Diocese of Chelmsford

The Patronage (Benefices) Measure 1986: the changes

The Legislative Reform (Patronage of Benefices) Order 2019 has made some significant (but limited) changes to the 1986 Measure relating to the process for appointing a new incumbent to a vacant benefice. The changes came into effect on 1 January 2020 but do not apply to a vacancy where the vacancy arose or the Bishop had issued a Form 30 Notice of Vacancy before that date. The main changes are described below.

1. Notice by the Bishop

Previously, the Bishop had to give such notice of a benefice becoming vacant as he or she considered “reasonable in all the circumstances” to the Designated Officer, using Form 30 Notice of Vacancy. This meant that notice might be given before the actual date on which the vacancy arose but usually was after that date, perhaps because suspension was being considered.

Under the new provisions, notice in Form 30 must now be given by the Bishop “no later than the day on which the vacancy occurs” (which is the formal date on which the retirement or resignation of the previous incumbent becomes effective) and may be given up to 3 months earlier where the Bishop is aware that the benefice is shortly to become vacant by reason of resignation or retirement.

Notice must, therefore, now be given before, or at the very latest, on the date that the previous incumbent resigns or retires, which is likely to mean consideration of the issue of the Form 30 will have to start earlier than has been the practice.

2. Start Date

The new provisions introduce the concept of a ‘Start Date’, which will be the date on which the process of filling the vacancy commences, after the issue of the Form 30 Notice of Vacancy by the Bishop. The Start Date is either the date on which the Form 31 Notice of Vacancy was sent to the PCC(s) and the Patron by the Designated Officer (which may, therefore, be before the date on which the vacancy actually arises) or, “if the Bishop so directs having regard to all the circumstances, a date no later than three months after the date when the benefice becomes or is expected to become vacant”.

If this provision for a delayed Start Date is to be used, the statutory requirement for the Bishop to have regard to all the circumstances effectively means that a record should be kept of reasons(s) on which the Bishop based his decision to specify a delayed start (for example, suspension is being considered but there may be other legitimate reasons for delay).

3. Notice by the Designated Officer

Previously, the Designated Officer (in this case, the Registrar) was required “as soon as practicable” after receipt of the Form 30 from the Bishop, to give formal notice of the vacancy to the PCC or PCCs of the benefice and to the Patron, using Form 31 ‘Notice of Vacancy’. This remains the case under the new provisions but the Form 31 must now specify the Start Date as well as information about the vacancy.

4. Section 11 and Section 12 meetings

Previously, a PCC had to hold its Section 11 meeting (to appoint parish representatives, to prepare the statement of needs and traditions, to consider advertising and to consider whether to request a Section 12 meeting) within four weeks of receipt of the Form 31 from the Designated Officer and any Section 12 meeting with the Bishop or Bishop's representative had to be held within six weeks of the request by the PCC, the Bishop or the Patron. All of these meetings now only need to be held within a 6 month period beginning with the Start Date (although PCCs are encouraged to hold them as soon as practicable).
5. Lapse

Previously, where a vacancy was unfilled after 12 months, the right to present lapsed from the Patron to the Bishop, unless the PCC resolved that it should lapse to the Archbishop of Canterbury. The period before lapse has now been extended to 18 months.

6. Other miscellaneous new provisions

(i) Where patronage is exercisable jointly, there is now statutory authority allowing a joint patron to appoint one of the other joint patrons to act on his/her/its behalf.

(ii) Where patronage is exercisable in turns, the Designated Officer must now send a copy of Form 31 to any patron or patrons who have subsequent turns to present to the benefice in addition to the patron with the right to present on this occasion.

(iii) All notices under the Measure may now be sent by email if the person concerned has agreed to this by providing an email address.

Otherwise, the remaining provisions of the 1986 Measure continue in force.

Aiden Hargreaves-Smith

Registrar and Designated Officer

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