

DIOCESE OF LICHFIELD
VACANCIES PROCEDURE GUIDANCE
Patronage (Benefices) Measure 1986
Amended to take account of the changes to the rules
Effective as from 1 January 2020

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1. The procedure during a Vacancy in a Benefice is governed by the Patronage Benefices Measure 1986 (PBM). The procedures are in the process of change; new amendments to that Measure took effect on 1 January 2020, in respect of benefices falling vacant on or after that date. For benefices which fell vacant prior to the end of 2019, the old legislation continues to apply. These are referred to as pre-2020 and post -2019 vacancies. Under s7 PBM, the Registrar has been appointed as the Designated Officer. The term Benefice means the office of the Incumbent ("Vicar" or "Rector" or "Team Rector") in a parish, which has a cure of souls. (The term does not include Team Vicar's posts, or Priest in Charge or Curate in Charge positions).
2. A Vacancy occurs when an Incumbent leaves a Benefice. This may occur as the result of death, retirement, resignation, removal from office under the Clergy Discipline Measure or Incumbents (Vacation of Benefices) Measure 1977, or deposition under the Ecclesiastical Jurisdiction Measure 1963, or by the person being appointed to another office incompatible with the Incumbency (cession). A resignation is effected by giving at least 3 months' written notice to lodging with the Bishop under the form prescribed in the Church of England Miscellaneous Provisions Measure 1992; this has been amended to remove the requirement for the document to be in the form of a deed. The form is no longer prescribed, but a common form is available from the Bishop's office which provides for irrevocable resignation to be notified to the Bishop, and the form states that the resignation is 'with effect from' a specified date: that date is the date on which the vacancy first arises, and not the last date of service for the incumbent. The Bishop will notify the Registrar of one of these events happening in Form 30; for new vacancies this notice must be given to the Registrar as soon as practicable after a death; or no later than the actual date of resignation; but the bishop can give notice after a resignation sooner than this and the vacancy procedures would then begin at that point.
3. A Vacancy continues until the Benefice is filled by the admission of a new Incumbent. An incumbent is admitted to the spiritualities (such as the cure of souls) of the Benefice by Institution (if the Patron is not the Bishop) or Collation (if the Patron is the Bishop); the incumbent is inducted to the temporalities of the Benefice by the Archdeacon, on the Mandate of the Bishop (such as the parsonage house). If the right of presentation is suspended, the Benefice remains vacant, but a Priest in Charge or Curate in Charge may be appointed to serve in it.

4. The position of Benefices comprising 2 or more parishes is covered in paragraph 41 below. There are some different procedures which apply in some other situations and there are notes in an Appendix at the end of this Guidance to explain them:
 - 4.1. Teams and Joint PCCs, Pluralities and cases where the Patron is a PCC within a Benefice.
 - 4.2. situations where the Patron is the Crown, or the Duke of Cornwall,
 - 4.3. situations where the registered Patron is the Diocesan Bishop and there is a Vacancy in the Diocesan See at the point at which the Vacancy in the Benefice occurs
 - 4.4. Situations where it is desired to Institute a person who is already serving as Priest in Charge
 - 4.5. Where a person is appointed as Incumbent by a Scheme (an Order in Council), then normal vacancy procedures will not apply at all.
5. In cases where a right of Patronage is held jointly, the Patron is treated as a single person, and steps taken must be taken together – if agreement is not achieved, then the step is treated as if it was not taken at all, and the default provisions below would apply. (Note that in the case of Form 15, see 'Stage 1' below, if some but not all Patrons comply with that stage, they would be able to proceed but not the defaulting Patron). In some cases, whilst there are 2 or more Patrons, they take 'turns' to exercise the right. The Registrar will advise which of them has the 'turn' for a particular Vacancy. The decision as to the 'turn' is made on the basis of the information in the Patronage Register at the date on which the Vacancy occurs.
6. In this Diocese the Diocesan Bishop delegates to the Area Bishop all his responsibilities connected with the selection of a new Incumbent. The Archdeacon will be very much involved in the process and will want to help as much as possible. It is likely that, if he or she has not already done so, he or she or the Area Bishop will be meeting the PCC (an informal, 'pre-section 11 meeting') in order to outline the procedures dealt with in these notes.
7. Where notices or forms have to be served on any person, the Forms prescribed under the Patronage (Benefices) Rules 1987 (the Rules) must be used. This guidance note indicates the various forms that are applicable and copies of the forms can be obtained from the Registry in 'Word' format. Forms are normally served by post to (or left at) the 'proper address' of the person, but may also be delivered to the person concerned (ie personal service). The proper address is the last known address of the person concerned or if the person is a company, the registered office address of the company.
8. The PBM and the Rules place significant responsibilities on the PCC Secretary (or if there is no Secretary, on the Churchwardens). It is important that these obligations are performed diligently. The Registry will also assist and guide PCC Secretaries. Where there is no notified PCC Secretary and no admitted Churchwarden, the PCC is unable to proceed, so urgent steps should be taken to fill the Secretary role, even if only during the Vacancy
9. The timetable which operates under the Measure appears quite complicated but it may help to simplify it to look at it from the perspective of each of the parties and stages involved; [this note](#)

