Provisions as to endowments, stipends and other remuneration.

33.—(1) A pastoral scheme may provide for the transfer or appropriation of the whole or a part of the endowments of any benefice (whether existing or to be created)—

(*a*) to another benefice, so as to become endowments of that benefice; or

(*b*) in the case of glebe land or a glebe house, to the Diocesan Board of Finance for disposal in accordance with paragraph 9 of Schedule 3 to this Measure or for providing a residence for a vicar in a team ministry or an assistant curate; or

(*c*) to the capital account of the diocesan stipends fund, or in the case of an endowment being a periodic payment, to the income account of the said fund:

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Provided that, if the scheme would otherwise have provided for the transfer or appropriation of any endowments to a benefice held by the provost of a parish church cathedral within the meaning of the Cathedrals Measure 1963, it shall provide instead that they shall be transferred or appropriated to the cathedral chapter of that cathedral or, in the case of an endowment being a periodical payment, that it shall become part of the capitular revenues of the cathedral.

1963 No. 2.

(2) A pastoral scheme may provide, on such terms and conditions as may be specified, that the whole of the income of the endowments of a benefice, or a specified annual amount thereof, or the excess over a specified amount thereof, shall be paid to the income account of the diocesan stipends fund:

Provided that, for the purpose of any such provision for the payment of the excess over a specified amount, any gift or bequest received, or any grant made by the Commissioners, after the confirmation of the scheme shall be disregarded in calculating the income of the endowments, unless the scheme otherwise provides.

For the purposes of this subsection two or more benefices which are held in plurality or are to be held in plurality by virtue of the scheme may be treated as if they constituted one benefice and as if the aggregate of the income of their endowments were the income of the endowments of that one benefice.

(3) The powers conferred by the foregoing provisions of this section shall only be exercised with respect to the endowments or the income of the endowments of any benefice (not being a benefice which ceases to exist by virtue of the scheme) in the following cases:—

(*a*) where the provision is to take effect during a vacancy or on the occurrence of a vacancy in the benefice; or

(*b*) where the incumbent of the benefice consents; or

(*c*) where the income of the endowments of the benefice, disregarding any gift or bequest made during the existing incumbency, is not to be reduced below the amount thereof when the incumbent was admitted; or

(*d*) where the benefice is to be held in plurality and the provision will only operate during the continuance of the plurality;

and the Commissioners shall in every case satisfy themselves that the income of the endowments of the benefice or (in case (*d*)) the aggregate income of the endowments of the benefices will be adequate.

(4) Any provision made under subsection (2) of this section may be revoked, or may be varied so as to reduce the amount

of the income payable thereunder, by the Commissioners with the consent of the bishop and the Diocesan Board of Finance.

(5) Where a benefice is dissolved by a pastoral scheme, whether in consequence of a union of benefices or otherwise, and the Commissioners hold moneys for expenditure on capital purposes in connection with a parsonage house for the benefice or moneys arising from or in connection with the disposal of a parsonage house of the benefice, the Parsonages Measure 1938 shall apply to all such moneys as it applies to moneys arising from the sale of property of the benefice under the said Measure, and shall have effect with the modification that references to the benefice for which the money was held or to which the property belonged shall be construed— 1938 No. 3.

(*a*) in the case of a union, as references to the new benefice created by the union;

(*b*) in any other case, as references to such benefices as may be specified in the scheme:

Provided that the scheme may provide that the said moneys or any part thereof shall, instead of being applied and disposed of under the Parsonages Measure 1938 as so modified, be paid into the diocesan pastoral account.

(6) A pastoral scheme may charge the income account of the diocesan stipends fund with the payment to the incumbent of any benefice of such stipend as may be specified therein.

(7) A pastoral scheme may charge the income account of the diocesan stipends fund with the payment of such periodic sums as may be approved from time to time by the bishop, up to a maximum amount specified in the scheme, to such person or body as the bishop may appoint, in respect of the stipend of any vicar in a team ministry or any assistant curate or the remuneration of any other person providing clerical or lay assistance in respect of any benefice.

(8) A pastoral scheme may provide for extinguishing any charge created before the commencement of this Measure (including a charge created by or under any other Act or Measure), being a charge on the income of the endowments of a benefice and forming the sole endowment or part of the endowments of another benefice.

(9) A pastoral scheme may make the like provision in respect of any endowments held in trust for the use or remuneration of any assistant curate of a benefice, or the income of such endowments, as may be made under the foregoing provisions of this section in respect of the endowments of a benefice or the income thereof, and may convert any such endowments into endowments of a benefice.

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(10) The foregoing provisions of this section shall apply, so far as applicable, to the endowments of an archdeaconry as they apply to the endowments of a benefice, with the modification that the power to transfer the endowments of a benefice to another benefice shall be construed as a power to transfer the endowments of an archdeaconry to another archdeaconry.

Provisions as to Sinecures

Sinecure rectories and chapelries.

34. A pastoral scheme may provide for merging with a benefice any sinecure rectory, or any office of minister of a church or chapel without cure of souls, and may make further provision for any of the matters for which provision is or may be made by or under this Part of this Measure in relation to a benefice, and in particular—

(*a*) for the vesting of any such church or chapel and its use either as a parish church or chapel of ease, or for making a declaration of redundancy in respect thereof;

(*b*) for the transfer, vesting or disposal of rights of patronage, endowments or other property relating or belonging to any such rectory or office, on such terms as may be provided by the scheme.

Pastoral schemes affecting more than one diocese

Limited extension of pastoral schemes to other dioceses.

35.—(1) A pastoral scheme may, if the conditions specified in section 11 of this Measure are complied with, apply to a diocese other than the diocese in which the proposals for the scheme originated, to the extent that the scheme may provide—

(*a*) for a union of benefices or parishes comprising one or more benefices or parishes from each of the two dioceses;

(*b*) for creating a new benefice (otherwise than by union) for an area comprising areas from the two dioceses;

(*c*) for the transfer of a parish from a benefice in one diocese to a benefice in the other;

(*d*) for creating a new extra-parochial place comprising areas from the two dioceses or transferring an extra-parochial place from one diocese to the other, whether by means of incorporation in a parish or otherwise;

(*e*) for altering the boundaries between a parish or extra-parochial place in one diocese and a parish or extra-parochial place in the other;

(*f*) for the holding in plurality of benefices comprising one or more benefices from each diocese;

(*g*) for establishing a group ministry for a group of benefices comprising one or more benefices from each diocese;

and may also provide, in relation to any benefice, parish or extra-parochial place affected by such a provision as aforesaid, for any of the matters for which provision may be made by a pastoral scheme in relation to benefices, parishes and extra-parochial places wholly comprised in one diocese, subject to such modifications as may be necessary or expedient in consequence of the application of the scheme to another diocese.

(2) The powers conferred by the foregoing subsection may be exercised in relation to more than one diocese (other than the diocese in which the proposals for the scheme originated), and in that case shall include power to create a benefice or parish (by union or otherwise) or an extra-parochial place comprising benefices, parishes or areas from all the dioceses concerned, or to alter a benefice, parish or extra-parochial place so as to comprise areas from all those dioceses, or to establish a group ministry for benefices from all those dioceses.

(3) A pastoral scheme to which this section applies shall, in the case of any benefice, parish or extra-parochial place which includes areas from two or more dioceses, allocate it to such one of those dioceses and to such archdeaconry and rural deanery in that diocese as the scheme may designate.

(4) A pastoral scheme providing for establishing a group ministry for benefices from two or more dioceses shall make such transfers of benefices from one diocese to another as may be necessary to bring the whole group within the diocese designated by the scheme.

Schemes for the alteration of diocesan boundaries.

36. Where a pastoral scheme is made in pursuance of proposals formulated by a Joint Pastoral Committee appointed under section 12 of this Measure,—

(*a*) the scheme may provide for altering the boundaries between any of the dioceses represented by the Joint Pastoral Committee, and for transferring any benefices, parishes or extra-parochial places affected by the alteration from one diocese to another, but not so as to create or dissolve any diocese;

(*b*) the scheme may also provide, as respects such areas of the said dioceses affected directly or indirectly by the alteration of boundaries as the scheme may specify, for any of the matters for which a pastoral scheme may provide with respect to an area in one diocese, subject to such modifications as may be necessary or expedient by reason of the application of the scheme to more than one diocese:

Provided that the powers conferred by this section shall be subject to any limitation imposed by instrument sealed by the bishops of the dioceses concerned under the said section 12, as

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in force at the time when the scheme is made by the Commissioners.

Representation in the Church Assembly.

37. For the purpose of representation in the Houses of Convocation and of the Church Assembly no account shall be taken of any alteration of diocesan boundaries made by a pastoral scheme by virtue of either of the last two foregoing sections, until the elections for those Houses next occur after the coming into operation of the relevant provisions of the scheme.

Pastoral Orders

Powers exercisable by pastoral order.

38. The following powers exercisable under the foregoing provisions of this Part of this Measure by a pastoral scheme shall also be exercisable by a pastoral order, that is to say:—

(*a*) the power to alter the areas of benefices or parishes or to define their boundaries under section 16(1)(*c*) or to alter or define extra-parochial places under section 16(1)(*d*), but not so as to transfer from any benefice or parish any church used for public worship;

(*b*) the power to alter the name of any benefice or parish under section 16(2);

(*c*) the power to provide for the holding in plurality of any two or more benefices (subject to such conditions, if any, as may be specified) under section 17;

(*d*) the power to provide for creating, altering or dissolving, for designating, and for naming or altering the name of an archdeaconry or rural deanery, under section 18;

(*e*) the power to assign a special cure of souls or other responsibilities to vicars in team ministries under section 19(7), and the power to alter a team ministry or change the office of a rector or vicar in a team ministry under section 21(1)(*b*) or (*c*), and to provide for supplementary, consequential or transitional matters under section 21(1)(*f*);

(*f*) the power under section 23(2) to provide for the designation or selection of incumbents of benefices to be held in plurality;

(*g*) the power to make provision with respect to the employment and remuneration of assistant curates and other persons providing clerical or lay assistance under section 26;

(*h*) the power under section 27(4) to substitute for the parish church of any parish another church situated in that parish and approved by the Commissioners as suitable to be a parish church;

(*i*) the powers under section 31 as respects parsonage houses and the residences of vicars in team ministries

and assistant curates, except so far as they relate to a new benefice;

(*k*) the power to provide for the exercise of patronage of benefices held in plurality under section 32(4);

(*l*) the power to provide for the payment to the income account of the diocesan stipends fund of the income of the endowments of a benefice or of curacy endowments under section 33(2) and (9) respectively, and the power to charge the said account under section 33(7) with payments in respect of the stipends and remuneration therein mentioned;

(*m*) the powers under section 35 so far as they relate to the holding of benefices in plurality, subject to the modification that the reference to the conditions specified in section 11 shall include a reference to the condition specified in section 13(2) of this Measure;

and accordingly the said provisions of this Part of this Measure, and also section 27(6) and section 33(3) and (4), shall apply, subject to any limitations specified above, to pastoral orders as they apply to pastoral schemes:

Provided that the powers specified in paragraphs (*c*), (*d*) and (*e*) of this section shall not include power to require any benefice to be vacated under section 24(2), or to provide for dissolving any archdeaconry or abolishing any office of vicar in a team ministry except with the assent of the archdeacon or vicar or on a vacancy.

Supplementary

Supplementary provisions of pastoral schemes and orders.

39.—(1) A pastoral scheme or pastoral order may contain such supplementary or consequential provisions as appear to the Commissioners and the bishop or bishops concerned to be necessary or expedient for giving effect to the purposes of the scheme or order.

(2) A pastoral scheme or order shall, where the Commissioners consider it appropriate, have annexed thereto a map or plan showing the changes made by the scheme or order.

(3) A pastoral scheme or order may provide that the scheme or order, or any provisions thereof, shall come into operation on a specified date, or on the happening of a specified event or contingency, and different dates, events or contingencies may be specified for different provisions.

Amendment and revocation of pastoral schemes and orders.

40.—(1) A pastoral scheme may be amended or revoked by a subsequent pastoral scheme or may, in respect of matters falling within the powers exercisable by a pastoral order, be amended by a pastoral order.

PART II

(2) A pastoral order may be amended or revoked by a subsequent pastoral order or pastoral scheme.

(3) If an amending pastoral scheme or order involves the exercise of powers under section 35 or section 36 of this Measure, the conditions mentioned in those sections or in section 38(*m*), as the case may require, shall be complied with.

(4) An amending pastoral scheme or order may provide for any matters for which provision could have been made by the scheme or order to be amended.

(5) A pastoral scheme or order, or any provision thereof, may be revoked or amended under this section before it comes into operation.

Application of Schedule 3 containing supplementary provisions and powers.

41. Schedule 3 to this Measure, which—

(*a*) consists mainly of provisions applying generally by virtue of this Measure to such matters arising out of pastoral schemes and orders as are therein mentioned; and

(*b*) includes some provisions conferring supplementary powers exercisable by pastoral schemes and orders in relation to such matters,

shall have effect, but without prejudice to the powers conferred by subsection (1) of the last but one foregoing section.

PART III

REDUNDANT CHURCHES

Appointment of statutory bodies for purposes relating to redundant churches

Appointment of Advisory Board for Redundant Churches.

42.—(1) There shall be a Board, to be called the Advisory Board for Redundant Churches, consisting of a chairman and not less than six nor more than ten other members, and the chairman and other members shall be appointed by the Archbishops of Canterbury and York jointly after consultation with the Prime Minister and First Lord of the Treasury.

(2) The provisions of paragraphs 1 to 4 of Schedule 5 to this Measure shall apply to the constitution and procedure of the said Board.

(3) The functions of the said Board shall be to give information and advice to the Commissioners on or concerning the historic and architectural qualities of any church or part of a church as respects which the question arises whether it ought to be declared redundant, or as respects which questions arise as to

its use, demolition or preservation on or in the event of its being declared redundant.

(4) The Commissioners may make grants out of their general fund in respect of the expenses of the said Board.

(5) The said Board shall have power to appoint a secretary and such other officers and agents as they consider necessary for the proper discharge of their functions, subject to the approval of the Commissioners as respects number and the terms of service or appointment.

(6) Before giving advice on the question whether any such church or part of a church as aforesaid ought to be demolished or preserved, the said Board shall consult the Redundant Churches Fund established under the following provisions of this Part of this Measure as to the money available for its preservation.

(7) The said Board shall, as soon as possible after the end of each calendar year, make a report of their proceedings during that year to the Archbishops of Canterbury and York, and copies of the report shall be sent to the Commissioners and laid before the Church Assembly.

Appointment of Diocesan Redundant Churches Uses Committees.

43.—(1) Subject as hereinafter provided there shall be constituted a committee for every diocese, to be called the Diocesan Redundant Churches Uses Committee of the diocese concerned.

(2) Paragraphs 5 to 11 of Schedule 5 to this Measure shall apply to the constitution and procedure of the said Committee.

(3) It shall be the duty of the said Committee to make every endeavour to find suitable alternative uses for redundant buildings in their diocese.

(4) A Diocesan Redundant Churches Uses Committee shall, when it has found a suitable use or suitable uses for a redundant building or has reached the conclusion that no such use will be found, make a report to the Commissioners; and the Commissioners may at any time require any such Committee to make a report to them in respect of a particular redundant building.

(5) Every Diocesan Redundant Churches Uses Committee shall make to the Commissioners not later than the 31st March in each year a report of their proceedings in the preceding calendar year.

(6) The Commissioners may, in the case of a particular redundant building, require the Diocesan Redundant Churches Uses Committee to refer the case to them, and thereupon the duty of making every endeavour to find a suitable use or

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suitable uses for that building shall be discharged by the Commissioners instead of the said Committee, but the Commissioners shall consult with the said Committee in discharging that duty.

(7) If it appears to the bishop at the commencement of this Measure or at any time subsequently that there are not likely to be any redundant buildings in his diocese in the near future, he may postpone the constitution of the Diocesan Redundant Churches Uses Committee for his diocese or, as the case may be, may suspend the proceedings of the Committee, until such time as it appears to him that the Committee is needed, and, in the case of a suspension, the bishop may then direct that a new Committee be constituted, whether or not the period of office of the members of the old Committee has expired during the suspension.

Commissioners to appoint Committee with duties in respect of redundant churches.

44.—(1) The Board of Governors of the Commissioners shall appoint a Committee of the Board, which may include persons who are not Commissioners, for the purpose of exercising on behalf of the Commissioners such functions as the Board may assign to them in relation to redundant buildings and the preparation of redundancy schemes, including functions under the last foregoing section.

1947 No. 2.

(2) The Church Commissioners Measure 1947 shall apply to the Committee appointed under this section as it applies to other committees of the Board, and the Commissioners may pay a salary to one of the members of the Committee.

Appointment of Redundant Churches Fund.

45.—(1) There shall be a body corporate, to be called the Redundant Churches Fund, with perpetual succession and a common seal.

(2) The Redundant Churches Fund shall consist of a chairman and not less than four nor more than six other members, and the chairman and other members shall be appointed by Her Majesty, and before any such appointment the advice of the Archbishops of Canterbury and York shall be submitted to Her Majesty through the Prime Minister and First Lord of the Treasury.

(3) Paragraphs 12 to 14 of Schedule 5 to this Measure shall apply to the constitution and procedure of the Redundant Churches Fund.

(4) The Redundant Churches Fund shall have as its object the preservation, in the interests of the nation and the Church of England, of churches and parts of churches of historic or architectural interest vested in the Fund by this Part of this Measure together with their contents so vested.

(5) The Redundant Churches Fund shall have power—

(*a*) to hold and manage all churches and parts of churches and other property vested in the Fund by this Part of this Measure and, in particular, to carry out all necessary works of maintenance and repair in respect of that property;

(*b*) to permit the occasional use of property vested in the Fund for purposes considered by the Fund to be suitable;

(*c*) to charge entrance fees for admission to any such property, to raise money by public subscription and appeals, and to accept gifts and bequests either for the general purposes of the Fund or on specific trusts for purposes falling within the general purposes;

(*d*) to administer all sums coming into its hands and to invest as hereinafter provided any sums not immediately required for the purposes of the Fund;

(*e*) to appoint a secretary and such other officers and agents as the Fund considers necessary for the proper discharge of its duties;

(*f*) to delegate functions to local trustees or bodies.

(6) The powers to invest any such sums as aforesaid shall be those conferred by the general law on trustees of trust funds, and shall also include power to invest in accordance with the scheme scheduled to the Church Funds Investment Measure 1958, as if the sums were funds to which that Measure applied. 1958 No. 1.

(7) The power of the Redundant Churches Fund to permit the occasional use of property vested in the Fund shall include power to permit such occasional worship in a church or part of a church vested in the Fund as may be authorised by the bishop, and the consent of the incumbent shall not be required for such occasional worship.

