

DIOCESE OF ST. ALBANS

PATRONAGE (BENEFICES) MEASURE 1986

**Filling
of
Vacant Benefices**

March 2021

1. INTRODUCTION

- 1.1 The provisions of the Patronage (Benefices) Measure 1986 [“the Measure”] set out the procedures for filling vacant benefices. Different provisions apply where the patron is the Crown, the Duchy of Lancaster, the Duchy of Cornwall or the Lord Chancellor. (see paragraph 9 below). The provisions of the Patronage (Benefices) Measure **do not apply** when filling an office of team vicar (as opposed to team rector) in a team ministry, nor where a priest-in-charge is to be appointed to a suspended benefice.
- 1.2 This leaflet is intended as a brief outline of the procedures to assist patrons and parochial church councils [“PCCs”]. The statutory provisions are complex and detailed, and deal separately with various special situations. In case of doubt, the patron or PCC should seek advice from the “Designated Officer”. In this diocese the Diocesan Secretary and the Diocesan Registrar have been appointed jointly to fill this role. Any enquiries should, in the first instance, be addressed to the Pastoral Officer.
- 1.3 Within the legal framework set out in the Measure, this diocese has developed its own working procedures. In this booklet the statutory provision is in normal type and *diocesan procedures* are in *italics*. There is a Glossary of the vacancy forms and terms at Section 12 of this booklet.

FILLING A VACANCY

2 Preliminary

- 2.1 ***Informal Vacancy Meeting:*** *At the outset of a vacancy, the churchwardens receive instructions from the Diocesan Bishop relating to the care of the parish during the vacancy and to explain the appointments procedure. The Archdeacon makes arrangements with the churchwardens for an informal Vacancy Meeting. The PCC and representatives of the Deanery meet with the Suffragan Bishop and/or the Archdeacon, and the Patron to discuss the future needs of the parish and to consider any questions the PCC or Patron may have about the process.*

2.2 **Parish Profile:** *The Archdeacon provides the churchwardens with guidance to assist the PCC in the preparation of the Parish Profile [described in the Measure as a “Statement of the conditions, needs and traditions of the parish(es)”]. In multi-parish benefices the Profile normally will be joint (in exceptional circumstances it may be produced individually by each PCC). The Parish Profile is one of the items to be agreed by the PCC at its formal meeting (see Section 3 below). The Suffragan Bishop produces a ‘Bishop’s Statement’ on the vacancy and an information sheet on the diocese in relation to **Living God’s Love**, for circulation to candidates.*

2.3 **Advertising:** The Archdeacon prepares a notice of the forthcoming vacancy for the diocesan web page. The Archdeacon liaises with the Parish Representatives over the possibility of advertising the vacancy wider than this, but it should be noted that this is a matter ultimately for the Patron to decide and that if the parish wish to advertise on a wider basis, it will be required to pay for this.

2.4 The diocesan bishop [“the bishop”] must give notice [**Form 30**] of the vacancy or impending vacancy to the Designated Officer, who must serve notice [**Form 31 or 32**] of it on:-

(a) all patrons of the benefice who are registered in the diocesan register of patrons. The notice informs them which of them [“the patron”] is entitled to act on this occasion; and

(b) the secretary of each PCC in the benefice.

2.5 *Generally, this Notice is served approximately 1 week before the date of the informal vacancy meeting (paragraph 2.1), so that any questions about the process can be clarified at the meeting. After the Start Date shown on Form 31 the PCC should schedule its own meeting (or joint meeting if more than one PCC) [the Section 11 Meeting] to take place within 6 months of the Start Date, in order to comply with the timescale set out in the Measure (see Paragraph 3.1 below).*

3. **The PCC Meeting [the Section 11 Meeting]**

Please also see section 3.3 for Multi-Parish Benefices.