therefore sets out an overview of the timetable and then sets out more detail on each of the 3 stages:

9.1. Notice of Vacancy: this is given by the Bishop or Area Office to the Registrar. The Registry give Notice to the Patron (it is given to all registered Patrons, whether or not they are the presenting Patron for the particular 'turn', but it will specify who is the presenting Patron) and to the PCC in Form 31. The form 31 will contain a 'start date' for post 2019 vacancies, from which the timetable will be calculated; the Bishop may direct that the start date should be a date no later than 3 months from the date of the vacancy. That form is issued with a link to this Guidance note.

9.2. Patron:

9.2.1. The Patron has 2 months from the date of the Vacancy, or if it would be a later date, 3 weeks from the date of service of Form 31 in which to give the Registry Notice in Form 15 or 16 (respectively notice by a private patron that s/he is a member of the Church of England or appointing a representative or alternate approved body to act for the Vacancy; and notice by a patronage body as to who is the representative for that body).

9.2.2. *In default of the provision of this notice, the Bishop may collate a person of his/her choice subject to the parish representative approval process, but without further involvement of the Patron.*

9.3. PCC:

9.3.1. For pre-2020 vacancies, the PCC has 4 weeks from the Form 31 Notice to convene and hold its s11 meeting. For post-2019 vacancies, the PCC has to hold the s11 meeting as soon as practicable¹ and in any event within 6 months of the start date. The new rules provide that one or more meetings may be held in order to pass these resolutions.

Resolutions are recorded on Form 34

9.3.2. The PCC must send its parish statement to the Bishop and Patron as soon as practicable after the s11 meeting

9.3.3. *In default of the submission of the parish statement, the Patron can proceed without parish representative approval of its choice*

9.4. Section 12 Meeting:

9.4.1. The PCC can request this by resolution passed at its s11 meeting

9.4.2. The Bishop and Patron can request this through Form 35 within 10 days of receipt of the parish statement

9.4.3. If requested it must be convened by the PCC secretary on 14 days' notice to attendees so as to take place (for pre-2020 vacancies) within 6 weeks of the request or, for post-2019 vacancies before the end of 6 months from the start date.

¹ This phrase is used in the Measure; it has not been tested in the Courts in relation to this Measure but in other contexts the Court have held that the phrase means what it says, and so a PCC should not waste time in relation to the holding of meetings, or simply defer action until the end of the period

9.4.4. *In default of notice of the meeting within 6 weeks or 6 months as the case may be, the Patron can proceed without a s12 meeting and without parish representative approval*

9.5. Offer of post

9.5.1. Patron may not offer the post under-until after the s12 meeting if one is requested, or after the 6 week or 6 month period has elapsed without a request being made

9.5.2. Patron must seek Bishop's approval before making any offer, by submitting Form 36 and having it endorsed by the Bishop; *approval is deemed to be given after 4 weeks*

9.5.3. Patron must seek Parish Representative approval by submitting Form 37 and having it endorsed by Parish Representative; *approval is deemed to be given after 2 weeks.*

9.5.4. Patron then offers the post to its choice and once the offer is accepted:

9.5.5. Patron makes the formal presentation of its choice to the Bishop by submitting Form 38

9.5.6. If no Form 38 is received within 12 months of the date of ~~the~~ a pre-2020 vacancy or 18 months of the start date for a post 2019 vacancy arising, the right to present lapses to the Bishop (and with the approval of the parish representatives), the Bishop gives notice of his or her appointment under Form 38