(8) The Redundant Churches Fund may contribute to the cost of the care and maintenance of a church or part of a church vested in a Diocesan Board of Finance under this Part of this Measure pending the making or coming into operation of arrangements under a redundancy scheme.

(9) All expenditure of the Redundant Churches Fund shall be defrayed out of the sums in its hands, and the Fund shall keep the Advisory Board and the Commissioners informed of its financial position.

(10) The Commissioners may make grants out of their general fund in respect of the expenditure of the Redundant Churches Fund:

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Provided that the total amount of the grants made in the period of five years beginning with the date on which this Measure comes into operation or, subject to any order made under section 53 of this Measure, in any of the subsequent periods of five years (being periods each of which follows immediately after the preceding period of five years) shall not exceed two hundred thousand pounds.

(11) The Redundant Churches Fund shall, as soon as possible after the end of each calendar year, transmit a copy of its accounts for that year and a report on its proceedings during that year to the Commissioners and to the Advisory Board.

(12) The Commissioners shall transmit copies of the said accounts and report to the Secretary of State for the Home Department and the Secretary of the Church Assembly, and the Secretary of State shall lay copies thereof before both Houses of Parliament and the Secretary of the Church Assembly shall lay copies thereof before the Assembly.

Redundancy provisions in pastoral schemes

Provision by pastoral scheme for appropriation or demolition of redundant church to be replaced by new church.

46.—(1) Where—

(*a*) a new church or place of worship is to be provided to take the place of a church or churches in the area of the benefice in which the new church or place of worship is to be provided ; and

(*b*) a pastoral scheme makes a declaration of redundancy in respect of the church or each of the churches to be replaced ; and

(*c*) the Advisory Board certifies that the redundant building or all or any of the redundant buildings is or are of such small historic or architectural interest that the demolition thereof would not in their opinion be objectionable on that ground, or certifies that features of historic or architectural interest of the redundant building or all or any of the redundant buildings are proposed to be incorporated in the new church or place of worship and that the Board is satisfied with the proposal ;

the pastoral scheme may make further provision in respect of the redundant building or each of the redundant buildings to which such a certificate relates—

(i) for the appropriation of the building in accordance with section 51(1)(*a*) or for its demolition, and for any of the matters mentioned in section 51(2) or (3) of this Measure ; and

(ii) for the payment to the Commissioners of the proceeds of any sale or exchange of the building or the site

thereof, or any part of the building or site, with or without any land annexed or belonging thereto, and the premiums on any lease or licence of the building or part thereof with or without any such land, and for the application of the net proceeds and premiums to defray the cost of providing the new church or place of worship aforesaid and, if the whole amount thereof is not required for that purpose, for the payment of two-thirds of the balance to the diocesan pastoral account and for the application by the Commissioners of the remaining one-third in accordance with section 52 of this Measure.

(2) Where a pastoral scheme makes such further provision as aforesaid, the declaration of redundancy shall not take effect until the new church or place of worship is provided, unless the Commissioners are satisfied that, if the church or any of the churches to be replaced is disposed of or demolished before such provision, a suitable building will be available in the interim period, not necessarily in the same parish, for use in place of that church.

(3) In this section "place of worship" means a building licensed by the bishop under section 29 of this Measure for public worship in accordance with the rites and ceremonies of the Church of England, being a building used wholly for the purpose of such worship and purposes ancillary thereto, or partly for those purposes and partly for other ecclesiastical purposes of the parish or purposes ancillary thereto.

Other provision by pastoral scheme for use of redundant church.

47. Where a pastoral scheme makes a declaration of redundancy in respect of any church or part of a church, not being a case to which the last foregoing section applies, and the Commissioners are satisfied that a suitable use or uses will be available for the redundant building when the declaration takes effect, the pastoral scheme may provide for the appropriation of the redundant building to the said use or uses, and may make further provision for any of the matters mentioned in section 51(2) or (4) of this Measure.

No other cases to be dealt with by pastoral scheme.

48. Except in the cases specified in the last two foregoing sections, and without prejudice to the provisions relating to the restoration of a redundant building to use as a church, no further provision beyond the declaration of redundancy itself shall be made by a pastoral scheme with respect to the redundant building, but such provision shall be made by the following provisions of this Part of this Measure and schemes made and confirmed thereunder (in this Measure referred to as "redundancy schemes").

PART III *Redundancy Schemes*

Waiting period.

49.—(1) Where a declaration of redundancy is made in a case to which neither section 46 nor section 47 of this Measure applies, the redundant building shall, when the declaration takes effect, vest by virtue of this Measure, without any conveyance or other assurance, in the Diocesan Board of Finance, and the Commissioners shall not prepare a redundancy scheme in respect of the redundant building for a period of at least one year thereafter:

Provided that—

(i) if the Advisory Board certifies that the redundant building is of such small historic or architectural interest that the demolition thereof would not in their opinion be objectionable on that ground, the Commissioners may proceed forthwith with the making of a redundancy scheme providing for the demolition thereof and other matters mentioned in section 51(3) of this Measure;

(ii) if the Commissioners are satisfied that a suitable use or uses will be available for the redundant building before the expiration of the said period, they may proceed forthwith with the making of a redundancy scheme providing for the appropriation of the redundant building to such use or uses and for other matters mentioned in section 51(2) of this Measure.

(2) During the period between the taking effect of a declaration of redundancy and the coming into operation of a redundancy scheme with respect to the redundant property—

(*a*) the Diocesan Board of Finance shall be responsible for the care and maintenance of the redundant building, so far as is reasonable in all the circumstances, and the safe keeping of its contents, whether in the building or elsewhere, and shall insure the said building and contents;

(*b*) the Diocesan Redundant Churches Uses Committee or, as the case may be, the Commissioners shall make every endeavour to find a suitable use for the redundant building;

(*c*) while incurring no financial obligation, the incumbent and churchwardens of the parish in which the redundant building is situated shall give the Diocesan Board of Finance every assistance in providing for reasonable supervision of the building against damage.

(3) On a declaration of redundancy taking effect, any liability of a parochial church council or rector (including a lay rector) for the repair and maintenance of the redundant building and the safe keeping of its contents shall cease, and the Inspection of

1955 No. 1.

Churches Measure 1955 shall cease to apply to the redundant building. PART III

Procedure for making redundancy schemes.

50.—(1) The Commissioners may at any time after the expiration of the period of one year mentioned in subsection (1) of the last foregoing section or, in the cases mentioned in the proviso to that subsection, at any time after the conditions therein mentioned are fulfilled, and shall in any case not later than three years after the declaration of redundancy takes effect, prepare a draft scheme with respect to the redundant building providing for any of the matters mentioned in the next following section:

Provided that, if negotiations in connection with any of the matters for which the redundancy scheme may provide are in progress at the end of the said period of three years, or if owing to an unforeseen change of circumstances it is not practicable to prepare the draft scheme before the end of the said period, the Commissioners may postpone the preparation thereof for such minimum further period as they find to be necessary.

(2) Before preparing any such draft scheme the Commissioners—

(*a*) shall consult the bishop; and

(*b*) if it is proposed to provide for the demolition or the care and maintenance by the Redundant Churches Fund of the redundant building or any part thereof, or for any architectural or structural changes in the redundant building or any part thereof for the purpose of facilitating the use thereof, shall consult the Advisory Board.

(3) The Commissioners shall serve a copy of the draft scheme on the Diocesan Board of Finance, the local planning authority or authorities concerned and the Advisory Board and, if the draft scheme provides for the care and maintenance by the Redundant Churches Fund of the redundant building or any part thereof, on that Fund.

(4) The Commissioners shall also publish in one or more newspapers circulating in the locality in which the redundant building is situated a notice stating the effect of the draft scheme and naming a place or places where a copy thereof may be inspected, and stating that written representations with respect to the draft scheme may be made to the Commissioners not later than a date specified in the notice, being a date not less than twenty-eight days after the first publication of the notice in such a newspaper as aforesaid.

(5) The Commissioners shall consider any representations duly made with respect to the draft scheme and any unforeseen

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change of circumstances affecting its implementation, and may decide not to proceed with it or to amend it or to proceed with it in its original form, and shall consult the bishop before making their decision.

(6) If the Commissioners decide to proceed with the draft scheme, they shall seal a copy thereof, with such amendments (if any) as they may have made therein, and shall thereby make the scheme, and shall submit the scheme for confirmation by Her Majesty in Council, who may confirm the scheme by Order in Council.

(7) If the Commissioners decide in accordance with subsection (5) of this section not to proceed with a draft scheme, or to withdraw a scheme owing to an unforeseen change of circumstances before it has been confirmed by Order in Council, they shall as soon as possible prepare a new draft scheme, and subsections (2) to (6) of this section shall apply thereto.

(8) Sections 9 and 10 of this Measure shall apply, with the necessary modifications, to schemes made and confirmed under this section as they apply to pastoral schemes, and the notice required by section 9 to be published in the London Gazette shall, in the case of a scheme under this section, also be published in a newspaper circulating in the locality.

Contents of redundancy Schemes.

51.—(1) A redundancy scheme shall make the following provision for the redundant building, that is to say:—

(*a*) if a use or uses appearing to the Commissioners to be suitable have been found for the redundant building or any part thereof, the scheme may provide for appropriating the building or part to such use or uses, which shall be specified or generally described in the scheme;

(*b*) if such use or uses cannot be found for the building or a part thereof and it appears to the Commissioners, after consultation with the Advisory Board, that the building or part is of such historic or architectural interest that it ought to be preserved in the interests of the nation and the Church of England, the scheme may provide for its care and maintenance by the Redundant Churches Fund;

(*c*) if the building or any part thereof is not appropriated or provided for under the foregoing paragraphs, the scheme shall provide for its demolition.

(2) Where a redundancy scheme provides for the appropriation of the redundant building or any part thereof to a use or uses specified or described in the scheme, the scheme may also provide—

(*a*) for appropriating the whole or any part of the land annexed or belonging to the redundant building or

the church of which it forms part, to a use or uses so specified or described;

(*b*) for empowering the Diocesan Board of Finance themselves to use or hold the property concerned for the use or uses so specified or described or to let or license the property for such use or uses as aforesaid, or partly one and partly the other;

(*c*) for empowering the Commissioners, subject to any conditions prescribed by the scheme, to sell, give or exchange the property concerned or any part of it for such use or uses as aforesaid.

(3) Where a redundancy scheme provides for the demolition of the redundant building or any part thereof, it may also provide—

(*a*) for the sale, gift, exchange or lease by the Commissioners of the site or part of the site of the demolished building or part of the building, with or without the whole or any part of the land annexed or belonging to the building or to the church of which it forms part;

(*b*) for the disposal of the materials arising from the demolition;

(*c*) for specifying the use or uses for which any land sold, given, exchanged or let by the Commissioners as aforesaid is to be used, or allowing it to be used without limitation;

(*d*) for appropriating the said site or any part thereof for use as part of the churchyard or burial ground or for other ecclesiastical purposes of the parish.

(4) The proceeds of any sale or exchange under either of the two last foregoing subsections and the premiums on any lease or licence thereunder shall be paid to the Commissioners, who, subject to any order made under section 53 of this Measure, shall pay two-thirds of the net proceeds and net premiums to the diocesan pastoral account and shall apply the remaining one-third in accordance with section 52 of this Measure, and the net rent payable under any such lease or licence shall be paid into the said account.

(5) In negotiating the sale or other disposal of any property under subsection (2) or subsection (3) of this section, the Commissioners shall consult with the Diocesan Board of Finance, and shall have regard to their views.

(6) Where a redundancy scheme makes provision for any land which has been used for burials, that provision shall have effect notwithstanding section 3 of the Disused Burial Grounds 1884 c. 72.

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Act 1884 (which prohibits the erection of buildings upon disused burial grounds), if one or other of the following conditions is satisfied, namely—

(*a*) that no person has been buried in any of the land during the period of 50 years immediately before the making of the scheme; or

(*b*) that no relative or personal representative of a deceased person buried in the land during that period has objected to the draft scheme, or all such objections have been withdrawn;

and the said section shall otherwise apply.

(7) Where a redundancy scheme provides for the care and maintenance of the redundant building or any part thereof by the Redundant Churches Fund, the scheme may also provide for the care and maintenance by the Fund of the whole or any part of the land annexed or belonging to the building or the church of which the building is part, and may so provide notwithstanding that the land is or has been used for burials.

(8) For the purposes of this section and sections 46 and 47 of this Measure, and without prejudice to the generality of the provisions thereof, the use of a building or part of a building for such special or occasional religious worship as may be authorised by the bishop, or its use as a place of religious worship for a university, college, school or other institution, or its use for religious worship by any Church other than the Church of England, shall be a use to which a redundant building or a part thereof may be appropriated by a pastoral or redundancy scheme, and the consent of the incumbent of the benefice in the area of which the building is situated shall not be required for any such use.

(9) Section 39 of this Measure shall apply to redundancy schemes in like manner as it applies to pastoral schemes, with the omission of the reference to the bishop or bishops concerned.

Application of remainder of proceeds of sales and other disposals.

52.—(1) The Commissioners shall apply the moneys comprised in the remaining one-third of the net proceeds and net premiums, or the balance thereof, mentioned in section 46(1) and section 51(4) of this Measure in the following manner:—

(*a*) the said moneys up to a total in any five-year period of one hundred thousand pounds, or such figure as may be substituted therefor by an order under section 53(1)(*c*) of this Measure, shall be paid to the Redundant Churches Fund;

(*b*) so far as the said moneys exceed that total in any five-year period, but subject to any order made under section 53(1)(*d*) of this Measure, they shall from time

to time be allocated to the diocesan pastoral accounts of such dioceses, in such amounts, as the Commissioners may determine, giving preference to the dioceses which have received and are likely to receive less by way of payments under the said sections 46(1) and 51(4) of this Measure than other dioceses.

(2) In this section and the next following section the expression 'five-year period' means the period of five years beginning with the date on which this Measure comes into operation and any subsequent periods of five years, being periods each of which follows immediately after the preceding period of five years.

Orders of Commissioners varying payments to Redundant Churches Funds.

53.—(1) The Commissioners may by order—

(*a*) vary the figure of two hundred thousand pounds specified in the proviso to section 45(10) of this Measure;

(*b*) vary the proportions of two-thirds and one-third specified in section 46(1) and section 51(4) of this Measure;

(*c*) vary the figure of one hundred thousand pounds specified in the last foregoing section;

(*d*) direct the payment to the Redundant Churches Fund out of the moneys mentioned in that section of sums additional to the said figure or, as the case may be, to the said figure as varied:

Provided that no such order, except an order under paragraph (*d*), shall be made in respect of the first five-year period.

(2) An order made under subsection (1)(*a*), (*c*) or (*d*) of this section may apply to the five-year period current at the time when the order comes into operation and, when an order has been made under subsection (1)(*d*), the Commissioners shall retain the moneys mentioned in the last foregoing section pending the final decision whether or not the order is to have effect, and shall then allocate them accordingly.

(3) An order made under subsection (1)(*b*) of this section shall apply to all transactions completed after the date on which the order comes into operation, except such transactions (if any) as may be specified in the order.

(4) Every order made under this section shall be laid before the Church Assembly and shall not come into operation unless and until it has been approved by the Church Assembly.

(5) The Statutory Instruments Act 1946 shall apply to any order approved by the Church Assembly under the last foregoing subsection as if it were a statutory instrument and were 1946 c. 36.

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made when so approved, and as if this Measure were an Act providing that any such order should be subject to annulment in pursuance of a resolution of either House of Parliament.

Redundancy schemes in respect of churches closed or demolished otherwise than under this Measure.

54.—(1) Where the bishop of a diocese certifies that at the commencement of this Measure a church in his diocese has not been used for divine service for at least five years, and the incumbent (if any), the patron and the parochial church council of the parish in which the church is situated give their consent, the Commissioners may make an order declaring the church to be redundant and thereupon this Part of this Measure shall apply as if the said declaration were a declaration of redundancy made by a pastoral scheme.

(2) Where any church or part of a church has been demolished before the commencement of this Measure, or is subsequently demolished, otherwise than under this Part of this Measure or under a scheme made under any Act or Measure repealed by this Measure, a redundancy scheme providing for all or any of the matters mentioned in section 51(3) of this Measure may at any time after the commencement of this Measure or, as the case may be, after the demolition, be prepared, made and confirmed in accordance with subsections (2) to (6) of section 50 of this Measure, and subsection (8) shall apply thereto.

Schemes under Charities Act 1960 for redundant chapels belonging to charities.

1960 c. 58.

55.—(1) The power of the court (as defined by the Charities Act 1960) to make schemes under its jurisdiction with respect to charities, and the power of the Charity Commissioners to make schemes under the said Act, shall extend to the making of schemes with respect to consecrated chapels belonging to charities which are no longer needed for the purposes of the charity, and section 45(2)(*b*) of the said Act shall not be taken as preventing the making of any such scheme.

(2) Where a scheme is made under this section, the bishop may, if he thinks it proper to do so, by order under his seal direct that section 61(1) of this Measure and section 65 of this Measure, if applicable, shall apply to the chapel as they apply to the buildings mentioned in those sections, and those sections shall thereupon apply accordingly, and the scheme, so far as it relates to the chapel, shall not have effect unless and until such an order is made, or the bishop directs that the scheme may have effect without such an order.

(3) A scheme made under this section may provide—

(*a*) for the demolition of the chapel and the disposal of the materials arising from the demolition;

(*b*) for the sale or other disposal of the chapel or site thereof and the application of the proceeds;

(*c*) for the appropriation of the chapel to such uses as may be specified or generally described in the scheme;

(*d*) for matters supplementary or incidental to the matters aforesaid.

(4) For the purposes of this section a consecrated chapel held on charitable trusts for the purpose of religious worship by the beneficiaries and staff of a charity and not by the general public shall be deemed to belong to that charity, notwithstanding that the trusts on which the chapel is held are separate from those of the charity, but save as aforesaid this section shall not apply to a chapel held on separate trusts relating to the use thereof for religious worship.

(5) The last foregoing section shall not apply to any consecrated chapel belonging to a charity.

Churches not to be closed or disposed of otherwise than under this Measure.

56.—(1) It shall not be lawful, after the commencement of this Measure, to make any order or give any direction for closing a church on the ground that it is no longer required for use as a church, and the only procedure for closing a church on that ground shall be by way of a declaration of redundancy or the exercise of powers under the last foregoing section.

(2) It shall not be lawful, after the commencement of this Measure, to sell, lease or otherwise dispose of any church or part of a church or the site or part of the site of any church or any consecrated land belonging or annexed to a church except in pursuance of powers under this Part of this Measure or section 30 of this Measure.

(3) The foregoing provisions of this section shall not—

(*a*) prevent the grant of a faculty authorising a suitable use of part of a church or the grant of any faculty in respect of any such land as aforesaid; or

(*b*) affect any powers under any Act of Parliament.