- 3.1 **Within six months of the Start Date** under paragraph 2.5, the PCC must hold one or more meetings (from which the outgoing incumbent and spouse and the patron and their representative if any, are excluded) for the following purposes, with a copy of the resolution passed and details of the numbers voting for/against/abstaining, the number of members who attended the meeting and the number on the PCC at the time:
- 3.1.1 To prepare a statement describing the conditions, needs and traditions of the parish [the Parish Profile]. This must be sent as soon as practicable *to the Archdeacon* for distribution to the Designated Officer, patron and the bishop, failing which the PCC representatives lose their right to veto any choice of incumbent (see paragraph 6.2).
 - 3.1.2 To appoint two lay members of the PCC to act as the PCC's representatives in connection with the selection of an incumbent. The outgoing incumbent and spouse and the patron and their representative (if any), all clerks in Holy Orders and any deaconess or lay worker licensed to the parish, are not eligible for appointment as the PCC's representatives. If no representatives are appointed two churchwardens will act.
 - 3.1.3 To decide whether to request the patron to consider advertising the vacancy. The final decision on advertising rests with the patron; (see paragraph 2.3 above)
 - 3.1.4 To decide whether to request a joint meeting with the patron and the bishop; (see Section 5)
 - 3.1.5 To decide whether to request a statement in writing from the bishop describing, in relation to the benefice, the needs of the diocese and the wider interests of the Church. *[This is not the 'Bishop's Statement' referred to in Section 2.2. It is intended to allow the Bishop to raise any particular plans in relation to the benefice. However, our current practice would be to raise such matters in separate consultation under the Mission and Pastoral Measure. In most cases a formal statement is unlikely to be required].*

- 3.1.6 To consider the parish's position concerning the ministry of women. If the Council's theological conviction leads them to seek the priestly or episcopal ministry of men, the Council must pass a resolution¹ in accordance with the House of Bishops' Declaration on the Ministry of Bishops and Priests, or, if such resolution has already been passed, to rescind it if the parish welcomes the ministry of men and women. If action is taken on this matter, the following must be notified of the result: Diocesan Bishop, Archdeacon, Rural Dean, Lay Chairman of Deanery Synod, Diocesan Registrar, Diocesan Secretary and Patron(s). There is no need for the PCC to take any action if it accepts the ministry of both men and women.
- 3.2 The PCC Secretary should then complete **Form 34** giving the names, addresses and emails of the representatives (3.1.2) and the responses to the matters set out in 3.1.3 - 3.1.5 above. The completed **Form 34** should be sent, as soon as practicable, *to the Pastoral Officer* for distribution to the patron and the bishop.
- 3.3 In the case of a multi-parish benefice which does not have a team council or joint PCC the meeting must be a joint meeting of all the PCCs. The PCCs may agree a joint parish profile or (as in the case of 3.1.6 above) may submit separate profiles which are then collated, but the other decisions of the meeting must be joint decisions. If any parish wishes to petition the Bishop under the House of Bishops Declaration on the Ministry of Bishops and Priests that must be done by the individual PCC. Four or more representatives must be appointed under paragraph 3.1.2 so that each PCC has at least one representative; no PCC is to have more than 2 representatives, and there must be at least 4 representatives in total. The parish representatives and the interview panel are completely separate in a legal sense. Being a parish representative does not entitle or require them to be on the interview panel. If no representatives are appointed, the churchwardens are to appoint not more than five of their number to act. The same principles apply to benefices held in

¹ The Resolution should be in the following form: "This PCC requests, on grounds of theological conviction, that arrangements be made for it in accordance with the House of Bishops' Declaration on the Ministry of Bishops and Priests."

plurality, which are treated as a single multi-parish benefice for this purpose.

- 3.4 Where there is a team council or joint PCC, it carries out all the PCCs' functions under the Measure (including the appointment of two representatives.)

4 The Patron

- 4.1 Where the patron is an individual, s/he must either:-

(a) make a formal written declaration [**Form 15A**] that s/he is a communicant member of the Church of England or a Church in communion with it or that s/he is a clerk in Holy Orders of the Church of England ["the declaration"];
or

(b) appoint as a representative either an individual who can and does make the declaration [**Form 15B**] or a body chosen from a statutory list (e.g. the dean and chapter of the cathedral church of the diocese, universities and university colleges, any diocesan board of patronage).

4.1.2. The patron may also appoint a representative if, for any reason, s/he considers s/he is unable to discharge her/his functions as patron in filling the vacancy.

4.1.3. Where there are two or more joint patrons, any of those patrons may nominate one of the others to act on his/her behalf.

- 4.2 A patron which is a corporate or unincorporated body (e.g. a college or body of trustees) must appoint an individual as its representative who can and does make the declaration (**Form 16**); the same applies to a body chosen as a representative from the statutory list.

- 4.3 The declaration by the patron or any representative, and the name, address and email of any representative, must be sent to the Designated Officer **within two months of the date when the benefice becomes vacant**. If this is not done, the bishop acts in place of the patron and fills the vacancy, subject to the rights of the PCC representatives (see paragraph 6.2).

The Designated Officer must inform the PCC secretary of the name, address and email of any representative [**Form 33**].

5. Joint Meeting [The Section 12 Meeting]

[NOTE: It is hoped that by having an informal preliminary meeting involving representatives of the PCC; the patron and the bishop, the formal procedure which follows will not normally be needed.]