9.5.7. If the parish so resolves, the Archbishop can present instead of the Bishop, where the right to present has lapsed

10. **Stage 1:** Once notified of a Vacancy, by the Bishop, in Form 30, the Registrar will send notice of the Vacancy to all of the Patrons and to the Secretary of the PCC (if there is no PCC Secretary, notice is given to the Churchwardens), in Form 31, which is accompanied by this guidance note and

10.1. For the PCC a blank Form 34 (on which the PCC notifies as to the persons appointed as its representatives, and other matters) and

10.2. for the Patron either Form 15 (private Patron) (on which the Patron declares membership of the Church of England (if they are not a clerk in Holy Orders) and/or appoints a representative who is able to do so and who would then act for the Patron during this Vacancy), or for Patronage bodies (Form 16 (on which the Patron body identifies its representative to act in its name); the Form 16 can be supplied if necessary, but most Patronage bodies complete this themselves.

10.2-10.3. The forms sent for completion contain provision for the recipients to set out their email addresses as well as postal addresses. The Registry has been accepting emails as a means of communication of information and documents for a long time now, but the rules now expressly sanction this. But parties should note that if they change their email address it is very important that they notify the Registry; similarly, and particularly for PCCs, if the secretary ceases to hold office during a vacancy, the new secretary's email address should be supplied at the earliest opportunity, because information will be sent to the last known

address unless it is formally 'withdrawn' by communication to the Registry – communication to other officers of the diocese including the Archdeacon or Area Bishop or data base manager at St Mary's House will not suffice for that purpose.

11. Membership of the Church of England means that the person is *'is confirmed or ready and desirous of being confirmed and has received Communion according to the use of the Church of England or of a Church in communion with the Church of England at least three times during the twelve months preceding the date on which he makes the declaration of membership'*. (A clerk in Holy Orders simply declares him/herself to be such a person) This declaration is fundamental to the process of exercising the rights of a Patron.

12. A Patron who is not able to make the declaration can appoint a representative who is able to make the declaration to act in his/her stead.

13. A Patron may appoint a representative simply for convenience.

43-14. Where a Patron holds patronage jointly with another, then s/he may appoint (in writing) that other to exercise the right of patronage solely rather than jointly; such an appointment is purely for that turn, and can be revoked at any point.

44-15. A private Patron may (instead of appointing another individual), appoint a body listed in s8 PBM to act in his place for the particular Vacancy. This can be the Dean and Chapter of the diocesan Cathedral or of St Peter in Westminster or St George in Windsor; or a diocesan board of Patronage, or a Patronage board constituted by a Pastoral Scheme or a university of England and Wales (or a college or hall of such a body) or the college of Eton and Winchester.

45-16. Patrons who are corporate or unincorporated bodies (such as trusts or patronage boards, including both Diocesan Board of Patronage and a 'special patronage board' must appoint an individual to act; the individual must be able to make the declaration.

46-17. The Patron must respond to the Form 31 notice by completing Form 15 or 16 as applicable and returning it to the Registrar within the 2 month period. Failure to do so enables the Bishop to collate a person of his choice to the benefice without further reference to the Patron.

47-18. Where there are joint presenting patrons, each must complete a Form 15/16; the failure by one to complete the form will not prevent others who have complied from continuing to act.

48-19. The Registrar will then give notice of any appointed representative to the PCC. (Form 33)

49-20. The PCC must respond to the Form 31 notice by holding a meeting and considering the various matters set out in s11 PBM dealt with below.

20-21. For pre 2020 vacancies, dDuring the period of 4 weeks from the s7 notice from the Registrar the PCC must hold its "Section 11 Meeting"; for post 2019 vacancies the period is as soon as practicable and in any event within 6 months of the start date. The details of their decisions are entered on Form 34 and returned to the Area Bishop, the Archdeacon, the Patron and the Registry. The Section 11 Meeting is to:-

20-4-21.1. select two PCC members as lay representatives, who will either accept or reject the Patron's eventual offer of a candidate. *If no appointment is made, then the default position*

is that the Churchwardens serve (s11(5)) unless they are the Patron or Patron's representative. (Note if there is a Patronage Board as Patron, there may well be PCC members elected to that Board. These members are not to be confused with the section 11 representatives. Further, if the PCC is itself the registered Patron of the benefice in which it is comprised, it does not appoint representatives). It should be noted that the representatives must be lay persons; but that no deaconess or lay worker licensed in the parish may serve in this role; nor may the spouse or civil partner of the outgoing Incumbent, or the Patron, or any representative of the Patron.