(4) Where any church other than a church which has been declared redundant is purchased compulsorily or is purchased by agreement under an enactment conferring powers of compulsory purchase, then for the purposes of any enactment applying to the disposal of sums paid to the Commissioners in respect of the purchase of the church or any land annexed or belonging thereto, or in respect of compensation for damage to other ecclesiastical property arising in connection with the purchase, the provisions of this Part of this Measure relating to the disposal of the proceeds of sale of a redundant building or any land annexed or belonging to a redundant church shall be deemed not to be applicable.

PART III

Amendment and revocation of redundancy schemes and redundancy provisions in pastoral schemes

Amendment of redundancy schemes and provisions.

57.—(1) A redundancy scheme, and such provisions of a pastoral scheme as are made by virtue of section 46 or section 47 of this Measure, may be amended by a subsequent redundancy scheme prepared, made and confirmed in accordance with subsections (2) to (6) of section 50 of this Measure, and subsection (8) shall apply thereto.

(2) An amending redundancy scheme may revoke all or any provisions of the previous redundancy scheme or, as the case may be, any such provisions of a pastoral scheme, and may substitute or add other provisions providing for any of the matters mentioned in section 51 of this Measure, so far as applicable, and may contain such transitional provisions as appear to the Commissioners to be necessary or expedient in consequence of the changes made by the amending scheme.

(3) A redundancy scheme or any provision thereof, and any such provision of a pastoral scheme, may be amended or revoked under this section before it comes into operation.

Restoration of redundant building to use as a church building.

58. A pastoral scheme may provide that a redundant building which is vested in the Redundant Churches Fund or the Diocesan Board of Finance or the Commissioners, shall be restored to use as a church or part of a church, and may further provide :—

(*a*) for designating the church as a parish church or chapel of ease ;

(*b*) for vesting the building, with or without any land vested as aforesaid with the building, in the incumbent of the benefice in the area of which it is situated, or in such other person as may be specified in the scheme ;

(*c*) for such transitional, supplementary or consequential matters as appear to the Commissioners to be necessary or expedient ;

(*d*) for revoking the declaration of redundancy and revoking or amending any provisions, whether in a pastoral scheme or redundancy scheme, made under this Part of this Measure in relation to the redundant building.

Vesting of property and other supplementary provisions

Vesting of property.

59.—(1) Where a redundancy scheme or a pastoral scheme to which section 46 of this Measure applies provides for the demolition of the redundant building or any part thereof, the building or part thereof and any land which under the scheme is to be sold, given, exchanged or let with the site of the demolished building or part thereof shall by virtue of this

Measure, without any conveyance or other assurance, vest in the Commissioners on the date when the relevant provisions of the scheme come into operation.

(2) Where a redundancy scheme or a pastoral scheme to which section 46 or section 47 of this Measure applies provides for empowering the Commissioners to sell, give or exchange the redundant building or any part thereof or any land annexed or belonging to the building or the church of which it forms part for a use or uses so specified, the building or part thereof or land shall vest in the Commissioners as aforesaid on the date when the relevant provisions of the scheme come into operation.

(3) Where a redundancy scheme or a pastoral scheme to which the said section 46 or section 47 applies provides for the use, holding, letting or licensing by the Diocesan Board of Finance of the redundant building or any part thereof or any land annexed or belonging to the building or the church of which it forms part for a use or uses specified or described in the scheme, and the building or part thereof or land is not, on the date when the relevant provisions of the scheme come into operation, vested in the said Board, it shall by virtue of this Measure, without any conveyance or other assurance, vest in the said Board on the said date.

(4) Where a redundancy scheme or a pastoral scheme to which either of the said sections applies provides for appropriating any land to use as part of a churchyard or burial ground, the land shall, on the date when the relevant provisions of the scheme come into operation, vest by virtue of this Measure, without any conveyance or other assurance, in the person in whom the churchyard or burial ground is vested.

(5) Where a redundancy scheme provides for the care and maintenance by the Redundant Churches Fund of a redundant building or any part thereof or any land annexed or belonging to the building or the church of which it forms part, the building or part thereof or land shall by virtue of this Measure, without any conveyance or other assurance, vest in the said Fund.

(6) Any property vesting under this section or under section 49(1) of this Measure shall vest free of any trust or burial rights:

Provided that any person entitled to burial rights may claim compensation in respect of the loss thereof, and any such claim in default of agreement shall be referred to and determined by the consistory court of the diocese, subject to an appeal to the Dean of the Arches and Auditor, and the amount of any compensation awarded shall be paid by the Diocesan Board of Finance and the payment shall be treated as money expended on the property for the purpose of furthering the disposal or use thereof

PART III

(7) The body in whom any property vests as aforesaid shall be deemed to have an interest, for the purposes of faculty proceedings, in any other property so vested or any property formerly annexed or belonging to or held with property so vested.

Rights of way.

60.—(1) Where any land annexed or belonging to a church the whole or part of which is a redundant building does not vest by virtue of this Measure in the Diocesan Board of Finance, the Commissioners or the Redundant Churches Fund, the redundancy scheme or (in a case to which section 46 or section 47 of this Measure applies) the pastoral scheme may provide for conferring on any of the said bodies in whom the building or site of the building or any part of the building or site or any other land annexed or belonging to the church vests as aforesaid, such rights of way over the land not so vesting as appear to the Commissioners to be necessary—

(*a*) to enable any property so vesting to be used for a use or uses specified or described in the redundancy scheme or pastoral scheme, or to facilitate such use;

(*b*) to enable any property so vesting which is to be sold, given, exchanged or let by the Commissioners (otherwise than for such use as aforesaid), to be used for such purposes as appear to the Commissioners to be reasonable, or to facilitate such use; or

(*c*) to enable the Redundant Churches Fund to perform its functions with respect to any property so vesting in the Fund, including the giving of reasonable access to members of the public.

(2) Where rights of way over land adjoining or adjacent to a church to which or a part of which a declaration of redundancy relates were, before the declaration took effect, enjoyed by persons attending the church, and the redundancy scheme provides for vesting the church or part thereof in the Redundant Churches Fund, the said rights of way shall be enjoyed by the Fund so far as necessary for the performance of its functions and by members of the public for the purpose of visiting the church.

Removal of legal effects of consecration of buildings and land.

61.—(1) Where any consecrated building or part of a building or land is vested in the Commissioners under section 59 of this Measure or is appropriated to a use or uses specified or described in a redundancy scheme or a pastoral scheme to which section 46 or section 47 of this Measure applies, then, unless the scheme otherwise provides,—

(*a*) the building or part of a building or land shall not be subject to the legal effects of consecration; and

(*b*) in particular, the jurisdiction of any court or person with respect to the granting of faculties shall cease to extend to the building or part of a building or land.

(2) Where any consecrated building or part of a building or land is vested in the Redundant Churches Fund under the said section 59, the said jurisdiction shall cease to extend thereto, and accordingly any works or alterations may be carried out in or in relation to the building or part of a building or land without the need for a faculty, but save as aforesaid it shall continue to be subject to the legal effects of consecration.

(3) This section shall not apply to land appropriated to use as part of a churchyard or burial ground or to a building or part of a building appropriated to use for religious worship in accordance with the rites of the Church of England, and if any building or part of a building or land to which this section applies is subsequently restored to its former use or is appropriated to another use for which consecration would be required, this section shall cease to apply thereto.

Power to impose and enforce covenants.

62. Without prejudice to any restriction or requirement in a redundancy scheme or a pastoral scheme to which section 46 or section 47 of this Measure applies, the Commissioners or the Diocesan Board of Finance may, in exercising their powers under this Part of this Measure to sell, give, exchange or let or, as the case may be, to let or license any building or land, include in the conveyance, lease or other instrument such covenants imposing conditions and requirements as to the use of the building or land concerned as the Commissioners or Board think necessary or expedient to give effect to the provisions of the scheme or otherwise to secure the suitable use of the building or land; and, in a case where the land is sold, given or exchanged, any such covenants shall be enforceable as if the Commissioners or Board were the owners of adjacent land and the covenants were expressed to be entered into for the benefit of that adjacent land, and in the case of covenants of a positive character as if they were negative.

Trusts for the repair etc. of redundant buildings and contents.

63.—(1) If and so long as a redundant building or part thereof—

(*a*) is vested in the Diocesan Board of Finance pending the making of a redundancy scheme; or

(*b*) is vested in the Redundant Churches Fund in pursuance of a redundancy scheme; or

(*c*) is vested in the Commissioners or the said Board for a use or uses specified or described in a pastoral scheme or redundancy scheme;

PART III

any property of a charity the purposes of which include the repair and maintenance of the building or the provision or maintenance of ornaments or other contents of the building shall continue to be applicable for that purpose:

Provided that—

(i) in the case mentioned in paragraph (*c*), it shall only be so applicable if the scheme so provides;

(ii) if the redundant building consists of part of a church or only part of the redundant building is vested as aforesaid, it shall only be so applicable if and to the extent that the scheme so provides.

(2) Nothing in the foregoing subsection shall affect the powers to make schemes in respect of any such charity under the Charities Act 1960, and paragraph 11(5) of Schedule 3 to this Measure shall apply to charities affected by a redundancy scheme as it applies to charities affected by a pastoral scheme or order.

1960 c. 58.

(3) Where the purposes of a charity include the giving of sermons or lectures in any church and, by reason of a declaration of redundancy relating to the church or a part thereof, the sermons or lectures cannot be given in that church, they shall be given in the parish church of the parish in which the first-mentioned church is situated, or in such other church as the bishop may direct in an instrument under seal with the approval of the Charity Commissioners given under the hand of an Assistant Commissioner.

Disposal of font, communion table and plate, and other contents.

64.—(1) Before any church or part of a church is demolished in pursuance of a redundancy scheme or pastoral scheme, or is appropriated to any use specified or described in such a scheme, the body in whom the church is vested shall transfer the font, communion table and plate used for the purpose of Holy Communion to some other church in the area of the benefice in which the first-mentioned church is situated, or, if the font, communion table or plate is not needed for any such other church, to any church or chapel in the diocese directed by the bishop:

Provided that the scheme may make other provision with respect to the font, communion table and plate, and may exclude this subsection where part of the church remains in use as a church.

(2) In a case to which the foregoing subsection applies, the scheme may also make provision with respect to the disposal of any other contents of the church, not being tombstones, monuments or memorials commemorating deceased persons buried in the church or in any land belonging or annexed thereto.

(3) Where a redundancy scheme provides for the care and maintenance of a church or part of a church by the Redundant Churches Fund, the scheme may also provide for the vesting in and the care and maintenance by the Fund of any of the contents of the church or provide for the disposal of any of the contents not being such tombstones, monuments or memorials as aforesaid.

(4) No faculty shall be required for anything done in pursuance of this section.

Disposal of human remains.

65.—(1) Where any human remains are believed to be buried in or beneath a redundant building or in any land to which a redundancy scheme applies, the body or person in whom the property is vested or to whom it is leased or licensed shall not, subject as hereinafter provided, demolish, sell, lease or otherwise dispose of it or any part of it, or appropriate it or any part of it to any use, or carry out any development of it or any part of it, unless the human remains have been removed and reinterred or cremated and any tombstones, monuments or memorials commemorating the deceased persons have been disposed of in accordance with the provisions of Schedule 6 to this Measure, and the other requirements of that Schedule have been complied with in respect thereof.

(2) The requirements of the foregoing subsection and of Schedule 6 to this Measure shall not apply:—

(*a*) to a redundant building the whole of which is appropriated, without any structural alteration, to use as a place of religious worship for a university, college, school or other institution, or for religious worship by a Church other than the Church of England, so long as it remains so appropriated without any structural alteration;

(*b*) to any land which remains annexed or belonging to a redundant building appropriated as aforesaid;

(*c*) to any land appropriated to use as part of a churchyard or burial ground and vested under section 59(4) of this Measure in the person in whom the churchyard or burial ground is vested.

(3) Where it appears to the Secretary of State that the demolition of a redundant building or part thereof, or the intended use or development of any property to which a redundancy scheme applies or any part of such property, will not involve the disturbance of human remains, he may, after consultation with the bishop, by order provide for dispensing with the requirements (so far as they concern human remains) of subsection (1) of this section and of Schedule 6 to this Measure in

PART III

relation to such demolition of the building or part thereof, or such use or development of the property or part thereof, as may be prescribed by or under the order, subject to such conditions, restrictions and requirements as may be so prescribed, and in relation to any sale, lease or other disposal of the property for the purpose of such demolition, use or development as aforesaid.

(4) Any order made under the last foregoing subsection may be amended by a subsequent order made in like manner and subject to the like conditions, and, if at any time the requirements of subsection (1) of this section and of the said Schedule 6 are complied with in respect of the property, the order shall cease to have effect.

(5) Where an order is made under this section in respect of any property, a copy thereof, certified by or on behalf of the Secretary of State to be a true copy, shall be deposited with the clerk of the council of the county borough or county district in which the property is situated, and any such copy shall be registered in the register of local land charges, in such manner as may be prescribed by rules made for the purposes of this section under subsection (6) of section 15 of the Land Charges Act 1925, by the proper officer of the council of the county borough or county district.

1925 c. 22.

The references in this subsection to the council of the county borough or county district shall, in the case of property situated in the City of London or a London borough, be construed as references to the Common Council or the London borough council, as the case may be.

(6) Where, by virtue of any such order, human remains are not removed and reinterred or cremated, the requirements of subsection (1) of this section and of Schedule 6 to this Measure, so far as they relate to the disposal of tombstones, monuments and memorials, shall none the less apply.

(7) Where there is situated in any redundant building or part of a redundant building or any land to which a redundancy scheme applies any monument or memorial commemorating a deceased person whose remains are not buried in the building or part thereof or land, the body or person in whom the building or part thereof or land is vested or to whom it is leased or licensed shall not demolish, sell, lease or otherwise dispose of it or appropriate it to any use or carry out any development thereof, unless the monument or memorial has been disposed of in such manner as the bishop after consultation with the Diocesan Advisory Committee for the Care of Churches has directed, or the bishop has after such consultation dispensed with this requirement.

(8) No faculty shall be required for anything done in pursuance of this section or Schedule 6 to this Measure.

Annex 725. 1968. Pt. II. **p. 2479.** s. 66(1)(*a*).

[1]/ Minister of Housing and Local Government

(*Subst. by* 1969. *c.* 22. *s.* 3.)

Annex 471. 1968. Pt. II. **p. 2478.** s. 65(5).

[2]/ shall be deposited with the registering authority (within the meaning of the Local Land Charges Act 1975), and the order shall be a local land charge.

(*Subst.* (*prosp.*) *by* 1975. *c.* 76, *s.* 17(2), *sch.* 1.)

(9) In this section any reference to a redundancy scheme shall include a reference to the provisions of a pastoral scheme providing for the matters referred to in section 30, section 46 or section 47 of this Measure. PART III

Preservation of redundant churches by Minister of Public Building and Works

Transfer of redundant churches to Minister of Public Building and Works.

66.—(1) Notwithstanding anything in this Part of this Measure,—

(*a*) where a redundant building or any part thereof is vested in the Diocesan Board of Finance, whether in pursuance of a pastoral scheme or a redundancy scheme or pending the making of a redundancy scheme, the Board may, with the approval of the bishop and the Commissioners, enter into an agreement with the [~~Minister of Public Building and Works~~] for the acquisition and preservation by the Minister, whether in pursuance of existing statutory provisions or further provisions enacted after the passing of this Measure, of the building or part with or without other land so vested in the Board;

(*b*) where a redundant building or any part thereof is vested in the Redundant Churches Fund in pursuance of a redundancy scheme, the Fund may enter into such an agreement as aforesaid for the acquisition and preservation by the Minister of the building or part with or without other land so vested;

and on such acquisition this Part of this Measure, except so far as it is applied by the next two following subsections, and any redundancy scheme made with respect to the redundant building, or any provision of a pastoral scheme so made by virtue of section 46 or section 47 of this Measure, shall cease to apply to the property acquired.

(2) Where a redundant building or part thereof is acquired as aforesaid,—

(*a*) any rights of way conferred under section 60(1) of this Measure or enjoyed under section 60(2) shall vest in the Minister or be enjoyed by him for the performance of his functions in relation to the property or for giving reasonable access to the public;

(*b*) sections 59(6), 61(2) and 63(1) of this Measure shall apply as they apply to buildings or parts of buildings and land vested in the Redundant Churches Fund;

(*c*) section 65(1) of this Measure shall not apply to the disposal to the Minister.

PART III

(3) A pastoral scheme may make provision under section 58 of this Measure, with the consent of the said Minister, for restoring to use as a church or part of a church any redundant building or part thereof acquired by the Minister under this section, and for any of the other matters specified in the said section 58, and that section shall accordingly apply to any such building or part and to any land acquired by the Minister therewith in like manner as it applies to a redundant building vested in the Redundant Churches Fund and land so vested therewith.

(4) Where a redundant building or any part thereof is acquired by the Minister under this section, or an agreement for such acquisition has been made, and any land previously annexed or belonging to the building is vested in the incumbent of the benefice in the area of which the building is situated, the incumbent may, with the approval of the bishop and the Commissioners, enter into an agreement with the Minister for the acquisition of the land by the Minister and for its maintenance with the building or part.

(5) An agreement under this section may provide for the acquisition and preservation by the said Minister of any of the contents of the redundant building or part thereof, and on such acquisition section 63(1) shall apply to the said contents as they apply to the contents of a building or part thereof vested in the Redundant Churches Fund, but save as aforesaid this Part of this Measure and any redundancy or pastoral scheme relating to the contents shall cease to apply to the contents so acquired.

PART IV

MISCELLANEOUS, ADMINISTRATIVE AND GENERAL

Restrictions on Presentation

Suspension of presentation for period not exceeding five years.

67.—(1) Where a benefice is vacant or is shortly to become vacant, the bishop may, subject to the following provisions of this Measure, with the consent of the Pastoral Committee, and after consultation with the patron of the benefice (unless the bishop is himself the patron or the patron's rights have lapsed) and with the parochial church council of the parish or each of the parishes concerned, give notice that during such period not exceeding five years as may be specified in the notice (hereafter in this Measure referred to as the "suspension period"), the patron shall not exercise his right of presentation without the consent of the Pastoral Committee and (if he is not the patron) of the bishop; and thereupon the said right shall only be exercised in accordance with the notice during the suspension period.

(2) The power conferred by the foregoing subsection may be exercised in relation to any benefice at any time within three

months before the benefice is due to become vacant or at any time during the vacancy. PART IV

(3) The suspension period shall come to an end before the date on which it would otherwise expire, in any of the following circumstances:—

(*a*) if notice is given by the bishop that the necessary consent or consents have been given to the exercise of the patron's right of presentation;

(*b*) if notice is given by the bishop with the consent of the Pastoral Committee, terminating the said period; or

(*c*) if a pastoral scheme or order provides for the holding of the benefice in plurality with another benefice or other benefices, or a pastoral scheme otherwise affecting the benefice expressly provides for the termination of the said period;

and the termination shall, in the cases mentioned in paragraphs (*a*) and (*b*) hereof, take effect on such day, not being less than fourteen days after the date of the notice, as may be specified therein, and, in the cases mentioned in paragraph (*c*) hereof, shall take effect when the relevant provisions of the pastoral scheme or order come into operation.