5.1 The PCC, the patron or the bishop may request a joint meeting, which the PCC secretary must then convene, giving at least fourteen days' notice, within six months of the Start Date. In the case of the bishop or patron the request [**Form 35**] must be made within ten days of receiving the PCC statement (see Section 3). Once the meeting has been requested, the patron may not make an offer of the benefice to a priest until the meeting has been held, or all concerned have agreed not to hold it, or until the six-month period has expired. If the patron or the bishop requests the meeting and the PCC secretary fails to convene it, the PCC representatives lose their right to veto any choice of incumbent (see paragraph 6.2).

5.2 The purpose of the meeting is to exchange views on:-

- (a) the PCC statement under paragraph 3.1.1; and
- (b) the bishop's statement under paragraph 3.1.5 or, if no written statement has been requested, an oral statement on the same matters.

The bishop and/or the patron (or her/his representative) may send a representative to the meeting if s/he is unable to attend personally. At least one third of the members of the PCC must attend, and the outgoing incumbent and spouse are again excluded. The rural dean and the lay chairman of the deanery synod must also be invited to attend.

6. Selection Of Incumbent

- 6.1 *Once the preliminary part of the process has been completed, the Archdeacon and the Patron liaise over shortlisting and interviews and will keep the parish representatives informed about the process. Candidates are usually offered an opportunity to visit the parish and to meet with the parish representatives and others.*
- 6.2 When the patron has chosen a priest to whom s/he wishes to offer the benefice, s/he must give notice of this to the bishop [**Form 36**] and the PCC representatives [**Form 37**], who must approve the offer before it is made. They are deemed to have approved it unless in the case of the bishop s/he gives notice of refusal within four weeks or in the case of the PCC representatives any of them give notice of refusal within two weeks. In the event of a refusal the patron may refer the matter to the archbishop, who may decide to override the refusal.
- 6.3 Once the patron has offered the benefice to a priest who has accepted, the patron (if s/he is not the bishop) must give formal notice of presentation [**Form 38**] to the bishop within the 18-month period mentioned in Section 7.
- 6.4 *At the same time as the formal process of approval of the offer, the Bishop's Office carries out the necessary DBS check on the person concerned, consistent with the diocesan Safeguarding Policy and the Archdeacon co-ordinates arrangements for the announcement and for the Institution, or Collation service. It is important that the announcement is made at the same time in the priest's current and new parish.*

7. Lapse

- 7.1 If no priest has accepted appointment to the benefice within 18 months of the date when the benefice became vacant the right to select the new incumbent lapses to the Diocesan Bishop. S/he must consult the PCC representatives as well as anyone else s/he thinks fit, but s/he does not normally need

their approval before offering the benefice to a priest. The PCC has the option to pass a resolution requiring that the patronage lapses to the Archbishop of Canterbury rather than the Diocesan Bishop. *In these circumstances the Bishop writes to the parish representatives to explain the procedure.*

8. Institution or Collation

- 8.1 The new priest is instituted by the bishop (or collated if the bishop is the patron) and installed by the Archdeacon. The bishop must give at least three weeks' written notice [**Form 17**] of his/her intention to institute or collate the priest to the PCC secretary, who must see that it is displayed at or near the principal door of every church and licensed place of worship in the parish for two weeks. The institution or collation can then take place. *A standard form of service is used and the Archdeacon provides details of this and of other arrangements for the service.*

9. Crown Patronage

- 9.1 Where patronage is exercised by the Crown, the Duchy of Lancaster, the Duchy of Cornwall or the Lord Chancellor, many provisions of the Patronage (Benefices) Measure do not apply. However, the informal vacancy meeting is still held (paragraph 2 above). Following the formal notification of the vacancy (para. 2.4), the PCC should hold a section 11 meeting for the following purposes:

- To appoint two representatives
- To agree the Parish Profile

Details of the Parish Representatives and the Parish Profile and any decision of the PCC made concerning the House of Bishops' Declaration on the Ministry of Bishops and Priests should be forwarded to the Crown *via the Pastoral Officer on behalf of the Designated Officer*. The Crown Appointments officer will then liaise with the Parish Representatives over the

appointment. *It is usual practice for the Crown to offer the parish the choice of one candidate at a time, or a group of shortlisted candidates following advertising as appropriate.*

10. Statutory Forms etc.

- 10.1 Copies of the prescribed forms mentioned in the procedure above are normally available from the Designated Officer, but copies of the forms and of the full legal requirements are also available as follows:-

The Patronage (Benefices) Measure 1986: Available from TSO and on the government website:

<https://www.legislation.gov.uk/ukcm/1986/3>

The Patronage (Benefices) Rules 1987 (SI 1987 No. 773), including Forms 1 – 17: Available from TSO and on the government website:

<https://www.legislation.gov.uk/uksi/1987/773/made>

St Albans Diocesan Registry contact details:

<https://www.stalbans.anglican.org/diocese/diocesan-registry/>

11. Shortened Procedure where a priest-in-charge is to be appointed as incumbent

- 11.1 Where the patron's right of presentation has been suspended and a priest-in-charge has been appointed to serve in the area of the benefice, it may be appropriate to seek to appoint the priest-in-charge as incumbent following the ending of the suspension. In such cases, the Archdeacon will liaise informally with the patron and the churchwardens, before the suspension comes to an end, to see whether it is appropriate to appoint the priest-in-charge as incumbent. [The patron and churchwardens will normally have been consulted earlier about the appointment of the priest-in-charge.] The Pastoral Officer will issue the formal notices concerning the ending of the suspension.

11.2 Legislation allows us to follow a shortened procedure similar to that under the Patronage (Benefices) Measure and in these cases it begins with the Pastoral Officer's notification of the vacancy and the process to be followed to the PCC(s) and Patron. Then:

- The Bishop is asked to approve the end of the suspension and the appointment of the priest-in-charge as incumbent.
- The priest-in-charge is asked if s/he is willing to be appointed as incumbent.
- The Patron returns form 15/16.
- The PCC is asked to hold a Section 11 meeting for the purpose of appointing Parish Representatives and considering a resolution approving the appointment of the current priest-in-charge, and then to return *Form PIC appt (the equivalent of Form 34, Sections 1 and 3(a) only)* to the Pastoral Officer and to indicate whether the PCC approves the offer of the benefice to the current priest-in-charge.
- At the same time, the patron is asked to complete a form approving and confirming the offer of the benefice to the current priest-in-charge.

11.3 A further DBS check may be required (and will always be required when the Crown is Patron). Once an incumbent has been appointed, the Archdeacon will make arrangements for the institution or collation of the current priest-in-charge as incumbent.

11.4 The Archdeacon will then issue a revised Role Description and new Statement of Particulars.

12. Glossary

The following forms are prescribed by the Patronage (Benefices) Rules 1987 for use by Patrons and Parochial Church Councils in connection with the appointment of an incumbent (but not in the case of the appointment of a priest-in-charge).

Form 30: Formal notice of vacancy issued by Diocesan Bishop to Designated Officer (i.e. Registrar and Diocesan Secretary in this Diocese).

Form 31/32: Formal notice of vacancy issued by Designated Officer to:

- Patron [form 31] (copies to non-presenting patrons if applicable) - enclosing copy of Forms 15 or 16 – see below
- **or** Crown as Patron [form 32] and PCC(s) - enclosing copy of Form 34 – see below – see timetable below.

Form 34: Result of PCC Section 11 meeting setting out names of representatives and replies to questions considered at the meeting.

Form PIC appt. Result of PCC Section 11 meeting (shortened procedure) for approving the appointment of the priest-in-charge as incumbent.

Form 15/16: Patron's declaration indicating willing to act in appointment process. Form 15 requires the patron to confirm he/she is a communicant member of the C of E or else that another qualified person is appointed to act in his/her place. Form 16 is used by a body such as a college or patronage trust to appoint a representative to act for it. – see timetable below.

Form 33: Issued by Designated Officer to notify PCC of name of patron's representative from Form 16.

Form 35: Used by Bishop or Patron to request formal section 12 meeting – normally not needed because of Vacancy Meeting. PCC would request such a meeting using Form 34].

Form 36: Approval by Bishop of offer of benefice by patron [not used where Bishop is patron].

Form 37: Approval by parish representatives of offer of benefice by patron – see timetable below.

Form 38: Patron's notification to Bishop that Measure has been complied with and Notice of Presentation – see timetable below.

Section 11 meeting: PCC meeting (without outgoing incumbent) to agree profile, appoint representatives and consider questions about advertising, whether to request Bishop's statement of diocesan needs and whether to request formal meeting.

Section 12 meeting: formal meeting between Bishop, Patron and PCC.

Informal Vacancy Meeting: Usually used to describe early meeting between A/D and/or Suffragan and churchwardens; RD and patron also invited.

13. Timetable

Form 34: To be returned by PCC to Pastoral Officer within six months of Start Date on **Form 31** (Notice of vacancy).

Form 15/16: To be returned by patron within 2 months of **vacancy date**.

Form 38: To be returned by patron within 9 months of **vacancy date**.

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