[20.2-21.2.](#) prepare a statement as to the 'conditions needs and traditions of the parish'. This document is referred to in this guidance as the *Parish Profile* and is an important document which will help prospective candidates get a clearer picture of what the parish is like, so it is vital that it is completed fully and if possible, accompanied by a description of the district and what it has to offer. There is no formal precedent for such a Profile, but the Archdeacon will assist, and you may find examples on the diocesan website. *The completed Parish Profile has to be sent as soon as possible after the Section 11 Meeting (ie without delaying until the end of the formal stage 1 period) to the Diocesan Bishop, your Area Bishop, to the Archdeacon and the Patron.*

[20.3-21.3.](#) decide whether to ask the Bishop for a further meeting (under section 12 of the Measure) to discuss the situation in the Benefice. A PCC is only likely to consider it necessary to ask for such a meeting in exceptional circumstances; perhaps where there has been some serious and on-going problem within the parish which seems to threaten the stability of parish life in some way. The PCC may wish the Bishop to make a statement describing the needs of the Diocese and the wider interests of the Church as they reflect upon the parish if there is some perceived difficulty relation to the future of the parish.

[20.4-21.4.](#) determine whether you should ask the Patron to consider whether the post should be advertised. There is no obligation on the Patron to advertise the post, but it is obviously desirable if a range of candidates is to be attracted. If the Patron is to be asked to advertise in the Press the PCC and Patron will have to decide together who is going to pay the cost, but discussion with the Archdeacon is also encouraged because the diocese seeks to ensure consistency of approach in relation to advertisements and, particularly, can give guidance to avoid legal problems in the form of advertisement, such as the implications of discrimination legislation. The Diocesan policy is to cover the cost of advertisements that are approved by it, meaning that the expense should not fall on either PCC or Patron.

[24-22.](#) Neither the Incumbent nor Incumbent's spouse may attend the Section 11 Meeting, nor may the Patron or any representative of the Patron. The PCC may invite the Rural Dean, the Lay Chairman of the Deanery, and representatives of PCCs of parishes of which the new Incumbent will also be Priest in Charge, or representatives of other denominations involved in Local Ecumenical Projects with the parish. These persons have no legal right to be present at the

Section 11 Meeting but it is considered good practice for the PCC to give them the opportunity to express their views and to take these into account.

22-23. (If for any reason a representative appointed ceases to be able to serve as such, there are provisions for fresh appointments to be made)

23-24. ~~For pre-2020 vacancies, t~~The time scale for the response from both Patron and PCC is the later of 2 months from the date of the Vacancy, or 3 weeks from this Stage 1 (s7) notification from the Registrar (s9 PMB); for post 2019 vacancies, the Patron's response remains the same, but the PCC response is the 6 month (maximum) period as explained above. (A slightly different provision is made for a donee of a Patron acting under a Power of Attorney where the Power is created during the Vacancy). It is important to note that *If the Patron fails to return this form within the required period then the Patron's rights are limited*

24-25. **Stage 2 (optional Section 12 Meeting):** The Patron, the Bishop, and the PCC all have the opportunity to request a Section 12 Meeting between the PCC, the Patron and the Bishop. The request is either made by a Notice in Form 35 from the Patron or Bishop (served on each other and on the PCC), or by a resolution of the PCC at its Section 11 Meeting.

25-26. A Notice under s12 PBM, by the Bishop or Patron, has to be given within 10 days of the Parish Profile being received by them. Such meetings are rare for the reasons given above, and it is normally the case that informal discussions can obviate the need for the formal Section 12 Meeting. The Patron may not request a Section 12 Meeting, nor attend one if it is convened, if he has not served Form 15/16.

26-27. ~~For pre-2020 vacancies, t~~The meeting must be convened by the PCC Secretary within 6 weeks of the Notice or Resolution and 14 days notice must be given to the Bishop, the Patron, all members of the PCC, the Rural Dean and the lay chair of the deanery synod, of the time and place of the meeting. For post 2019 vacancies the meeting is to be convened within the 6 month (maximum) period explained above. The Bishop and Patron must either attend or send a representative to the meeting. Neither the outgoing Incumbent nor any spouse or civil partner of the outgoing Incumbent may be present at the Section 12 Meeting. Those attending the meeting decide who is to chair it. The quorum for the meeting comprises the Bishop, the Patron, and at least one-third of the members of the PCC. The PCC Secretary should ensure that s/he brings a list of members of the PCC to the meeting and is able to confirm that all members of the PCC have been duly notified of it.