(4) The bishop may, before the expiration of a suspension period, by a further notice, given with the same consent and after the same consultation as were required for the original notice given under subsection (1) hereof, extend the period for a further period not exceeding five years; and the said power may be exercised from time to time before the expiration of any extension of a suspension period.

(5) A notice given by the bishop under this section shall be given to—

(*a*) the Commissioners,

(*b*) the patron of the benefice (unless the bishop is the patron),

(*c*) the churchwardens of the parish or each of the parishes concerned, and

(*d*) if sequestrators have been appointed under the next following section, the sequestrators;

and a copy of the notice shall be filed in the diocesan registry.

(6) The churchwardens to whom any such notice as aforesaid is given shall forthwith cause it to be affixed at or near to the door of a parish church or, if there is no parish church, of the principal place of worship in the parish.

PART IV
Sequestration of profits during suspension period.

68.—(1) Where the bishop has declared a suspension period in respect of any benefice under the last foregoing section, he shall during that period sequester the profits of the benefice, and in appointing the sequestrators shall ensure that one of the persons appointed is specially qualified by training or by experience to discharge efficiently the duties of the office.

(2) The sequestrators appointed under this section in respect of any benefice shall, subject to and in accordance with the directions of the bishop, make provision for the performance during the suspension period of the ecclesiastical duties of the benefice, and before giving any such directions the bishop shall consult the parochial church council of the parish or each of the parishes concerned and, so far as is reasonably practicable, the patron of the benefice (if he is not himself the patron).

(3) Where the bishop appoints a curate-in-charge for any benefice to which a suspension period applies, the bishop may require the curate to reside in the parsonage house of the benefice.

(4) The provisions of Schedule 7 to this Measure shall have effect with respect to the management of the benefice property and the application of the profits thereof during any suspension period.

Restrictions on presentation pending the making of pastoral schemes and orders.

69.—(1) Where any proposals submitted under section 3(6) or section 13(1) of this Measure contain recommendations for any of the matters specified in sections 16 and 17 and 19 to 21 of this Measure, and any benefice which would be affected if the recommendations were implemented becomes vacant after the date on which the patron thereof is sent a copy of the proposals, the patron shall not be entitled after the occurrence of the vacancy to exercise his right of presentation to the benefice without the consent of the Pastoral Committee and (unless the bishop is the 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; or

(*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; or

(*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.

PART IV

(2) Where the bishop has given directions to the Pastoral Committee under section 2(1) of this Measure to consider, in relation to any benefices, any of the matters specified in sections 16 and 17 and 19 to 21 of this Measure, he may, when giving notice under section 1 of the Benefices (Exercise of Rights of Presentation) Measure 1931 of a vacancy or impending vacancy in any of those benefices, also notify the patron (unless he himself is the patron) and the parochial church council that those matters are being considered, and thereupon the 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) hereof. 1931 No. 3.

(3) A restriction imposed by the last foregoing subsection shall cease to operate at the expiration of one year from the date of the said notice unless within that period proposals are submitted under section 3(6) or section 13(1) of this Measure containing recommendations for any of the matters specified as aforesaid which would affect the benefice concerned, in which case the restriction shall continue until the 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) of this section and the expiration of three years from the date of the said notice.

(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 67 and 68 of this Measure with respect to the benefice, and, if he does so, those sections and Schedule 7 to this Measure shall apply to the benefice in lieu of this section.

(5) Where the profits of a benefice with respect to which restrictions are in force under this section are sequestrated, the bishop may exercise the power conferred by paragraph 2 of Schedule 7 to this Measure of authorising a lease or tenancy of the parsonage house, and that paragraph shall apply accordingly.

Profits in hands of sequestrators on dissolution of benefice.

70. Where the profits of a benefice are being sequestrated otherwise than under section 68 of this Measure, and the benefice is dissolved by a pastoral scheme, the bishop may, subject to the provisions of the scheme, give directions as to the disposal of the balance in the hands of the sequestrators, and any such directions shall have effect notwithstanding anything in the Tithe Act 1536. 1536 c. 11.

Savings in respect of certain rights of patrons.

71. Nothing in the foregoing provisions of this Part of this Measure shall affect the right of a patron of a benefice to exercise, while the benefice is vacant by virtue of those provisions, any right of presentation vested in the incumbent of the benefice.

PART IV

Savings in respect of lapse etc.

1931 No. 3.

72.—(1) A suspension period or a period during which the exercise of rights of patronage is restricted under section 69 of this Measure shall not be reckoned for purposes of lapse or for the purpose of computing any period within which any act is required or authorised to be done by the Benefices (Exercise of Rights of Presentation) Measure 1931.

(2) This section shall bind the Crown.

Suspension of new rights of patronage.

73. Where any proposals approved under section 3(6) of this Measure contain recommendations for the creation of a new benefice for a new parish, and any church in the area which is to form the new parish is consecrated after the proposals are so approved but before any of the events mentioned in section 69(1) of this Measure have occurred in relation to those recommendations, no person shall become the patron of that church by virtue of any rule of law or any provision of or instrument under any Act or Measure other than this Measure during the period between the said approval of the recommendations and such one of the said events as first occurs.

Miscellaneous provisions as to church services and churches

Dispensation and directions of bishop as to services.

1965 No. 3.

74.—(1) The power of the bishop under section 2 of the Prayer Book (Miscellaneous Provisions) Measure 1965 to dispense with the reading of Morning or Evening Prayer in accordance with that section shall not be used so as to cause any church to cease altogether to be used for public worship.

SS. 74, 75(2) Rep. (PROSP.)—1974. G.S.M. No. 3, S. 6, SCH. 2.

(2) The said power shall extend to any parish centre of worship designated under section 29(2) of this Measure.

(3) It shall be lawful for the bishop to direct what services shall be held or shall not be required to be held in any church which is not a parish church or in any building or part of a building licensed for public worship under section 29 of this Measure but not designated as a parish centre of worship.

Induction and declaration of assent to be in one parish church only.

75.—(1) Where, in a case not falling within paragraph 4(2)(*a*) of Schedule 3 to this Measure, any person is appointed an incumbent of a benefice in the area of which two or more parish churches are situated, the bishop may direct in which parish church the incumbent is to be inducted, and after such induction he shall be deemed to have been inducted in both or all of the parish churches situated in the area of that benefice and to have been admitted to that benefice, and no further fees in respect thereof shall be payable.

1865 c. 122.

(2) Any incumbent of any such benefice as aforesaid shall be deemed to have complied with section 7 of the Clerical

Subscription Act 1865 (which requires every person admitted to a benefice to read and declare his assent to the Thirty-nine Articles of Religion in the church of the benefice), upon his reading the said Articles and making such declaration in accordance with the said section in any one parish church in the area of the benefice.

Grant of land for new churches etc. and vesting of certain churches.

76.—(1) Where the Diocesan Board of Finance or any other body constituted for the holding on trust of diocesan property holds any buildings or land for the general purposes of the Board or for any ecclesiastical purposes of the Church of England, the Board or other body may, without the sanction of an order of the Charity Commissioners or the Court, grant the buildings or land to the Church Commissioners under section 14 of the New Parishes Measure 1943 for any of the purposes mentioned in section 13 of the said Measure, being purposes falling within the purposes for which the land is held prior to the grant.

1943 No. 1.

(2) It is hereby declared for the removal of doubt that the powers conferred by the said section 14 extend to the grant by the incumbent of a benefice of any glebe land or glebe house or any part of the land held with the parsonage, but no such grant shall be made without the consent of the Diocesan Dilapidations Board.

(3) Where any church or churchyard in a parish is vested at the commencement of this Measure in the incumbent of another parish as such, it shall, by virtue of this Measure, vest in the incumbent of the parish in which the church or churchyard is situated.

Administrative provisions

Establishment of Diocesan Pastoral Accounts and closure of previous Expenses and Reorganisation Funds.

77.—(1) The Commissioners shall open and hold an account for each diocese to be called the Diocesan Pastoral Account and shall transfer thereto—

(*a*) the amounts standing to the credit or debit of that diocese in the Expenses Fund set up under section 32 of the Union of Benefices Measure 1923 and the Diocesan Reorganisation Fund set up under section 33 of the Reorganisation Areas Measure 1944;

1923 No. 2.
1944 No. 1.

(*b*) such share as the Commissioners determine to be fair and reasonable of the moneys standing to the credit of the General Reorganisation Fund set up under the said section 33 and the fund set up under section 22 of the Union of Benefices Act 1860; and

1860 c. 142.

(*c*) any moneys which are payable to the said account under any provisions of this Measure or any scheme or order made thereunder.

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(2) All the funds mentioned in the foregoing subsection shall be closed and—

(*a*) any moneys which but for this Measure would have been paid into any such fund shall be applied and treated in like manner as moneys standing to the credit of that fund or, as the case may be, to the credit of the appropriate diocese in that fund at the commencement of this Measure; and

(*b*) any moneys which would have been payable to any person out of any such fund if it had not been closed under this section shall be paid to that person by the Commissioners out of such one or more of the diocesan pastoral accounts as the Commissioners may determine, having regard to the nature of the payment and the manner in which the fund was dealt with under the foregoing subsection.

(3) The Diocesan Board of Finance shall pay to the Commissioners any moneys which would but for this Measure have been so payable under section 31(1) of the Reorganisation Areas Measure 1944, and those moneys shall be credited to the diocesan pastoral account of the diocese concerned.

1944 No. 1.

Payment of expenses from Diocesan Pastoral Accounts, and application of other moneys therein.

78.—(1) Expenses incurred by or on behalf of, or under the authority or direction of, the bishop of any diocese or any Pastoral Committee or any Diocesan Redundant Churches Uses Committee or the Commissioners for the purposes of this Measure or any scheme or order made thereunder, may be paid out of the moneys standing to the credit of such one or more of the diocesan pastoral accounts as the Commissioners may determine, so far as those moneys suffice, but such expenses shall not include the salaries or wages of persons in the regular employment of the bishop, any Board or Committee of the diocese, or the Commissioners, or any part of such salaries or wages.

(2) The Commissioners may repay out of a diocesan pastoral account any money expended by them or by a Diocesan Board of Finance on any property vested by or under this Measure in the Commissioners or the Board, as the case may be, for the purpose of furthering the disposal or use of the property.

(3) Where it appears to the Commissioners that any moneys standing to the credit of a diocesan pastoral account are not required or likely to be required for meeting the expenses or expenditure referred to in the foregoing subsections, they may, at the request of the Diocesan Board of Finance,—

(*a*) apply those moneys by way of grant or loan to the provision, restoration, improvement or repair of churches and parsonage houses in the diocese, including the

repair of any redundant building vested in the Board pending the making of a redundancy scheme, or to other purposes of the diocese or any benefice or parish in the diocese; or

(*b*) apply those moneys by way of grant or loan for the benefit of another diocese, either generally for the purposes aforesaid or for such of those purposes as the said Board may specify; or

(*c*) transfer those moneys to the capital or income account of the diocesan stipends fund.

(4) If at any time there is not a sufficient amount standing to the credit of a diocesan pastoral account to meet any such expenses or expenditure as aforesaid, the Commissioners may, if they think fit, make an advance out of their general fund towards such expenses or expenditure and may, at such time or times as they think fit, transfer from that diocesan pastoral account into their general fund the amount of the advance.

Power of Commissioners to determine boundaries.

79.—(1) Where by virtue of this Measure or any scheme or order made thereunder any land is vested in the Commissioners, the Diocesan Board of Finance, the Redundant Churches Fund or an incumbent of a benefice, the Commissioners may determine the boundaries thereof by an instrument under their seal, and such determination shall for all purposes be binding on any of the said bodies and any incumbent, whether as the body or person in whom the land is vested or the body or person from whom it is transferred, but shall bind no other person.

(2) A copy of any such instrument purporting to be certified by an officer of the Commissioners as a true copy shall be sufficient evidence in any proceedings of the contents of the instrument.

Powers of Commissioners to determine questions relating to patronage.

80.—(1) Where it is necessary for the purposes of this Measure or any scheme or order made thereunder to determine who is the patron of a benefice, and it appears to the Commissioners that—

(*a*) it is doubtful which of two or more persons is entitled to the patronage or to some share therein; or

(*b*) it is not possible or is not reasonably practicable to find the person believed to be so entitled or determined under this section to be so entitled, or to ascertain what person is so entitled;

the Commissioners may in the first-mentioned case, determine the question and in the second-mentioned case direct that the Diocesan Board of Patronage shall be treated for the said purposes as the person so entitled, and any such determination or direction shall be conclusive for the said purposes.

PART IV

(2) The provisions of the foregoing subsection with respect to a person who cannot be found shall apply also with respect to a person as to whom the Commissioners are satisfied—

(*a*) that he is outside the United Kingdom and has not within the United Kingdom any representative authorised to act for him; and

(*b*) either that no address at which letters are likely to be delivered to him is known, or that a letter asking him to nominate such a representative has been written to him at his last known address but no reply has been received within a reasonable period.

(3) If at any time it appears to the Commissioners that the interest of any person in the patronage of a benefice is so small that for the purposes of section 32 or paragraph 1 of Schedule 3 to this Measure it should be disregarded, they may determine his interest to be negligible and thereupon he may be treated for the said purposes as having no interest in the patronage of the benefice.

Application to benefices in the patronage of the Crown or Duke of Cornwall.

81.—(1) Without prejudice to the application of section 72 of this Measure to the Crown, nothing in this Measure or in any scheme or order made under this Measure shall without the consent, given either generally or in respect of a particular benefice, of Her Majesty or, as the case may be, of the Duke of Cornwall, apply in relation to any benefice the patronage or any share in the patronage of which is vested in or exercisable by Her Majesty, whether in right of Her Crown or of Her Duchy of Lancaster, or is vested in or exercisable by the possessor for the time being of the Duchy of Cornwall, whether Her Majesty or a Duke of Cornwall.

(2) Any consent given under the foregoing subsection and, if by virtue of any such consent any provisions of this Measure or any scheme or order made thereunder apply to any such benefice as aforesaid, any consent, approval or other thing required by any such provision, scheme or order to be given or done by or to the patron of the benefice, may be given or done in accordance with the following provisions:—

(*a*) a general consent under the foregoing subsection in respect of benefices the patronage of which is vested in or exercisable by Her Majesty in right of Her Crown, or a particular consent thereunder in respect of any such benefice which is above the yearly value of twenty pounds in the King's books, and any consent, approval or other thing required as aforesaid to be given or done by or to the patron of any such last-mentioned benefice, may be given or done by or to the Prime Minister and First Lord of the Treasury;

(*b*) any particular consent under the foregoing subsection in respect of a benefice the patronage of which is vested in or exercisable by Her Majesty in right of Her Crown and the yearly value of which does not exceed twenty pounds in the King's books, and any consent, approval or other thing required as aforesaid to be given or done by or to the patron of any such benefice, may be given or done by or to the Lord Chancellor;

(*c*) any consent under the foregoing subsection in respect of a benefice or benefices the patronage of which is vested in or exercisable by Her Majesty in right of the Duchy of Lancaster, and any consent, approval or other thing required as aforesaid to be given or done by or to the patron of any such benefice, may be given or done by or to the Chancellor of the Duchy;

(*d*) any consent under the foregoing subsection in respect of a benefice or benefices the patronage of which is vested in or exercisable by the possessor for the time being of the Duchy of Cornwall, and any consent, approval or other thing required as aforesaid to be given or done by or to the patron of any such benefice, may be given or done by or to any person authorised to act on behalf of the Duke of Cornwall under the Duchy of Cornwall Management Act 1863, including any persons having authority under section 38 or section 39 of the said Act. 1863 c. 49.

Patrons who are minors.

82. Where a minor is entitled to the patronage or a share of a patronage of a benefice, any consent, approval or other thing required by any provision of this Measure or any scheme or order made thereunder to be given or done by or to the patron of the benefice may be given or done by or to the guardian of the minor.

Provisions as to notices and other documents.

83.—(1) All notices, consents, directions, determinations and requests required or authorised by this Measure to be served, sent, given, made or obtained shall be in writing.

(2) Where in accordance with the provisions of this Measure proposals or a draft scheme or order are served on or sent to a parochial church council, a second copy thereof and of any accompanying documents shall be served or sent therewith with a view to enabling the council to exhibit or deposit the same at such place as they think fit for inspection by the public.

(3) 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, or by post.

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(4) Any such 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.

1889 c. 63.

(5) For the purposes of this section and of section 26 of the Interpretation Act 1889 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, in the case of the secretary or clerk of a corporation, be that of the registered or principal office of the corporation, in the case of the secretary or clerk of an unincorporated body or a partner of a firm, be that of the principal office of the body or firm, and, in any other case, be the last known address of the said person:

Provided that, where the person on or to whom the notice or other document is to be served, sent or given has, in accordance with arrangements agreed, furnished an address in the United Kingdom for the serving, sending or giving of the notice or other document, his proper address for those purposes shall be that address.

(6) If any question arises as to the person on or to whom, or the manner in which, any notice or other document is to be served, sent or given, the Commissioners may decide the question and their decision shall be conclusive.

Provisions where there is no parochial church council, incumbent etc.

84.—(1) Where at the material time a parish has no parochial church council, the provisions of this Measure with respect to notices, consents and other things required or authorised to be given or done by or to such councils shall have effect, if the parish has churchwardens, as if the churchwardens were the parochial church council, and, if there are no churchwardens, shall have no effect with respect to that parish.

(2) Where at the material time a benefice has no incumbent, or the office of vicar in a team ministry is vacant, the provisions of this Measure with respect to notices, consents and other things required or authorised to be given or done by or to incumbents or vicars in team ministries shall have no effect with respect to that benefice or office.

(3) Where at the material time an archdeaconry has no archdeacon or a rural deanery has no rural dean, the provisions of this Measure with reference to notices, consents and other things required or authorised to be given or done by or to archdeacons or rural deans shall have no effect with respect to that archdeaconry or rural deanery.

(4) For the purposes of this section a certificate signed by the bishop stating that at any time specified therein a particular benefice, office of vicar in a team ministry, archdeaconry or rural deanery had no incumbent, vicar, archdeacon or rural dean, as the case may be, or a particular parish had no parochial church council or no churchwardens, shall be conclusive. PART IV

85.—(1) The bishop of a diocese may, if he considers that he will not be able to carry out the functions to which this section applies by reason of illness or absence from his diocese, appoint by an instrument under his hand a suffragan or assistant bishop or an archdeacon of the diocese to perform those functions on his behalf for a period specified in the instrument or for the period of his illness or absence. Appointment of deputy to act for bishop.