27-28. At the meeting the Bishop will present a statement about the needs of the Diocese and of the wider church (this may be oral unless the PCC ask for it to be in writing). The meeting is to exchange views on the Parish Profile and the Diocesan Needs statement.

28-29. **Stage 3: selection:** The Patron chooses the new Incumbent, unless he has failed to serve the Form 15/16. However the PBM puts in place a series of checks and balances to ensure that that choice is well made.

[29-30.](#) The Patron may not make any offer of the post to any person until the Parish Representatives have approved the offer, nor until the Bishop has approved it. Nor may any offer be made until any requested Section 12 Meeting has taken place, or the 6 week [\(or 6 month\)](#) period for holding it has expired. (In fact once requested, if the parties change their mind, then an offer can be made).

[30-31.](#) In practice an appointment will be made following an interview process involving the Bishop and/or the Archdeacon, the parish representatives and the Patron. The Archdeacon will guide a Patron and the parish through the process of selection, which will usually include both advertisement and interview procedures, and will discuss best practice in relation to interviews so as to ensure fairness.

[31-32.](#) When the Patron has chosen a priest to whom the offer of the Benefice may be made, notice of this must be first be given to the Bishop (Form 36) and to the PCC Representatives (Form 37). Approvals are given by way of endorsement by the Bishop and the PCC Representatives on these forms. The Bishop is allowed 4 weeks, and the PCC is allowed 2 weeks, to consider the proposal, but it is important to note that if no response is given, the Bishop or PCC as the case may be are *deemed* to approve the making of the offer. Responding to this Notice is therefore important. If the response is to reject the proposal, then reasons must be given for that decision.

[32-33.](#) The PBM provides (s17) that the Bishop's rights to refuse to institute or admit a presentee under the Benefices Act 1898 and the Benefices Measure 1972 continue. The Act provides that refusal is permissible if *'not more than three years have elapsed since the presentee was ordained deacon, or that the presentee is unfit for the discharge of the duties of the Benefice by reason of physical or mental infirmity or incapacity, pecuniary embarrassment of a serious character, grave misconduct or neglect of duty in an ecclesiastical office, evil life, having by his conduct caused grave scandal concerning his moral character since his ordination, or having, with reference to the presentation, been knowingly party or privy to any transaction or agreement which is invalid under this Act'*; the Measure adds an additional ground, that *'the presentee has had no experience or less than three years' experience as a full-time parochial minister'*. The Patron may request the Archbishop to review any rejection by the PCC Representatives (s13(5) PBM).

[33-34.](#) Once the making of the offer is approved, and the offer has in fact been made to and accepted by the successful candidate, the Patron (or, if a representative has been appointed, that representative) gives formal Notice of Presentation to the Bishop in Form 38. *That Notice, to be effective, must be given within 12 months of the date of ~~the~~ [a pre-2020](#) vacancy arising, or [18 months in the case of a post-2019 vacancy](#). There is no scope for extension of that period.*

[34-35.](#) Where the Patron is a joint presenting Patron, [\(unless the Patron has exercised the power to appoint another to carry out his/her functions\)](#) all joint Patrons must join in signing each of Forms 36-38. The decisions of joint patrons are joint, and cannot be taken unilaterally. Joint Patrons

may decide to operate on the basis of a majority decision when making their choice of presentee, but unless all of them join in the Notices in Forms 36-8, the notices will not be valid.

~~35-36.~~ Alternatively, if the Patron has failed to engage in the process by serving Form 15/16, then the Bishop may offer to *collate* a priest to the Benefice instead. Such a person would be of the Bishop's choosing, but the Bishop is obligated to follow the process of seeking the PCC Representative approval to the making of the offer.

~~36-37.~~ If the PCC fail to serve the Parish Profile and do not seek a Section 12 Meeting then if the Bishop is the Patron he can collate to the Benefice without the approval of the PCC Representatives; and, if there is any other Patron then the Patron may proceed as if the requirements for a Section 12 Meeting and for the involvement of PCC Representatives had not existed

~~37-38.~~ If no Notice of Presentation in Form 38 is validly made and received by the Bishop, or if the Bishop is Patron if no offer to collate has been accepted, within 12 months of the Vacancy occurring, the right of presentation lapses to the Bishop (s16 PBM) . Notice of Lapse is given to the Bishop in Form 39. The 12 month (or 18 month) period does not include any period of suspension. There are provisions in s16 mirroring the requirements of s11 and s13.

~~38-39.~~ **Stage 4: Notice of Intention to Institute:** Once the Patron has made an offer, the Bishop and PCC representatives have approved and the priest has accepted, the Bishop will ask the Designated Officer to issue a formal Notice of Intent to Institute or Collate in Form 17. The Notice is sent to the PCC Secretary to be exhibited for two weeks at every place of worship within the parish. It is important that this Notice is displayed properly, because otherwise the Institution cannot proceed; the obligation to display the notice *immediately* on its receipt is mandatory under the Rule 13 of the Patronage (Benefices) Rules; the Secretary must then return the Notice to the Registry, prior to the date of the intended institution, duly completed as to the details of display

~~39-40.~~ The Institution or Collation can take place 3 weeks after the Notice has been sent to the PCC Secretary

~~40-41.~~ **Benefices comprising 2 or more parishes:** Under Schedule 2 PBM, each PCC operates separately; so Notices are sent by the Registry, Patron or Bishop as the case may be to each PCC secretary, but the Secretaries must work together to convene a Joint Section 11 Meeting and to co-ordinate the service of the various Notices that are required: the Registry notes that the Schedule requires 'the Secretaries of the PCCs concerned' to serve notices etc, but if in fact they decide to appoint one of their number to send out documents which are 'joint', then as long as it is clear that it is served for an on behalf of the secretaries of each PCC, that would seem to be perfectly in order.

~~41-42.~~ The differences are these:

~~41.1-42.1.~~ Instead of appointing 2 persons as representatives, the Joint Section 11 Meeting will appoint 1 or 2 representatives for each PCC, provided that not less than 4 representatives in total are chosen (the decision on numbers being for the Joint Section 11 Meeting to

decide) (Oddly, it appears that whilst the representatives must all be members of one or other PCC in the Benefice, they do not *have* to be selected from the PCC they nominally 'represent').

[41.2.42.2.](#) The bar on PCC members who are the outgoing Incumbent, spouse, civil partner, Patron or Patron's representative applies to all the PCCs. None of those persons, nor any deaconess or lay worker who is licensed to any of the parishes may be appointed as representatives.

[41.3.42.3.](#) The default provision as to the appointment of churchwardens being appointed as representatives requires them to decide together on not more than 5 of them acting rather than 2

[41.4.42.4.](#) The Joint Section 11 Meeting must decide whether to prepare a single Parish Profile covering all the distinct parishes, or whether each parish will prepare a Parish Profile. If separate Parish Profiles are prepared then the Secretaries of each of the constituent PCCs would send the separate Parish Profiles to the Patron and Bishop.

[41.5.42.5.](#) The Section 12 Meeting requested by the PCC has to be called by a resolution of the Joint Section 11 Meeting; in other words, a single PCC cannot demand it unless it has a majority within the Joint Section 11 Meeting; if a Section 12 Meeting is convened then it is with the combined PCCs, but each PCC Secretary would have to notify the members of that PCC of the meeting

[41.6.42.6.](#) The quorum for a Joint Section 12 Meeting would be one-third of the membership of each constituent PCC, and each PCC secretary would need to bring evidence of notice having been given by that secretary to each member etc.

[41.7.42.7.](#) The Notice of Intention to Institute is given by the Registrar to each PCC Secretary.

[42.43.](#) Particular cases of difficulty: The Registrar will always provide advice to Patrons or PCCs where there is uncertainty. In particular, there are a number of rules governing the situation where

[42.1.43.1.](#) the Patron dies before or within 2 months of the date of the vacancy, providing for the right to be exercised by the Patron's personal representatives, who then complete Form 15; difficulties may need to be resolved if Probate has not been obtained or where there is an intestacy.