(2) This section applies to functions of the bishop of a diocese in relation to any of the following matters:—

(*a*) any matters arising under this Measure;

(*b*) purchases, sales and exchanges of parsonage houses under the Parsonages Measure 1938, loans for the erection or purchase of parsonage houses under the Loans (Incumbents of Benefices) Amendment Act 1918, and conveyancing transactions relating to parsonage houses under the Church Property (Miscellaneous Provisions) Measure 1960; 1938 No. 3. 1918 c. 42. 1960 No. 1.

(*c*) sales and leases of glebe under the Ecclesiastical Leasing Acts and conveyancing transactions relating to glebe under the last-mentioned Measure;

(*d*) conveyances under the New Parishes Measure 1943; 1943 No. 1.

(*e*) transfers of patronage rights to bishops under the Church Patronage Act 1870; 1870 c. 39.

(*f*) extinguishments of charges on benefices under section 4 of the Queen Anne's Bounty (Powers) Measure 1939. 1939 No. 1.

(3) Where a see is vacant, or the bishop of the diocese is unable because of illness or absence to make an appointment under subsection (1) of this section, the archbishop of the province may appoint by an instrument under his hand a suffragan or assistant bishop or an archdeacon of the diocese to perform the functions to which this section applies for a period specified in the instrument, and, if that archbishop is unable to do so owing to illness or absence, the appointment may be made by the other archbishop.

(4) A power of appointment under this section may be exercised by the appointment of two or more persons qualified for such appointment and the division among them, whether territorially or otherwise, of the functions to be performed.

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(5) Where any such function requires the application of the bishop's seal to a document, the person appointed under this section shall execute the document as a deed.

General Provisions

Conversion of existing districts into new parishes.

86.—(1) All districts constituted for ecclesiastical purposes by or under any Act or Measure, and all other districts constituted for ecclesiastical purposes the minister of which has a separate cure of souls, including any district belonging or annexed or reputed to belong or to be annexed to any church or chapel, but not including a conventional district, shall, if they are not already parishes with full parochial status, become such parishes as from the commencement of this Measure; and the minister of the district shall become the vicar of the parish without any further process or form of law.

(2) The provisions of Part II and Schedule 3 of this Measure shall apply, with any necessary modifications, to parishes which become parishes with full parochial status under the foregoing subsection and to the benefices to which they belong, as they apply to parishes and benefices created by a pastoral scheme:

Provided that existing rights of patronage in respect of the district shall continue in respect of the parish.

1943 No. 1.

(3) Nothing in any scheme or any instrument made under any Act or Measure repealed by the New Parishes Measure 1943 or by this Measure shall prevent in any way the operation of this section.

Conversion of perpetual curacies etc. into vicarages.

87. From the commencement of this Measure all perpetual curacies, whether created under any Act or Measure or otherwise, and any other benefices which immediately before the commencement of this Measure comprise a parish or parishes with full parochial status, but are not vicarages or rectories, shall become vicarages, and a person holding a perpetual curacy or any such benefice immediately before the commencement of this Measure shall become the vicar without any further process or form of law, and section 22(4) of this Measure shall apply as it applies to the vicar of a new benefice created by a pastoral scheme.

Pluralities not to be authorised except under Measure.

88.—(1) Subject as hereinafter provided, no person shall hold benefices in plurality except in pursuance of a pastoral scheme or order.

(2) Subject as hereinafter provided, no person shall hold a cathedral preferment with a benefice or with two or more benefices

authorised to be held in plurality by a pastoral scheme or order, unless the cathedral statutes so provide or allow. PART IV

(3) No person shall hold cathedral preferments in more than one cathedral.

(4) If any person accepts any benefice or cathedral preferment and such acceptance would, but for this subsection, result in his holding offices in contravention of this section, he shall, on his admission to the benefice or preferment, be deemed to vacate the office or offices previously held by him.

(5) Where any person, immediately before the commencement of this Measure, was holding any offices by virtue of any provisions repealed by this Measure or any licence or dispensation granted under any such provision, he shall be entitled to continue to hold those offices, notwithstanding the repeal, in accordance with those provisions and any such licence or dispensation:

Provided that, if he accepts and is admitted to a new office, this subsection shall cease to apply to him and, if he then holds offices in contravention of this section, he shall be deemed to vacate the office or offices held by him before his admission to the new office.

(6) Section 106 of the Pluralities Act 1838 (which provides that not more than two benefices shall be served in one day) shall cease to have effect. 1838 c. 106.

(7) In this section—

"benefice" includes the office of a vicar in a team ministry;

"cathedral preferment" means the office of dean, provost, residentiary canon or stipendiary canon in any cathedral;

"cathedral statutes" includes a charter or local Act relating to the cathedral;

"office" means a benefice or cathedral preferment.

89.—(1) In this Measure— Meaning of "benefice" and "parish".

"benefice" means the office of rector or vicar of a parish or parishes, with cure of souls, but not including (except in the last foregoing section) the office of a vicar in a team ministry, and "the area of a benefice" means the parish or parishes belonging to the benefice;

"parish" means a parish constituted for ecclesiastical purposes, and does not include a conventional district.

(2) If any question arises under this Measure as to whether an ecclesiastical office is a benefice, or whether any area or

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place is or is within a parish or the area of a benefice or an extra-parochial place, it shall be determined by the Commissioners after consultation with the bishop, and that determination shall be conclusive for the purposes of this Measure.

(3) If any question arises whether any benefice or parish is to be treated, for the purposes of any pastoral scheme or order or any provisions of this Measure relating thereto, as a new benefice or parish or as an existing benefice or parish with altered area or boundaries, any provision of the scheme or order expressly stating or necessarily implying (whether by a change of name or retention of an existing name or otherwise) that the benefice or parish is to be treated as new or existing shall be conclusive of that question.

(4) Nothing in this Measure or in any scheme or order made thereunder shall be taken as applying to or in any way affecting any parish constituted otherwise than for ecclesiastical purposes.

General interpretation.

90.—(1) In this Measure, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"admission" includes institution and induction, collation, licence and any other process by which a person becomes the incumbent of a benefice or (for the purposes of section 88) the holder of a cathedral preferment and "admit" shall be construed accordingly;

"the Advisory Board" means the Advisory Board for Redundant Churches appointed under section 42 of this Measure;

"the bishop" means the bishop of the diocese concerned, and includes any person appointed under section 85 of this Measure to act on his behalf and also includes, if the see is vacant and no person is so appointed, the guardian of the spiritualities thereof;

"charity" shall be construed in accordance with section 45 of the Charities Act 1960; 1960 c. 58.

"church" means a church or chapel which has been consecrated for the purpose of public worship according to the rites and ceremonies of the Church of England, and includes a building used or intended to be used partly for the purpose of such public worship and partly for the purpose of a church hall, whether the whole building is consecrated or only such part thereof as is used or intended to be used for the purpose of such public worship, and any reference to the consecration of a church shall, in the case of such a building, be construed as including a reference to the

Annex 867. 1968. Pt. II. **p. 2495.** s. 90(1).

1/ (*a*) outside Greater London, means the district planning authority

(*Subst.* (*prosp.*) *by* 1972. *c.* 70. *s.* 251(2), *sch.* 29 *para.* 30.)

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consecration of the part of the building used or intended to be used for the purpose of such public worship as aforesaid.

"Council for the Care of Churches" means the body so named at the passing of this Measure or any body subsequently exercising the functions of that body under a different name or with a different constitution;

"the Commissioners" means the Church Commissioners;

"Diocesan Board of Finance" means in relation to a diocese, the Board of that name constituted under the Diocesan Board of Finance Measure 1925 for that diocese: 1925 No. 3.

Provided that, if the bishop certifies that a board of finance not so constituted or a body constituted for the holding on trust of diocesan property is to be treated for any of the purposes of this Measure or of any scheme or order made thereunder as the Diocesan Board of Finance for that diocese, the board or body so certified shall be so treated instead of any Board constituted under the said Measure;

"diocesan pastoral account" means, in relation to a diocese, the account established under section 77 of this Measure for that diocese;

"diocesan stipends fund" means, in relation to a diocese, the fund of that name established under the Reorganisation Areas Measure 1944 or the Pastoral Reorganisation Measure 1949 or the Diocesan Stipends Funds Measure 1953 for that diocese; 1944 No. 1. 1949 No. 3. 1953 No. 2.

"endowments" in relation to any benefice, does not include a church, churchyard, parsonage house or right of patronage, but subject as aforesaid any question as to what constitutes the endowments of a benefice or the income of the endowments shall be conclusively determined by the Commissioners, who may include income arising from a parsonage house;

"interested parties" has the meaning assigned to it by section 3 of this Measure;

"local planning authority"—

(*a*) outside Greater London, has the meaning assigned to it by section 2(1) of the Town and Country Planning Act 1962; 1962 c. 38.

(*b*) in Greater London, means the Greater London Council and also, in relation to the City of London, means the Common Council of the City of London and, in relation to any London borough, means the council of that borough;

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"parsonage house" means the house or other dwelling vested in the incumbent of a benefice (when the benefice is full) and being his official residence, and includes any outbuildings or land included in the curtilage of any such house or dwelling and any rights appurtenant thereto;

"pastoral order" means an order made by the bishop under section 7 of this Measure;

"pastoral scheme" means a scheme made by the Commissioners and confirmed by Order in Council under Part I of this Measure, and includes (except where it is expressly or by necessary implication excluded) any such scheme made in pursuance of proposals by a Joint Pastoral Committee appointed under section 12 of this Measure;

"patron", in relation to any benefice, means the person or persons for the time being entitled, otherwise than by lapse, 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

(*b*) in any case where the patronage is vested in different persons by way of alternate or successive right of presentation, every person who is for the time being the person who would be entitled to present on the next or any subsequent turn,

and "right of patronage" shall be construed accordingly:

Provided that, in the application of these definitions, the fact that any person is a Roman Catholic shall be disregarded;

"provision" in relation to a building, includes, in addition to the construction or erection thereof, the acquisition of a site and the provision of necessary fittings, installations, outbuildings, fences, paths and drives, and "provide" shall be construed accordingly;

"redundant building" has the meaning assigned to it by section 28 of this Measure;

"redundancy scheme" has the meaning assigned to it by section 48 of this Measure;

"restoration" includes rebuilding or partial rebuilding;

"suspension period" has the meaning assigned to it by section 67(1) of this Measure.

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(2) In determining the net proceeds of the sale or exchange of any property by the Commissioners or the Diocesan Board of Finance, or the net premium or net rent of any property let by the Commissioners or Board, the deductions to be made shall include the deduction of any money expended by the Commissioners or Board or a Diocesan Redundant Churches Uses Committee on the property or for the purpose of furthering the disposal of the property or on the demolition of any building on the property; and if any question arises as to what are the net proceeds, net premium or net rent aforesaid, the decision of the Commissioners shall be conclusive.

(3) Section 2 of the Charities Act 1960 (which provides for the exercise of powers by the Secretary of State for Education and Science concurrently with the Charity Commissioners) shall apply to the functions conferred on the Charity Commissioners by this Measure, and references to the said Commissioners shall be construed accordingly.

1960 c. 58. S.90(3) rep.— 1973. c.16.S.1 (4)(5), sch.2 Pt. III.

(4) Any reference in this Measure to any Act or Measure shall be construed as a reference to that Act or Measure as amended by any subsequent Act or Measure.

Saving for planning legislation.

91. The provisions of the Town and Country Planning Act 1962, and any restrictions or powers thereby imposed or conferred in relation to land, shall apply and may be exercised in relation to any land notwithstanding that the development thereof is or may be authorised or regulated by or under this Measure:

S.91 proviso rep. 1969 c.22.S.7(3)

Provided that a declaration of redundancy shall not enable a building preservation order to be made under section 30 of the said Act—

(*a*) in respect of the redundant building, while the Diocesan Board of Finance is responsible for the care and maintenance of the building under section 49(2) of this Measure;

(*b*) in respect of the redundant building or a part thereof, if the building or part is to be demolished in pursuance of a pastoral or redundancy scheme;

and no such order shall prevent any alteration or extension approved by the Advisory Board of a redundant building for the purpose of facilitating any use to which the building or any part thereof is or may be appropriated by or under any such scheme.

Provisions as to guild churches.

92.—(1) A pastoral scheme may make a declaration of redundancy under section 28 of this Measure with respect to a church designated as a guild church under the City of London

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(Guild Churches) Acts, 1952 and 1960, other than the church of St. Lawrence Jewry, as if the references to a parish church included references to a guild church, and accordingly provision may be made under Part III of this Measure, either by the pastoral scheme, in accordance with section 47 but not section 46, or by a redundancy scheme, with respect to the guild church or part thereof and any churchyard or other land annexed or belonging to the church.

(2) When a pastoral scheme or redundancy scheme making such provision as aforesaid comes into operation, the said Acts shall cease to apply to the guild church concerned, and the scheme may provide for such transitional, supplementary and incidental matters as appear to the Commissioners to be necessary.

(3) A pastoral scheme may make provision in accordance with section 30 of this Measure with respect to the churchyard or other land annexed or belonging to a guild church, other than the church of St. Lawrence Jewry.

(4) In relation to a pastoral scheme affecting a guild church—

(*a*) the interested parties shall be or shall include the vicar of the guild church, the patron of the guild church and the guild church council;

(*b*) the references in section 5(3) of this Measure to the secretary of the parochial church council and the parish church or churches shall be or shall include references to the secretary of the guild church council and the guild church.

(5) It is hereby declared that the incumbent of a benefice or the holder of another ecclesiastical office may be nominated to a vacancy in a guild church, but the bishop may refuse his licence on the ground that the benefice or office cannot properly be combined with the office of vicar of the guild church.

(6) Save as aforesaid nothing in this Measure or in any scheme or order made thereunder shall apply to or affect any guild church.

Application to private and local Acts.

93. The provisions of this Measure, and in particular those relating to redundant churches, shall apply to churches provided under any private or local Act passed before the commencement of this Measure, and a scheme made under this Measure may amend or revoke any provision of a private or local Act so passed, if it appears to the Commissioners that the provision of the Act is inconsistent with or rendered unnecessary by the provisions of the scheme or the provisions of this Measure applicable thereto:

Provided that, if it appears to the Commissioners that a proposed pastoral scheme or redundancy scheme will affect the

rights (other than the patronage rights) of any person under any such private or local Act, they shall, in the case of a pastoral scheme, serve a copy of the draft scheme on that person together with such a notice as is mentioned in section 5(1) of this Measure, and he shall thereafter be deemed to be an interested party in relation to that scheme, and, in the case of a redundancy scheme, they shall serve a copy of the draft scheme on that person under section 50(3) of this Measure. PART IV

Transitional provisions.

94. The transitional provisions set out in Schedule 8 to this Measure shall have effect for the purpose of the transition to the provisions of this Measure of the law in force before the commencement of this Measure.

Repeals.

95. Subject to the provisions of the last foregoing section, the Acts and Measures specified in Schedule 9 to this Measure are hereby repealed to the extent specified in column 3 of that Schedule.

Short title, extent and commencement.

96.—(1) This Measure may be cited as the Pastoral Measure 1968.

(2) This Measure shall extend to the whole of the provinces of Canterbury and York, except the Channel Islands and the diocese of Sodor and 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.

A scheme made for the purpose of such application, and the Order in Council confirming the scheme, may provide for the repeal of the Church Building Acts 1818 to 1884 and any other Acts specified in the Schedule to the New Parishes Measure 1943, in their application to the said Islands or either of them. 1943 No. 1.

(3) This Measure shall come into operation on such day as the Archbishops of Canterbury and York may jointly appoint. and the day so appointed shall be notified in the London Gazette. [a]

[a] Appointed day (1.11.1969)

SCHEDULES

Section 1.

SCHEDULE 1

CONSTITUTION AND PROCEDURE OF THE PASTORAL COMMITTEE OF A DIOCESE

1. The bishop shall be a member of the Pastoral Committee of his diocese if he so desires, and shall be the chairman thereof if he so desires.

2. If the bishop does not desire to be the chairman of the Committee he shall appoint a chairman who at the time of his appointment need not be a member of the Committee but must be a member of the Diocesan Conference.

3. Every suffragan bishop in the diocese and the archdeacon of every archdeaconry in the diocese shall be ex officio members of the Committee.

4. The Diocesan Board of Finance, the Diocesan Dilapidations Board and the Diocesan Advisory Committee for the Care of Churches shall each appoint a member of the Committee, who shall be a member or officer of the body who so appoints him.

5. The remaining members of the Committee shall be appointed or elected in such manner as the Diocesan Conference may determine, but so as to secure that not less than one-third of all the members of the Committee shall be of the clergy and not less than one-third shall be of the laity, and not more than one-third shall be ex officio members appointed under paragraph 3 of this Schedule.

6. Members (other than ex officio members) of the Committee shall hold office for five years or such lesser period as the Diocesan Conference may determine, but shall be eligible for re-appointment on the termination of any period of office.

7. Not less than one-third of the members of the Committee shall form a quorum.

8. The Committee may act notwithstanding any vacancy in their membership.

9. Every question submitted to a meeting of the Committee shall be decided by a majority of those present and voting, and the chairman of the meeting shall have a second or casting vote in the case of an equality of votes.

10. The Committee shall have power to appoint sub-committees and to appoint thereto persons who are not members of the Committee, but a majority of the members of the sub-committee shall be members of the Committee. The Committee may delegate to such sub-committees any of their functions under Part I of this Measure, except their duty under the proviso to section 3(3) to afford opportunities to incumbents of benefices and vicars in team ministries to meet the Committee itself and their functions under Schedule 4 to this Measure.

11. Subject to the foregoing provisions of this Schedule and to any directions given by the Diocesan Conference, the Committee shall have power to regulate their own procedure.

SCHEDULE 2

Section 8.

APPEALS TO THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

1. Notice of appeal under section 8(2) of this Measure shall be in writing and shall be sent by registered post or recorded delivery service to the Clerk of the Privy Council. A copy of the notice shall be sent to the Commissioners by the appellant.

2. Where more than four persons representing the same interest have joined in written representations with respect to the scheme, the notice of appeal shall be given and the appeal shall be made by not more than four of those persons acting on behalf of themselves and the others.

3. As soon as Her Majesty in Council has ordered that an appeal shall be heard by the Judicial Committee of the Privy Council the Clerk of the Privy Council shall give notice of the order to the appellant and to the Commissioners.

4. After receiving notice of the order the appellant shall without delay lodge in the Registry of the Privy Council five copies of his petition of appeal. The petition shall consist of paragraphs numbered consecutively and shall state succinctly and clearly all such facts as are necessary in order to enable the Judicial Committee to advise Her Majesty in accordance with the provisions of section 8 of this Measure. There shall be annexed to each copy of the petition a copy of the scheme and any documents in his possession to which the appellant may wish to refer. A copy of the petition and the annexed documents shall within fourteen days of the lodging of the petition be served by the appellant on the Commissioners.