[42.2.43.2.](#) the Patron dies more than 2 months after the vacancy arises in which event the right passes to the Bishop to collate;

[42.3.43.3.](#) if the Patron is a minor (trustees may need to be appointed under the Law of Property Act 1925

[42.4.43.4.](#) If the Patron is a patient under the Mental Health Acts, then the right is exercised by the Lord Chancellor, but does not vest in the Lord Chancellor so that it is not treated as a Crown benefice;

[42-5.43.5.](#) The Patron is a bankrupt, s/he may still exercise the right

[42-6.43.6.](#) The Patron acts under a power of attorney

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Niall Blackie and Andrew Wynne

Joint Lichfield Diocesan Registrars and Designated Officers

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These Notes have been prepared by the Designated Officer for the Diocese of Lichfield and may be updated from time to time. Revised ~~18th February 2019~~ 11 December 2019.

APPENDIX

Other procedures: There are several less common procedures within the system which are occasionally relevant.

43-44. Benefices which are held in plurality: These are treated as if they were a single Benefice with two constituent parishes, so that the provisions above are applicable

44-45. Benefices where the PCC of a parish belonging to the Benefice is the Patron: In these cases, no PCC representatives are appointed, and so the provisions requiring approval of a candidate by representatives are not applicable. The PCC (or if it is a multi parish benefice, the PCCs) must still hold a valid Section 11 Meeting, and can still convene a Section 12 Meeting with the Bishop, but the PCC with the right of Patronage decides on the person it wishes to present to the Bishop as a corporate body.

45-46. Group Ministries: Before a Patron makes a proposal for presentation of a candidate or any offer of a position in a Group Ministry Vacancy, the Patron must consult the other Incumbents and any Priest in Charge of the Group and the Bishop. (Mission and Pastoral Measure 2011, Schedule 3 paragraph 3)

46-47. Team Benefices and Joint PCC: If there is a Team Council (CRR Rule 20), or if there is a Joint Council (CRR Rule 19) in place then the functions of the PCC are all performed by the Team or Joint Council and the Secretary to that Council, as the case may be.

47-48. In any Team Benefice, the Bishop must consult with the team members before any Patronage board exercises the right of presentation, or before the Bishop decides to collate to the Benefice

48-49. Benefices with a Patronage Board (Team Ministries): If a Patronage board is provided for in the Order setting up the Team, there are some important considerations which apply (see Schedule 3 Mission and Pastoral Measure 2011)

48-1-49.1. The members of the Patronage Board will include the Bishop as chair, the Team Vicars, any deacon serving in the team, and any person having special responsibility for pastoral care; but the Scheme *may* include other persons. The Bishop may delegate his role to an Area or Assistant Bishop or to the Archdeacon. Other persons on the Patronage Board may similarly appoint representatives, so long as declarations of membership can be made by them. (The Team Rector is a member of the Patronage Board, but does not take any part in meetings concerning vacancies in the Team Benefice itself)

48-2-49.2. The voting arrangements will be prescribed by the Scheme. It is important to note that the Patronage Board in this situation is a 'body corporate' rather than a joint Patron, so that it acts by majority vote and does not have to achieve unanimity.

48-3-49.3. The team members are given one vote between them. But all may attend meetings unless of course they are seeking to be considered for the Vacancy. (It is important to note that some older Schemes do not make express reference to the role of team members. The provision made in the 2007 Mission Measure (s59(7)) was that schemes could be passed to

incorporate this provision if desired. However the effect of paragraph 1(4) of Schedule 3 to the Mission and Pastoral Measure 2011 is that all schemes are deemed to include the provision contained in paragraph 8 of that Schedule namely that 'every vicar in a team ministry any deacon authorised to serve in a team ministry and any person having special responsibility for pastoral care under s34(8) shall be entitled between them to one vote which shall be exercised by such one of them or such two or more of them (acting unanimously or by majority) as may be present at the meeting in question'.

49-50. *The Diocesan Board of Patronage* is a particular board of Patronage which sometimes has the Patronage right. It acts as a body corporate

50-51. *Benefices where the Crown, (including the Duchy of Lancaster and the Duke of Cornwall) hold the Patronage:* Broadly, the PBM does not apply to the Crown. (There is therefore no lapse to the Archbishop in such cases).

50-4-51.1. Form 7 is provided to the Designated Officer as usual. The Notice of the Vacancy is given by the Registrar to the Crown using Form 32, rather than Form 31.

50-2-51.2. The Parish *may* but do not have to prepare a Parish Profile; the post is not advertised; the PCC may not call for a Section 12 Meeting and the Bishop cannot be called on to prepare a diocesan statement of needs.