5. The Commissioners shall without delay after receiving the said copy lodge in the Registry of the Privy Council five copies of their answer, to each of which shall be annexed copies of any documents to which the Commissioners may wish to refer, and shall within fourteen days of the lodging of the answer serve a copy thereof and of the annexed documents on the appellant.

6. An appeal shall be set down as soon as the answer has been lodged.

7. A map showing clearly the boundaries of any ecclesiastical area affected by the scheme shall be lodged by the Commissioners before the hearing of the appeal.

8. Where an appellant takes no step in prosecution of his appeal within a period of three months from the date of his receiving a notice under paragraph 3 of this Schedule, the Registrar of the Privy Council may by letter notify the Lord President of the Council that the appeal has not been prosecuted, and the appeal shall thereupon stand dismissed for non-prosecution as from the date of the said letter without further order, and a copy of the said letter shall be sent by the Registrar to the appellant or his solicitor and to the Commissioners.

SCH. 2

9. All bills of costs under any order of the Judicial Committee, on such appeal shall be referred to the Registrar of the Privy Council for taxation, and such taxation shall be regulated (so far as the same is applicable) by the rules of the Judicial Committee for the time being in force.

Sections 19, 20, 21, 23(4), 27, 31(1), 32(9)(10), 33(1) and 41.

SCHEDULE 3

SUPPLEMENTARY PROVISIONS APPLICABLE TO MATTERS ARISING OUT OF PASTORAL SCHEMES AND ORDERS

Team and Group Ministries

1.—(1) A pastoral scheme establishing a team ministry shall provide for the presentation of the rector of the team ministry, other than the first rector if designated by the scheme, either by a patronage board constituted by the scheme or by the Diocesan Board of Patronage:

Provided the said provision shall not apply to any benefice of which the bishop is the sole patron, and in that case the rector shall be collated by the bishop.

1931 No. 3.

(2) The Benefices (Exercise of Rights of Presentation) Measure 1931, and any other enactment, Measure or rule of law relating to the presentation or collation of incumbents shall apply to any presentation or collation under this paragraph.

(3) A patronage board constituted by a pastoral scheme establishing a team ministry shall consist of the bishop, who shall be the chairman, and such other members as the scheme may provide; and regard shall be had in making such provision to the interests of persons who previously had patronage rights in the benefice for which the team ministry is established or, if it is a new benefice created by the union of two or more benefices, patronage rights in any of the constituent beneficies, but it shall not be necessary, in cases where there are pastoral or practical objections, for those persons or all of them to be members of the patronage board.

(4) The bishop may authorise a suffragan or assistant bishop or archdeacon of the diocese to act for him at any meeting of the board and exercise his voting rights, and any other member of the board (including any body corporate or unincorporated body of persons) may be represented by a person authorised to act and vote on his or their behalf.

(5) A patronage board constituted by such a scheme as aforesaid shall be a body corporate for the purpose of holding the rights of patronage conferred upon them, and shall have a seal, and shall have power to regulate their own procedure.

(6) If the pastoral scheme provides for the presentation of the rector by the Diocesan Board of Patronage, it shall give to persons specified in the scheme, being such persons as would have been members of a patronage board constituted by the scheme, the like rights to attend and vote at the sittings of the Board at which the persons to be presented are considered and chosen.

SCH. 3

(7) The rights to be members of the patronage board or, as the case may be, to attend and vote at sittings of the Diocesan Board of Patronage shall be transferable inter vivos and on death, but shall not be saleable and shall not be deemed to be rights in land.

(8) Persons having the rights mentioned in the last foregoing sub-paragraph shall furnish to the registrar of the diocese particulars thereof, including particulars of any transfer or devolution of the rights concerned, and if they fail to do so their rights may be disregarded for the purposes of this paragraph (including the next sub-paragraph).

(9) Where a pastoral scheme terminates a team ministry, the scheme shall, so far as practicable and having regard to pastoral considerations and to the last foregoing sub-paragraph, provide for restoring rights of patronage in respect of the benefice concerned to the persons who would have possessed them if the team ministry had never been established and, if and so far as it is not practicable to make such provision, shall make other provision for the vesting and exercise of rights of patronage in respect thereof.

2.—(1) The patron of a benefice in a group of benefices for which a group ministry is established by a pastoral scheme shall not be entitled to exercise his right of presentation until he has obtained the bishop's approval of the person presented, and the bishop shall consult the other incumbents in the group before reaching his decision:

Provided that, if the bishop withholds his approval, the patron may bring his decision before the archbishop of the province for review, and may lawfully present the person concerned if the archbishop authorises him to do so.

(2) Any period during which the decision of the bishop is under review by the archbishop shall not be reckoned for purposes of lapse.

(3) In a case where the patron of any such benefice is required to obtain the bishop's approval or the archbishop's authorisation under section 3 of the Benefices (Exercise of Rights of Presentation) Measure 1931, the requirements of that section as well as of this paragraph shall be complied with.

1931 No. 3.

3.—(1) Where a pastoral scheme establishes a team ministry, the scheme, or the bishop's licence of any vicar in the team ministry, may assign to any such vicar the duties or a share in the duties of the chairmanship of the annual parochial church meeting and the parochial church council of the parish or any of the parishes in the area of the benefice for which the team ministry is established, and other duties of the minister of the parish under the Rules contained in the Schedule to the Representation of the Laity Measure 1956, or a share in such other duties, and the said Rules shall have effect accordingly:

Provided that, if the said duties of chairmanship are to be shared, the arrangements shall be such that the chairman on any occasion is determined in advance so that, in his absence, the vice-chairman of the parochial church council shall take the chair in accordance with the said Rules.

SCH. 3

(2) Where a pastoral scheme establishes a team ministry, the scheme may provide or authorise the bishop by instrument under his hand with the concurrence of the rector to provide—

(*a*) for the election by the annual parochial church meeting of the parish or any of the parishes in the area of the benefice for which the team ministry is established, of a district church council for any district in the parish in which a church or place of worship is situated, and of deputy churchwardens for the church or place of worship;

(*b*) for assigning to the district church council and deputy churchwardens such of the functions of the parochial church council and the churchwardens of the parish, being functions relating to the said church or place of worship or district, but not including their functions as interested parties under Part I of this Measure, as may be specified by the scheme or determined thereunder;

(*c*) for a vicar in the team ministry to be the chairman of the district church council, and for the constitution, meetings and procedure of the council.

In this sub-paragraph "place of worship" means a building or part of a building licensed for public worship according to the rites and ceremonies of the Church of England.

(3) All vicars in a team ministry shall be entitled to attend the parochial church meetings, and shall be ex officio members of the parochial church council, of the parish or each of the parishes in the area of the benefice for which the team ministry is established, and the rector and all the vicars shall have a right to attend the meetings of any district church council elected for any district in a parish.

(4) Where a pastoral scheme establishes a group ministry or establishes a team ministry for an area comprising more than one parish, the scheme may provide or authorise the bishop by instrument under his hand with the concurrence of all the members of the group or team ministry to provide—

(*a*) for establishing a group council, comprising all the said members and such number of lay representatives of each of the parochial church councils in the area for which the group or team ministry is established as may be specified in the scheme, for the purpose of consulting together on matters of common concern;

(*b*) for the election of the lay representatives by the said councils;

(*c*) for the chairmanship, meetings and proceedings of the group council.

(5) All the incumbents in a group ministry shall be entitled to attend the parochial church meetings and the meetings of the parochial church councils of all the parishes in the area for which the group ministry is established.

Admission and induction to benefices

4.—(1) Any person who is designated by or selected under a pastoral scheme or order as the incumbent of a benefice, shall not be required to be presented or collated to that benefice.

(2) Where a pastoral scheme creates a new benefice by the union of two or more benefices, then— SCH. 3

(*a*) if the first incumbent of that new benefice is designated or selected as aforesaid and was, immediately before the union, the incumbent of any of the constituent benefices, he shall be deemed to have been admitted to that new benefice and no fees in respect thereof shall be payable, and if he has complied with section 7 of the Clerical Subscription Act 1865 in any parish church in the area of the benefice, he shall be deemed to have complied with it in respect of the new benefice;

(*b*) in any other case section 75 of this Measure shall apply.

(3) Section 2(2) of the Benefices Act 1898, and the Benefices (Exercise of Rights of Presentation) Measure 1931, shall not apply to the admission of a person designated by or selected under a pastoral scheme or order as the incumbent of any benefice. 1898 c. 48. 1931 No. 3.

(4) It shall not be necessary, by reason only of the substitution of another church for a parish church by a pastoral scheme or order, for the incumbent of the benefice to be inducted in the new parish church or comply with any other process or form of law.

Patronage Rights

5.—(1) A vesting, exchange or transfer of rights of patronage by or under a pastoral scheme shall not be treated as a transfer of those rights for the purposes of the Benefices (Transfer of Rights of Patronage) Measure 1930. 1930 No. 8.

(2) Subject to any provision for the designation or selection of the first incumbent of a new benefice created by a pastoral scheme, the Benefices (Exercise of Rights of Presentation) Measure 1931, shall apply to the presentation of the incumbent as it applies on a vacancy in a benefice, and a notice given by the bishop to the person who is or will be (having regard to the scheme or order) entitled to exercise the right of presentation and to the parochial church council or councils concerned of the coming into force of the scheme or order shall be treated as a notice under section 1 of the said Measure.

(3) Any right of patronage created by or under this Measure shall be incapable of sale and any transfer thereof for valuable consideration shall be void.

General provisions as to vesting of property

6.—(1) Where a pastoral scheme creates a new benefice by a union of benefices, any church, churchyard, burial ground, parsonage house or other property which was previously vested in right of his benefice in the incumbent of any of the constituent benefices, shall vest in the incumbent of the new benefice:

Provided that—

(*a*) this sub-paragraph shall not apply to any parsonage house or endowments for which other provision is made by or under a pastoral scheme;

SCH. 3

(*b*) if the new benefice is to be held by the provost of a parish church cathedral, any such property as would have vested in the incumbent as aforesaid shall instead vest in the cathedral chapter or, in the case of an endowment being a periodical payment, become part of the capitular revenues of the cathedral.

(2) Where by virtue of a pastoral scheme (other than a scheme to which the foregoing sub-paragraph applies) or a pastoral order any church or churchyard or burial ground previously vested in the incumbent of a benefice becomes situated in a parish belonging to another benefice, the church, churchyard or burial ground, and any movable property used for the purposes thereof and vested as aforesaid, shall vest in the incumbent of that other benefice.

(3) Where any movable property used for the purposes of a church or churchyard is vested in the churchwardens or parochial church council of a parish, and the church or churchyard becomes situated in another parish by virtue of a pastoral scheme or order, the property shall vest in the churchwardens or, as the case may be, the parochial church council of that other parish.

(4) The foregoing provisions of this paragraph shall have effect subject to any express provision of a pastoral scheme or order and, where applicable, to the provisions of paragraph 11 of this Schedule relating to property held on charitable trusts.

(5) Where a pastoral scheme or order provides for the transfer of any property to any person, or any property vests by virtue of this paragraph in any person, that property shall, when the transfer or vesting takes effect, vest in that person without any conveyance or other assurance and freed and discharged from all previously existing trusts and charges in favour of any benefice, but subject—

(*a*) to the provisions of the next following paragraph, where applicable,

(*b*) to all other previously existing trusts and charges and any previously existing tenancies, and

(*c*) in the case of an endowment, to any provision made under section 33(2) of this Measure or under any Measure repealed by this Measure for payment or crediting of the income or any part of the income of the endowment to the diocesan stipends fund, unless the scheme or order otherwise provides.

(6) A pastoral scheme or order may with the consent of the incumbrancer, provide for the apportionment of any sum charged on property of which only part is transferred by the scheme or order and for securing the sums so apportioned on the respective parts of the property.

Loans and Assessments under Clergy Residences Repair Act, Ecclesiastical Dilapidations Measures etc.

1776 c. 53 (17 Geo. 3).

7.—(1) This paragraph applies to loans made under the Clergy Residences Repair Act 1776, the Ecclesiastical Dilapidations Measures 1923 to 1951, or under any other Act or Measure, being

in each case loans in respect of which principal money or interest is owing to the Commissioners. SCH. 3

(2) Where any such loan has been made in respect of property vested in an incumbent of a benefice in right of his benefice and the property is transferred by a pastoral scheme or order to the incumbent of another benefice or vests in the incumbent of another benefice by virtue of any provision of this Measure, the loan shall become secured on the property and revenues of that other benefice in like manner as it was previously secured on the property and revenues of the first-mentioned benefice.

(3) Where a loan has been made in respect of property which is transferred by a pastoral scheme or order to the Diocesan Board of Finance then, unless the scheme or order otherwise provides, the Commissioners may cause the loan to be discharged immediately out of the diocesan pastoral account or out of the proceeds of any disposal of the property, or may postpone such discharge, with or without payment of interest on the loan during the period of postponement, for such period and on such conditions as they may from time to time determine.

(4) The Commissioners may, where necessary, determine whether a loan and what part of the loan was made in respect of any particular property, and apportion a loan to parts of the property in respect of which it was made.

8. Where any property belonging to a benefice is transferred by a pastoral scheme or order to, or is vested by virtue of any provisions of this Measure in, the Diocesan Board of Finance or the incumbent of another benefice, the Commissioners and the Diocesan Dilapidations Board may respectively make consequential variations in any existing order or assessment made under the Ecclesiastical Dilapidations Measures 1923 to 1951, and may apply any such order or assessment or part thereof to any new benefice affected by such transfer or vesting of property as aforesaid; and the Commissioners with the concurrence of the Diocesan Dilapidations Board may determine the manner in which any unexpended moneys paid under the said Measures in respect of any benefice affected by such transfer or vesting shall be applied.

Property transferred to Diocesan Board of Finance

9.—(1) Where any property is transferred under section 31 or section 33 of this Measure by a pastoral scheme or order to the Diocesan Board of Finance for disposal, the Board may dispose thereof either as a whole or in parts and at such time or times as they deem right, and their powers shall include powers of sale, letting and exchange of land.

(2) The terms on which any such property is sold or otherwise disposed of by the Diocesan Board of Finance shall be approved by the Commissioners.

(3) Where a pastoral scheme or order provides for the transfer as aforesaid of any property to the Diocesan Board of Finance for

SCH. 3

disposal, the scheme or order may provide for the application of the net proceeds of disposal (including net premiums and rents) or any part thereof towards the provision of a church or the provision, restoration, improvement or repair of a church or a parsonage house or a house for a vicar in a team ministry or an assistant curate, but, except in so far as the scheme may so provide,—

(*a*) if the property consists of a parsonage house or the site of such a house, the net proceeds shall be paid into the diocesan pastoral account;

(*b*) in the case of any other property, the net proceeds shall be paid either to the capital account or to the income account of the diocesan stipends fund, as the Commissioners after consultation with the Diocesan Board of Finance may determine.

(4) Notwithstanding the foregoing provisions of this paragraph, the Diocesan Board of Finance may elect to take over and hold as part of their corporate property any property transferred to them as aforesaid for disposal, for such consideration as the Commissioners with the concurrence of the said Board may determine as representing the fair value of the property, and the amount of the consideration shall be applied, paid or credited as if it were the net proceeds of the disposal of the property.

(5) Where a pastoral scheme or order provides for the transfer of any property as aforesaid to the Diocesan Board of Finance for use for diocesan or parochial purposes,

(*a*) the transfer shall, unless the scheme otherwise provides, be without consideration, and in that case no consideration shall be payable by a parochial church council in respect of the use thereof for parochial purposes;

(*b*) the Board may appoint the parochial church council as managers or managing trustees of any property to be used for parochial purposes.

Crediting of sums to and adjustment of funds and accounts by Commissioners

10.—(1) Where by virtue of this Measure or a pastoral scheme or order any money is required to be appropriated or credited to the capital account or the income account of a diocesan stipends fund or a diocesan pastoral account, the money shall be taken over and held by the Commissioners as part of their corporate property, and the Commissioners shall credit the appropriate fund or account with an equivalent amount charged upon their general fund.

(2) Where a pastoral scheme or order provides for the transfer or appropriation of the endowments or the endowment income of a benefice, the Commissioners shall make such adjustments as may be necessary or desirable in any sums appropriated to the benefices affected in the books of the Commissioners under any Act or Measure, and in any charges created thereunder.

Church and Parochial Trusts SCH. 3

11.—(1) Where any benefice is dissolved by a pastoral scheme, whether in consequence of a union of benefices or otherwise, and any property of a charity established for ecclesiastical purposes of the Church of England is vested in or under the management or control of the incumbent of that benefice (with or without other persons) or a corporation of which he is a member, the trusts of the charity or the constitution of the corporation shall have effect with the substitution for that incumbent of the incumbent of the new benefice created by the union or (in a case arising otherwise than in consequence of a union) of the incumbent of such benefice as may be specified by order of the Charity Commissioners, being a benefice the area of which incorporates part of the area of the dissolved benefice.

(2) Where any parish is dissolved by a pastoral scheme, whether in consequence of a union of parishes or otherwise, and any property of a charity established for the purposes aforesaid is vested in or under the management or control of the churchwardens or parochial church council of that parish (with or without other persons), the trusts of the charity shall have effect with the substitution for those churchwardens or that council of the churchwardens or parochial church council of the parish created by the union or (in a case arising otherwise than in consequence of a union) of such parish as may be specified by order of the Charity Commissioners, being a parish which incorporates part of the dissolved parish.

(3) Any change under the foregoing provisions in the vesting of property shall take effect without any conveyance or other assurance.

(4) Where a union of benefices or parishes is effected by a pastoral scheme, or the area of a benefice or parish is altered by a pastoral scheme or order, and the purposes of a charity established for the purposes aforesaid are defined by reference to one of the constituent benefices or parishes or, as the case may be, to the benefice or parish affected by the alteration, the trusts of the charity shall (subject to any such scheme as is hereinafter mentioned) have effect with the substitution for that benefice or parish of the benefice or parish created by the union or, as the case may be, of the benefice or parish as altered.

(5) The powers of the Charity Commissioners to make schemes under section 18 of the Charities Act 1960 may, in the case of a charity established for the purposes aforesaid, being a charity whose administration or purposes are affected by a pastoral scheme or order, be exercised on the application of the Diocesan Board of Finance as well as in accordance with that section. 1960 c. 58.

(6) Any schemes or orders made by the Charity Commissioners for purposes arising in connection with a pastoral scheme or order may be made before the date on which the pastoral scheme or order comes into operation, but not so as to take effect before that date.

(7) Where, by reason of the dissolution of a parish by a pastoral scheme, the parochial church council of that parish ceases to exist then, if and so far as any property vested in, or held on behalf of,

SCH. 3

that council is not dealt with under the foregoing provisions of this paragraph, the property shall, without any conveyance or other assurance, vest in or be held on behalf of the parochial church council of the parish in which the parish church of the dissolved parish, or the site of that church, is situated, for the like purposes, as nearly as may be, as those for which it was previously applicable in the hands of the first-mentioned council.

Any question arising as to the application of any such property or the income thereof shall be referred to the bishop of the diocese, whose decision shall be final and conclusive.

(8) Where, as a condition of any benefaction, attendance at or the performance of Divine Service or any other act is required at any church, and that church ceases in consequence of a declaration of redundancy made by a pastoral scheme to be used for Divine Service, and the case is not provided for under the foregoing provisions of this paragraph, the parish church of the parish in which the first-mentioned church or the site thereof is situated shall be substituted for the first-mentioned church for the purpose of the performance of the required act.

(9) The provisions of this paragraph shall not apply to any fund or property for which provision is made under section 63 of this Measure.

Parochial Church Meetings and Councils

12.—(1) The incumbent of a new parish created by a pastoral scheme shall as soon as possible, according to the provisions of the Rules contained in the Schedule to the Representation of the Laity Measure 1956, take all necessary steps—

1956 No. 2.

(*a*) to form a church electoral roll, and

(*b*) to convene a special parochial church meeting.

(2) A special meeting so convened shall, in addition to any other business, elect representatives of the laity to the parochial church council, to the ruridecanal conference (if any) and the diocesan conference if such representatives are required to be elected at annual meetings of that new parish.

(3) A special meeting so convened and held in the month of November or the month of December may, if the meeting so resolves, be for all purposes under the said Rules the annual parochial church meeting for the succeeding year, and a special meeting so convened shall in any event be for all such purposes the annual parochial church meeting for the year in which it is so convened and held.

(4) Without prejudice to any general rule of law relating to parochial church councils, the powers, duties and liabilities set out in section 4(1)(ii) of the Parochial Church Councils (Powers) Measure 1956 shall continue to apply to any church which was formerly a parish church and becomes a chapel of ease as the result of a pastoral scheme or order, and to the churchyard of any such church, except so far as the scheme or order otherwise provides.

1956 No. 3.

13. Where there are two or more parishes within the area or a single benefice or two or more benefices are held in plurality, a pastoral scheme or order may provide for constituting a joint parochial church council for all or some of the parishes of the benefice or benefices and for empowering that council to exercise such of the powers of the parochial church councils of the several parishes concerned as may be determined by or in accordance with the scheme or order, and the scheme or order may apply in relation to the joint parochial church council, with such modifications as may be specified, the provisions of any Measure relating to parochial church councils, and may make provision for vesting in the joint parochial church council any property, rights and liabilities of the parochial church councils of the several parishes concerned. SCH. 3

Marriages and Banns of Matrimony

14.—(1) Section 10(1) of the Marriage Act 1949 (which provides for the completion in a church of the publication of banns of matrimony commenced in another church) shall have effect as if this Measure were included among the Measures therein mentioned. 1949 c. 76.

(2) Where, after the completion of the publication of the banns in any church, another church has by virtue of any provision of this Measure or anything done thereunder become a church in which banns of matrimony could be published in relation to the parties to the intended marriage, the marriage may be solemnized in that other church.

(3) Section 23 of the Marriage Act 1949 (which empowers the bishop to direct, in the case of benefices held in plurality, where banns of matrimony of persons entitled to be married in any church of those benefices may be published and where marriages of those persons may be solemnized) shall also apply, subject to the necessary modifications, to a case where by virtue of any provision of this Measure or anything done thereunder there are two or more parishes or parish churches in the area of a single benefice.

(4) Where after the issue of a common licence for the solemnization of the marriage in any church, another church has by virtue of any provision of this Measure or anything done thereunder taken the place of that church as a church in which the marriage of the parties concerned ought to be solemnised in pursuance of a common licence, the marriage may be solemnised in that other church.

Burial rights in new or altered parishes

15.—(1) On a union of parishes by virtue of a pastoral scheme the persons residing within the limits of the parish thereby created shall have the rights and privileges (if any) of parishioners in respect of burials in that parish:

Provided that any such parishioner who, before the union took effect, had any rights of burial in a churchyard within the limits of a constituent parish shall, so long as that churchyard remains open for interments, continue to have those rights and shall not become entitled by virtue of the union to rights of burial in any other churchyard.

SCH. 3

(2) On the creation of a new benefice for a new parish by a pastoral scheme, the persons residing within the limits of the new parish shall continue to have the same rights and privileges in respect of burials which they enjoyed before the creation of the new parish, but such rights shall cease when they obtain rights of burial as parishioners of the new parish.

(3) Where any persons by virtue of a pastoral scheme or order providing for the alteration of parochial boundaries come to reside within a different parish, they shall have such rights and privileges in respect of burials as are possessed by parishioners of that different parish and not any others.

Provisions relating only to pastoral schemes affecting diocesan boundaries

16.—(1) Where a benefice or parish or extra-parochial place is transferred from one diocese to another by a pastoral scheme,—

(*a*) any property vested in the Diocesan Board of Finance of the old diocese and held for ecclesiastical purposes relating solely to the benefice or parish or place transferred shall vest in the Diocesan Board of Finance of the new diocese and be held for those purposes;

(*b*) all documents and maps in the custody of the registrar or other officer of the old diocese and relating solely to the benefice or parish or place transferred shall be transferred to the registrar or corresponding officer of the new diocese;

(*c*) any licence granted by the bishop of the old diocese shall, so far as it relates to the benefice or parish or place transferred or any church therein, be deemed for all purposes to have been granted by the bishop of the new diocese;

(*d*) any order, direction or action made, given or taken by the bishop or the Diocesan Board of Finance or any clerical or lay officer or body of the old diocese with respect to the benefice or parish or place transferred or any property thereof shall be deemed to have been made, given or taken by the bishop, Diocesan Board of Finance or corresponding clerical or lay officer or body of the new diocese;

(*e*) the power of the Diocesan Board of Finance to apply under paragraph 11(5) of this Schedule for a scheme under section 18 of the Charities Act 1960 shall be exercisable by the Board of either diocese.

1960 c. 58.

(2) Where part of the area of a benefice or part of a parish or extra-parochial place is transferred as aforesaid, the foregoing sub-paragraph shall apply as if the references to the benefice or parish or place transferred were references to the part transferred.

(3) Where a pastoral scheme makes any alteration of diocesan boundaries, the Commissioners may make, as respects each of the dioceses affected, such adjustments as they consider desirable in the capital or income accounts of the diocesan stipends fund or the diocesan pastoral account or any other fund, account or allocation held or made by them.

(4) In this paragraph the expression "old diocese" and "new diocese" shall respectively mean the diocese from which and the diocese to which the benefice, parish or extra-parochial place or part thereof is transferred. SCH. 3

SCHEDULE 4

Section 25.

COMPENSATION OF CLERGY

1. The incumbent of a benefice dissolved by a pastoral scheme or deemed to be vacated by virtue of section 24 of this Measure, the archdeacon of an archdeaconry dissolved by a pastoral scheme and the holder of an office of vicar in a team ministry whose office is abolished by or as the result of a pastoral scheme or order, shall be entitled to compensation for any loss suffered by him in consequence of the dissolution or vacation of the benefice or archdeaconry or the abolition of the office, as the case may be.

2. Where the incumbent of a benefice for which a team ministry is established is designated or appointed the first rector in the team ministry, but the scheme provides that his office shall be held for a term of years, the incumbent shall, if he is required to vacate his office on the expiration of any term for which it is held, be entitled to compensation for any loss suffered by him in consequence thereof.

3. If the incumbent of any benefice or the archdeacon of an archdeaconry or a vicar in a team ministry agrees with the Pastoral Committee that, if he resigns his benefice, archdeaconry or office in order to enable a pastoral scheme or order to come into operation or to facilitate its coming into operation, compensation will be payable for any loss suffered by him in consequence of his resignation, he shall be entitled, on resignation, to compensation for any such loss.

4. Without prejudice to the generality of the foregoing provisions, the loss suffered by any such incumbent or archdeacon or vicar as aforesaid shall include loss arising from his ceasing to occupy the parsonage house or other official residence of the incumbent, archdeacon or vicar and any expenses arising from his change of residence.

5. The right to and the amount of compensation payable under this Schedule shall be determined in the first instance by the Pastoral Committee, but the person claiming the compensation (hereinafter called "the claimant") shall have a right of appeal to the Appeal Tribunal constituted under this Schedule for the relevant province.

6.—(1) The compensation shall consist of periodical payments or a lump sum payment, or partly of one and partly of the other, and compensation in the form of periodical payments shall not be assignable.

(2) The Pastoral Committee may, pending the final determination of a claim for compensation, make payments on account to the claimant.

SCH. 4

7. In determining whether any claimant has suffered loss giving a right to compensation and, if so, the amount thereof, the Pastoral Committee and the Appeal Tribunal—

(*a*) shall take into account the emoluments of any ecclesiastical office (including another benefice) to which the claimant has been or is to be appointed, or of any other regular remunerated employment in which he is or is to be engaged; and

(*b*) if he refuses without good and sufficient reason to accept an ecclesiastical office which in the opinion of the Committee or Tribunal is reasonably comparable to the benefice or office in respect of which the compensation is claimed, may take into account the emoluments of the office so refused.

8. If any person who is receiving compensation under this Schedule in the form of periodical payments is appointed to any ecclesiastical office or becomes engaged in any remunerated employment, or refuses any such office as is mentioned in sub-paragraph (*b*) of the last foregoing paragraph, the Pastoral Committee may suspend the periodical payments or reduce the amount thereof, having regard to the emoluments of the office, but the person affected shall have a right of appeal to the Appeal Tribunal.

9. Any person who has been refused compensation under this Schedule or is receiving or has received such compensation may apply to the Pastoral Committee for a grant or renewal of such compensation or, as the case may be, an increase of such compensation (whether by way of an increase of periodical payments or a lump sum payment or both), on the ground that circumstances of which account was taken under paragraph 7 or paragraph 8 hereof have materially altered to his disadvantage, and the Pastoral Committee may grant or renew such compensation or make such increase thereof on that ground, and an appeal shall lie to the Appeal Tribunal against the refusal of any such application.

10. If any person who is claiming or receiving or has received compensation under this Schedule—

1870 c. 91.

(*a*) executes a deed of relinquishment under the Clerical Disabilities Act 1870; or

(*b*) becomes a member of a religious body which is not in communion with the Church of England; or

1963 No. 1.

(*c*) becomes disqualified under the Ecclesiastical Jurisdiction Measure 1963 from holding preferment in the Church of England;

the Pastoral Committee may refuse the claim or, as the case may be, may order, subject to a right of appeal to the Appeal Tribunal, that no further payment of compensation shall be made to him under this Schedule.

11. It shall be the duty of every claimant and every applicant under paragraph 9 hereof and every person who is receiving compensation under this Schedule by way of periodical payments, to

disclose to the Pastoral Committee any ecclesiastical office to which he has been appointed or which has been offered to him, and any other remunerated employment in which he is or is to be engaged, and any such matter as is mentioned in the last paragraph, and if he fails to do so and it appears to the Pastoral Committee that in consequence they have made payments which otherwise they would not have made or payments in excess of those that they would otherwise have made, they may, without prejudice to their powers under paragraphs 8 and 10 hereof, direct the repayment of the amount of the payments or excess or such part thereof as they think just, and that amount shall be recoverable as a debt due to the Diocesan Board of Finance:

Provided that an appeal shall lie to the Appeal Tribunal against any such direction.

12.—(1) Where any benefice, archdeaconry or office is dissolved abolished, vacated or resigned in the circumstances mentioned in paragraphs 1 to 3 of this Schedule,—

(*a*) any period thereafter and before his retirement during which he is not in pensionable service within the meaning of the Clergy Pensions Measure 1961 shall be deemed for the purposes of the said Measure and this paragraph to be a period of pensionable service, except that any period after the happening of any of the events mentioned in paragraph 10 of this Schedule and, in the case of a vicar in a team ministry, any period after the date on which his term of office would have ended, shall be excluded;

(*b*) on attaining the retiring age within the meaning of the said Measure, he shall be deemed to retire for the purposes of the said Measure and this paragraph, unless he is then in actual pensionable service, and, if his total period of pensionable service is less than the qualifying period of such service for the purposes of the said Measure, it shall be deemed to be increased to that period;

(*c*) the Pastoral Committee may, if he is deemed to retire as aforesaid and his total period of pensionable service is less than forty years, add to his pension and the pension (if any) of his widow or dependant periodical payments not exceeding the amount necessary to bring the pension up to the amount that it would have been if the total period had been forty years, but save as aforesaid compensation shall cease to be payable when he is deemed to retire or retires:

Provided that the Pastoral Committee may, with the agreement of the Church of England Pensions Board and the incumbent, archdeacon or vicar or (if he is dead) his widow or dependant, make such modification of the provisions of this paragraph or substitute such other provisions as may appear to the Committee to be more appropriate to the particular circumstances of the case and not less advantageous to the incumbent, archdeacon or vicar or his widow or dependant.

(2) The effect of provision (*b*) of the foregoing sub-paragraph shall be disregarded in determining the amount of compensation under this Schedule.

SCH. 4

13.—(1) The functions of the Pastoral Committee under this Schedule shall not be delegated to a sub-committee.

(2) At any meeting of the Pastoral Committee at which a determination or decision under this Schedule is made or at which the person affected by such a determination or decision is interviewed, the members present shall include—

(*a*) either the bishop or a suffragan bishop, and

(*b*) the member representing the Diocesan Board of Finance:

Provided that, if the last-mentioned member is not available for any meeting, another member or officer of the said Board (who need not be a member of the Pastoral Committee) may be nominated by the Board to act in the place of the said member at that meeting.

14.—(1) For the purposes of this Schedule there shall be an Appeal Tribunal for each of the Provinces of Canterbury and York, which shall be constituted as follows:—

(*a*) The Dean of the Arches and Auditor shall be the chairman and the Vicar-General of the Province of York shall be the deputy chairman, and one or other of them (but not both) shall sit on each appeal and shall preside:

Provided that, if neither the chairman nor the deputy chairman is available to preside over an appeal, a chancellor of a diocese nominated by the chairman or deputy chairman shall preside over that appeal.

(*b*) A panel of six persons shall be appointed by the Lower House of the Convocation of the Province concerned from among the members of that House, in such manner as that House may determine, and four persons from the panel shall be nominated by the Dean of the Arches or the said Vicar-General for each appeal.

(*c*) A panel of four persons shall be appointed by the House of Laity of the Church Assembly from among the members of that House, in such manner as that House may determine, and two persons from the panel shall be nominated as aforesaid for each appeal.

(2) The persons appointed by the Lower House of the Convocations or the House of Laity as aforesaid shall be appointed for the lifetime of those Convocations or that House of Laity and, on a casual vacancy, another member of the House concerned shall be appointed in his place, in such manner as the House concerned may determine, for the remainder of that lifetime:

Provided that the persons appointed as aforesaid shall, when a new House falls to be elected, continue to hold their appointments until the first Session of the new House, and any such person who has heard the whole or a part of an appeal may continue as a member of the Tribunal until the determination thereof.

(3) The Commissioners shall appoint a secretary to the Appeal Tribunal for each province, and the same person may be appointed for both Tribunals.

(4) The expenses of an Appeal Tribunal in connection with any appeal shall be paid out of moneys standing to the credit of the diocesan pastoral account of the diocese from which the appeal is brought.

15.—(1) The Commissioners may make rules prescribing the procedure to be followed in claiming and determining rights to and amounts of compensation under this Schedule, and in altering, terminating or suspending payments of compensation, and in proceedings before the Appeal Tribunal and in any other proceedings under this Schedule. SCH. 4

(2) Rules made in pursuance of this paragraph shall be laid before the Church Assembly, and shall not come into operation until they have been approved by the Church Assembly; and the Statutory Instruments Act 1946 shall apply to any rules so approved as if they were a statutory instrument and were made when so approved, and as if this Measure were an Act providing that any such rules should be subject to annulment in pursuance of a resolution of either House of Parliament. 1946 c. 36.

16. Any costs reasonably incurred in proceedings under this Schedule by any person having a right to compensation conferred by paragraph 1, paragraph 2 or paragraph 3 in the circumstances therein mentioned shall be refunded to the claimant out of the Legal Aid Fund constituted under section 59 of the Ecclesiastical Jurisdiction Measure 1963, and any question as to whether costs have been so incurred or as to the amount thereof shall be determined in accordance with rules made under the last foregoing paragraph. 1963 No. 1.

17. Payments of compensation under this Schedule shall be made by the Diocesan Board of Finance and charged either on the capital or the income account of the diocesan stipends fund, as may be agreed by the Commissioners and the Diocesan Board of Finance.

SCHEDULE 5

Sections 42, 43 and 45.

STATUTORY BODIES APPOINTED FOR PURPOSES OF PART III OF MEASURE

Advisory Board for Redundant Churches

1. Neither the chairman nor any other member of the Advisory Board for Redundant Churches shall be a member of the Board of Governors of the Church Commissioners or of any Committee constituted by the Church Commissioners Measure 1947, as amended by the Church Commissioners Measure 1964, or appointed by the said Board of Governors, or of the Pastoral Committee of any diocese. 1947 No. 2. 1964 No. 8.

2. The members of the Advisory Board for Redundant Churches shall hold office in accordance with the terms of their appointment and any member shall, on ceasing to hold office, be eligible for re-appointment.

3. The said Board may act notwithstanding a vacancy among its members.

4. The quorum of the said Board shall be three or such greater number as the Board may determine, and the Board shall regulate their own procedure.

SCH. 5

Diocesan Redundant Churches Uses Committees

5. The Diocesan Redundant Churches Uses Committee of a diocese shall consist of—

(*a*) a chairman to be appointed by the bishop;

(*b*) a member to be appointed by the Diocesan Board of Finance;

(*c*) a member to be appointed by the Pastoral Committee;

(*d*) a member to be appointed by the Diocesan Advisory Committee for the Care of Churches with the approval of the Council for the Care of Churches;

(*e*) such other members not exceeding three as the bishop may appoint, at least one of whom shall be a member of the Diocesan Conference.

6. The chairman and other members of the said Committee shall hold office for five years, but shall be eligible for re-appointment on the termination of any period of office.

7. The bishop may appoint, or the Committee may co-opt, other members upon terms limiting their functions to specified matters.

8. Any of the bodies by whom a member of the said Committee is appointed under paragraph 5 hereof may appoint another person to act as alternate to the member so appointed.

9. The secretary of the said Committee shall be appointed by the Diocesan Board of Finance.

10. The said Committee may act notwithstanding any vacancy among its members.

11. The said Committee shall determine its own quorum and regulate its own procedure.

Redundant Churches Fund

12. The members of the Redundant Churches Fund shall hold office in accordance with the terms of their appointment, and any member shall, on ceasing to hold office, be eligible for re-appointment.

13. The said Fund may act notwithstanding any vacancy among its members.

14. The quorum of the said Fund shall be three or such greater number as the Fund may determine, and the Fund may regulate its own procedure.

SCHEDULE 6

Section 65.