50-3-51.3. But the PCC still convene a Section 11 Meeting, and appoint representatives (under the Crown Benefices (Parish Representatives) Measure 2010), notifying the Crown and the Bishop in the usual manner of their identity.

50-4-51.4. The approval of the parish representatives (but not of the Bishop) to a potential presentee of the Crown is thus required, and can be declined within the 2 week period for proper reason, in which event the Crown has the ability to ask the Archbishop to review the refusal of consent.

50-5-51.5. The Bishop does not have to give notice of intention to institute.

50-6-51.6. (The CB(PR)M 2010 came into force on 1 January 2011, but whilst it does not apply to Benefices falling vacant before that date, it is understood that the Crown voluntarily applies its provisions as if they were in force)

51-52. *Vacancy in See:* If there is a Vacancy in the See at any point during which there is a Vacancy in a Benefice in which the Bishop is the registered Patron, then the Crown takes over the Patronage under the rule known as *Sede Vacante* under which the temporalities of the episcopacy are recovered by the Crown as the Guardian of Temporalities. (This would include situations where the Bishop had appointed but not yet collated a priest). The Vacancy in See lasts for this purpose from the moment of the death or resignation of the outgoing Bishop until the Crown has restored the temporalities of the See to the incoming Bishop, which occurs after the Bishop's election has been confirmed by the Archbishop and the Bishop has paid Homage to the Crown. In these cases, the Crown retains the rights not only during the Vacancy in the See, but also until the Benefice is filled.

[52-53.](#) There is an exception to this rule, which is that if the Benefice was vacant at the commencement of the Vacancy in See, but the right of presentation was suspended at that point, and remained so throughout the Vacancy in See, the Crown does not acquire Sede Vacante rights.

[53-54.](#) Under the Vacancies in Suffragan Sees and Other Ecclesiastical Offices Measure 2010 the right of presentation is normally exercised for the Crown by the 'relevant Bishop'. That Bishop will be the Bishop exercising diocesan functions under a Delegation Instrument made by or for the outgoing Bishop, or (commonly between the point of confirmation of election until inauguration of the incoming Bishop) by a Bishop exercising diocesan functions under a Delegation Instrument made by the incoming Bishop, or the new Bishop. The relevant Bishop, (or in a very few cases that are not released by the Crown to the relevant Bishop, the Crown itself) makes the Presentation in Form 38. The Presentation by the Relevant Bishop is on behalf of the Crown and leads to an Institution, (not a Collation) as delegate of the Diocesan Bishop.

[54-55.](#) Where the Bishop held the right jointly with others (ie not cases where it is simply the Bishop's 'turn', or where the Bishop is a member of a Patronage Board) the Crown as Paramount Patron takes over the entire right of Patronage. The Relevant Bishop may consult other joint Patrons if he wishes but does not have to do so

[55-56.](#) ***Vacancy in a Benefice where the Incumbent would be Patron of another Benefice:*** It is sometimes the case that the Patronage of Parish B is vested in the Incumbent for the time being of Parish A. If the Benefice of Parish A is vacant (or if the Incumbent of Parish A is suspended from discharging his duties) at any point between the Vacancy in Benefice B occurring and a presentation being made, then under s20 PBM1986, the functions are taken over by the Bishop.

[56-57.](#) ***The Institution of a Priest in Charge:*** If a person is serving as Priest in Charge in a Benefice, the Bishop may give notice of a proposal to Admit that person to the Benefice; the presentation is still made by the Patron (so that if the Bishop is Patron there is a Collation. The procedure does not apply to Crown Benefices unless the Crown consents to it).

[56.1-57.1.](#) The Bishop gives notice of the proposal to the Patron, the Priest in Charge and the PCC of each Parish in the Benefice. The suspension of the right of presentations is then brought to an end and the Patron may then send notice to the Bishop to present the Priest in Charge, provided that the Priest in Charge has consented in writing, and provided that each PCC has passed a resolution approving the proposal.

[56.2-57.2.](#) The Priest in Charge nor his spouse or civil partner are not allowed to attend the PCC meeting to consider the proposal.

[56.3-57.3.](#) All the rest of the procedures (eg Section 11 Meeting and Section 12 Meeting) are thus avoided in favour of a simplified procedure.