DISPOSAL OF HUMAN REMAINS

1. The body or person in whom the building, part of a building or land in question is vested (hereinafter referred to as "the landowner") shall, before removing any human remains or any tombstones, monuments or memorials commemorating the deceased persons—

(*a*) publish in a newspaper circulating in the locality a notice of intention to do so at least once during each of two successive weeks; and

(*b*) display a like notice in a conspicuous place where the remains are interred; and

(*c*) serve a like notice on the bishop; and

(*d*) if the remains were interred within twenty-five years before the date of the first publication of the notice, serve a like notice on the personal representatives or next of kin (or, in the event of their being untraceable, any known relative) of the deceased person.

2. Any notice required to be published and served as aforesaid shall contain—

(*a*) the address at which particulars of the deceased persons and of any tombstones, monuments or other memorials commemorating them may be inspected;

(*b*) the name of the burial ground or crematorium where it is proposed to reinter or cremate such remains and the manner in which it is proposed to dispose of such tombstones, monuments or other memorials.

(*c*) a statement as to the right of the personal representatives or relatives of any deceased person on notice in writing given within a specified time themselves to undertake the removal and reinterment or cremation of the remains of the deceased, and the disposal of any tombstone, monument or other memorial commemorating the deceased, within two months from the date of the notice;

(*d*) a statement of any directions given by the Secretary of State with respect to the removal and reinterment or cremation of human remains, and of any requirements imposed by the bishop with respect to the manner of removal, the place and manner of reinterment or cremation, and the disposal of tombstones, monuments and other memorials;

(*e*) a statement as to the extent to which the landowner is required by this Schedule to defray the expenses of such removal and reinterment or cremation or disposal.

3.—(1) The personal representatives or relatives of any deceased person whose remains are interred in the land may, on giving the required notice, themselves remove and reinter any such remains

SCH. 6

or cremate them in any crematorium and may dispose of any tombstone, monument or other memorial commemorating the deceased, and the landowner shall defray the cost of such removal and reinterment or cremation or disposal, up to the sum of fifty pounds in respect of the remains removed from any one grave; and up to the sum of fifteen pounds in respect of any tombstone, monument or other memorial.

(2) If the removal and reinterment or cremation or disposal, as the case may be, has not been carried out by the personal representatives or relatives in accordance with the provisions of this Schedule within two months from the date of the required notice, the landowner may carry out the removal and reinterment or cremation or disposal as if the required notice had not been given.

4. Any human remains interred in the building or land which have not been removed and reinterred or cremated by the personal representatives or relatives of the deceased person within the said two months shall, on removal by the landowner, be reinterred in such land as may be indicated as being reasonably available for the purpose by the bishop, and failing any such land being so indicated, shall be reinterred in any cemetery or burial ground or shall be cremated in any crematorium.

5. Any tombstone, monument or other memorial commemorating any deceased person whose remains are reinterred or cremated in accordance with the provisions of the last preceding paragraph may, where reasonably practicable, be removed and re-erected by the landowner over the grave in the burial ground where the remains are reinterred or on some other appropriate site.

6. The removal of all human remains shall be effected, and the remains reinterred or cremated, in accordance with the directions of the Secretary of State.

7. Upon any removal of remains a certificate of removal and reinterment or cremation shall be sent to the Registrar General by the landowner giving the dates of removal and reinterment or cremation respectively and identifying the place from which the remains were removed and the place in which they were reinterred or cremated showing the particulars of each removal separately, and every such certificate shall be deposited at the General Register Office with the miscellaneous records in the custody of the Registrar General.

8. Any tombstone, monument or other memorial not disposed of in accordance with this Schedule shall be offered by the landowner to the bishop for disposal as he thinks fit, and the bishop shall consult the Diocesan Advisory Committee for the Care of Churches with respect to such disposal and if the tombstone, monument or other memorial is not accepted by the bishop for preservation it shall be broken and defaced before being otherwise disposed of.

9. Where any tombstone, monument or other memorial is removed from the land, the landowner shall within two months from the date of removal—

(*a*) deposit with the council of the county borough or county district, or in the case of land in Greater London with the

Common Council of the City of London, or the council of the London borough, a record of the removal with sufficient particulars to identify the memorial (including a copy of any inscription thereon) and showing the date and manner of its removal and disposal and the place (if any) to which it is transferred; SCH. 6

(*b*) send to the Registrar General a copy of such record for deposit with the miscellaneous records in the custody of the Registrar General.

10. The requirements of this Schedule shall be in addition to such reasonable conditions if any as may be imposed in the case of consecrated ground by the bishop with respect to the manner of removal and the place and manner of reinterment or cremation of any human remains and the disposal of any tombstones, monuments or other memorials, and such conditions shall be complied with as if they formed part of this Schedule.

SCHEDULE 7

Section 68(4).

SEQUESTRATION OF BENEFICE PROPERTY DURING SUSPENSION PERIOD

1. Sequestrators appointed under section 68 of this Measure (hereinafter referred to as "the sequestrators") in addition to exercising any powers vested in them by the Benefices (Sequestrations) Measure 1933 or by the general law relating to sequestrations, may, with the consent of the bishop, exercise in relation to any property of the benefice any other power which an incumbent would have if the benefice were full, not being a power which by the provisions of any Act or Measure is exercisable during a vacancy by the bishop or the Commissioners. 1933 No. 4.

2. The bishop may with the consent of the Commissioners authorise the sequestrators, if they think fit, to grant a lease or tenancy of the parsonage house for such period as the bishop may authorise, and any such lease or tenancy shall be subject to the provisions of section 59 of the Pluralities Act 1838. 1838 c. 106.

3.—(1) Notwithstanding anything to the contrary contained in the Tithe Act 1536, or in any other Act or any Measure, the sequestrators shall, subject to the provisions of the next succeeding subsection, apply the income of the benefice accruing during the vacancy— 1536 c. 11.

(*a*) in payment to the bishop of all expenses incurred by him under sections 67 and 68 of this Measure;

(*b*) in payment of all expenses properly incurred in the collection of the income of the benefice;

(*c*) in payment of all expenses incurred in making provision for the performance of the ecclesiastical duties of the benefice, including that of accommodation;

(*d*) in payment of all expenses properly incurred in the exercise of the powers or the performance of the duties by law

SCH. 7
1933 No. 4.

belonging to sequestrators or conferred or imposed on them by the Benefices (Sequestrations) Measure 1933, or by this Measure, including the payment of any sequestrator who is professionally qualified his proper professional charges for work undertaken by him;

(*e*) in payment of the stipend and expense of accommodation of an assistant curate.

(2) During the course of the suspension period the sequestrators may, with the consent of the bishop, and shall, on the direction of the bishop, pay part of the balance in their hands to the Commissioners.

(3) At the close of the sequestration the sequestrators shall pay the balance in their hands, as certified by the bishop or some person duly authorised by him, to the Commissioners.

4. The Commissioners shall apply moneys received from the sequestrators in such one or more of the following ways and in such proportions as the bishop with the concurrence of the Pastoral Committee shall direct, namely—

(*a*) towards the augmentation of the endowment of the benefice, or towards the provision of a parsonage house therefor, or otherwise for the advantage thereof;

(*b*) in making a grant to the next succeeding incumbent of the benefice;

(*c*) by crediting either the capital account or the income account of the diocesan stipends fund.

For the purposes of this paragraph the expression "the benefice" shall include any benefice the area of which includes the whole or part of the area of the benefice the presentation to which was suspended, and, if the benefice is or is to be held in plurality, shall include any of the benefices so held or to be held.

5. Where a suspension period immediately follows a period during which a benefice has been vacant any sequestrators appointed during that vacancy shall, subject to the discharge of all their liabilities, pay any balance in their hands at the close of that sequestration to the sequestrators appointed under section 68 of this Measure, and the foregoing provisions of this Schedule shall apply to any money so received as if it were income of the benefice accruing during the sequestration of those latter sequestrators.

6. The sequestrators shall annually at such date as the bishop may direct and as soon as possible after the close of the sequestration render to the bishop and the Commissioners duly audited income and expenditure accounts and shall furnish such information with respect thereto as the bishop or the Commissioners may require.

7.—(1) For the purposes of this Schedule any sum charged on the endowments of the benefice for the payment of an assistant curate and accruing during the suspension period shall be deemed to be part of the income of the benefice.

(2) Where, on the termination of a suspension period in respect of any benefice, there immediately follows a further period during which the profits of the benefice are sequestrated, the suspension period shall, for the purposes of this Schedule, be deemed to extend to and include that further period. SCH. 7

SCHEDULE 8

Section 94.

TRANSITIONAL PROVISIONS

1. Where any scheme or order is pending at the commencement of this Measure under any provisions repealed by this Measure, being a scheme required to be made, affirmed or ratified by Order in Council or to be confirmed by order of the Commissioners under the Reorganisation Areas Measure 1944 or to be made by order of the Commissioners or the bishop under the Pastoral Reorganisation Measure 1949, the repealed provisions shall continue to apply for the purpose of completing the proceedings on the scheme or order up to and including the publication of notice thereof: 1944 No. 1. 1949 No. 3.

Provided that any duties which would have been performed in relation to any such scheme or order by a Committee which ceases to exercise functions by virtue of section 1(4) of this Measure shall be performed by the Pastoral Committee of the diocese concerned appointed under this Measure.

2. Any such scheme or order made and affirmed, ratified or confirmed, or made, before the commencement of this Measure or under the foregoing paragraph, and any instrument under seal of the Commissioners under section 22 of the New Parishes Measure 1943, shall continue to have effect (so far as it is not revoked or spent), notwithstanding the repeal of the said provisions, and this Measure shall apply, subject to such modifications as may be necessary— 1943 No. 1.

(*a*) to any such scheme as if it were a pastoral scheme;

(*b*) to any such order or instrument, as if it were a pastoral order:

Provided that this paragraph shall not apply to any scheme or part of a scheme to which the next following paragraph applies.

3. Where any such scheme as aforesaid provides for the closure, demolition or appropriation to any use or uses of any church or part of a church, the scheme or such part thereof as provides for the said matters, and any deeds or regulations made under section 24 of the Union of Benefices Measure 1923 relating to the scheme or part thereof, shall continue to have effect notwithstanding the repeal of the said provisions, and this Measure shall apply, subject to such modifications as may be necessary, as if the scheme or part thereof were a redundancy scheme and as if any such deeds or regulations as aforesaid were contained in that redundancy scheme: 1923 No. 2.

Provided that section 61(1) of this Measure shall not apply unless a redundancy scheme so provides.

SCH. 8
1943 No. 1.

4. Where any scheme constituting a new parish under section 1 of the New Parishes Measure 1943 is confirmed by Order in Council, or the Order in Council confirming any such scheme comes into operation, after the commencement of this Measure, any provision of the scheme postponing the constitution of the parish until the consecration or approval of a parish church, and in the meantime constituting an ecclesiastical district, shall not have effect, and the area concerned shall be a parish with full parochial status as from the date of operation of the Order in Council.

1860 c. 142.
1923 No. 2.

5. Any scheme made by a bishop and approved by the Charity Commissioners under section 26 of the Union of Benefices Act 1860 or section 30 of the Union of Benefices Measure 1923 before the commencement of this Measure with respect to endowed lectureships shall continue to have effect notwithstanding the repeal of the said sections, and this Measure shall apply thereto as if it were a redundancy scheme.

6. The Commissioners may by order made under seal, with the agreement of the bishop and the Diocesan Board of Finance, abolish or reduce the amount of any fund established under section 18(*c*) of the Union of Benefices Measure 1923, and give directions that the amount standing to the credit of the fund, or the amount of the reduction, as the case may be, shall be transferred to the endowments of the benefice concerned or to the diocesan stipends fund.

1944 No. 1.

7. Section 15 of the Reorganisation Areas Measure 1944 shall continue to apply to annuities granted thereunder before the commencement of this Measure.

8. Where any such scheme or order as is mentioned in paragraph 2 of this Schedule is not in operation at the commencement of this Measure because its operation is dependent on the occurrence of a vacancy or vacancies in any benefice or benefices, and the incumbent of the benefice or any of the benefices concerned agrees with the Pastoral Committee that, if he resigns the benefice, compensation will be payable for any loss suffered by him in consequence of his resignation, he shall be entitled, on resignation, to compensation under Schedule 4 to this Measure for any such loss, and that Schedule shall apply accordingly.

9. Where, under the enactments hereinafter specified, any such periods of restriction or suspension of rights of presentation as are hereinafter mentioned are in operation at the commencement of this Measure, the following provisions shall apply:—

1949 No. 3.

(*a*) any period of restriction under section 7 of the Pastoral Reorganisation Measure 1949 shall continue to operate in accordance with that section;

(*b*) any period of restriction under section 8 of the said Measure shall have effect as if the notice given under that section had been given under section 69(2) of this Measure;

(*c*) any period of suspension under the Benefices (Suspension of Presentation) Measure 1953 as amended by the Benefices (Suspension of Presentation) (Continuance) Measure 1965, shall have effect as if the notice given under section 1 of the first-mentioned Measure or, if more than one notice has been given in relation to the benefice in question, the last such notice, had been given under section 67 of this Measure. SCH. 8 1953 No. 5. 1965 No. 2.

10. Any licence, direction, designation, consent, notice or other thing given or done under the provisions repealed as aforesaid shall, so far as it is applicable for the purposes of this Measure or otherwise, continue to have effect notwithstanding the repeal.

11. If at the commencement of this Measure proceedings are in course of being carried out under the provisions repealed as aforesaid for the removal of human remains from any church or land annexed or belonging thereto, the proceedings may be completed in accordance with those provisions and shall have effect as if they had been completed before the said repeal.

12.—(1) The application of any provisions of this Measure to any scheme or order made under the provisions repealed by this Measure, whether before the commencement of this Measure or under paragraph 1 of this Schedule, shall have effect subject to any express provision of the scheme or order.

(2) If any difficulty or question arises as to such application or as to the effect of anything given or done under the said provisions, it shall be determined by directions of the Commissioners given under their seal.

13. Any right of patronage created under any of the repealed provisions shall continue to be incapable of sale and any transfer thereof for valuable consideration shall be void.

14. For the purposes of this Schedule, a scheme or order shall be deemed to be pending at the commencement of this Measure if it has at least reached the following stage of the procedure applicable to that scheme or order, that is to say :—

(*a*) the giving of notice of the scheme by the Commissioners under section 83 of the Ecclesiastical Commissioners Act 1840 ; 1840 c. 113.

(*b*) the forwarding of provisional proposals or the transmission of proposals or a report by the bishop to the Commissioners under section 8 of the Union of Benefices Act 1860, section 4 of the Union of Benefices Measure 1923, section 5(1) of the Reorganisation Areas Measure 1944 or section 3(4) of the Pastoral Reorganisation Measure 1949, as the case may be ; 1860 c. 142. 1923 No. 2. 1944 No. 1. 1949 No. 3.

(*c*) the serving of copies of a draft scheme under section 1(5) or section 23(3) of the New Parishes Measure 1943 ; or 1943 No. 1.

SCH. 8
1949 No. 3.

(*d*) the making of a request by the bishop for an order under section 12(1) of the Pastoral Reorganisation Measure 1949.

1889 c. 63.
1925 No. 1.

15. Nothing in this Schedule shall be taken as prejudicing the application of section 38 of the Interpretation Act 1889 as applied by the Interpretation Measure 1925.

Section 95.

SCHEDULE 9

ACTS AND MEASURES REPEALED

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Vict. c. 106.	The Pluralities Act 1838	Sections 2 to 27, in section 95 the words from "every curate shall quit" to "and in all other cases", and section 106.
3 & 4 Vict. c. 113.	The Ecclesiastical Commissioners Act, 1840.	Sections 32, 71, 72 and 74.
4 & 5 Vict. c. 39.	The Ecclesiastical Commissioners Act 1841.	Sections 3 and 10.
5 & 6 Vict. c. 108.	The Ecclesiastical Leasing Act 1842.	Sections 12 and 13.
13 & 14 Vict. c. 98.	The Pluralities Act 1850	Sections 4, 7, 8 and 11.
17 & 18 Vict. c. 84.	The Augmentation of Benefices Act 1854.	Section 8.
21 & 22 Vict. c. 57.	The Ecclesiastical Leasing Act 1858.	Section 10.
23 & 24 Vict. c. 142.	The Union of Benefices Act 1860.	The whole Act.
28 & 29 Vict. c. 42.	The District Church Tithes Act 1865.	The whole Act.
34 & 35 Vict. c. 90.	The Union of Benefices Acts Amendment Act 1871.	The whole Act.
35 & 36 Vict. c. 14.	The Diocesan Boundaries Act 1872.	The whole Act.
37 & 38 Vict. c. 63.	The Archdeaconries and Rural Deaneries Act 1874.	The whole Act.
50 & 51 Vict. c. 68.	The Pluralities Act 1887	The whole Act.
61 & 62 Vict. c. 23.	The Union of Benefices Act 1898.	The whole Act.
14 & 15 Geo. 5. No. 2.	The Union of Benefices Measure 1923.	The whole Measure.
20 & 21 Geo. 5. No. 7.	The Pluralities Measure 1930.	The whole Measure.
26 Geo. 5. and 1 Edw. 8. No. 2.	The Union of Benefices (Amendment) Measure 1936.	The whole Measure.
26 Geo. 5. and 1 Edw. 8. No. 5.	The Ecclesiastical Commissioners (Powers) Measure 1936.	Section 4.

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Session and Chapter	Short Title	Extent of Repeal
1 & 2 Geo. 6. No. 4.	The Ecclesiastical Commissioners (Powers) Measure 1938.	Section 5 and subsection (1) of section 8.
4 & 5 Geo. 6. No. 1.	The Diocesan Reorganisation Committees Measure 1941.	The whole Measure.
6 & 7 Geo. 6. No. 1.	The New Parishes Measure 1943.	Sections 1 to 12, sections 22 to 27, and section 30.
7 & 8 Geo. 6. No. 1.	The Reorganisation Areas Measure 1944.	The whole Measure.
12, 13 & 14 Geo. 6. No. 3.	The Pastoral Reorganisation Measure 1949.	The whole Measure.
15 & 16 Geo. 6. & 1 Eliz. 2. c. xxxviii.	The City of London (Guild Churches) Act 1952.	Section 27.
1 Eliz. 2. No. 1.	The Union of Benefices (Disused Churches) Measure 1952.	The whole Measure.
1 & 2 Eliz. 2. No. 2.	The Diocesan Stipends Funds Measure 1953.	Section 6.
1 & 2 Eliz. 2. No. 5.	The Benefices (Suspension of Presentation) Measure 1953.	The whole Measure.
2 & 3 Eliz. 2. No. 2.	The Reorganisation Areas Measure 1944 (Amendment) Measure 1954.	The whole Measure.
13 & 14 Eliz. 2. No. 2.	The Benefices (Suspension of Presentation) (Continuance) Measure 1965.	The whole Measure.