



The Diocese of Newcastle

The Archdeaconry of Northumberland

WHAT HAPPENS
WHEN THE VICAR
LEAVES?

Filling the vacancy

INTRODUCTION

1. The provisions of the Patronage (Benefices) Measure 1986 (“the Measure”) came into force on 1 January 1989 and set out the procedures for filling benefices which become vacant on or after that date. For most purposes the provisions do not apply where the Patron is the Crown, the Duchy of Lancaster or Cornwall or the Lord Chancellor, in addition, they do not apply when filling on office of Team Vicar (as opposed to Team Rector) in a Team Ministry, or when a parish is “suspended”.

2. This document is intended as a brief outline of the new procedures to assist Patrons and Parochial Church Councils (“PCC”). 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” (“DO”) for the Diocese who is the Diocesan Registrar, Jane Lowdon (Newcastle Diocesan Registry, Sintons, The Cube, Barrack Road, Newcastle upon Tyne NE4 6DB).

FILLING A VACANCY

3. Preliminary

The Diocesan Bishops (“the Bishop”) must give notice (Form 30) of the vacancy or impending vacancy to the DO, who must serve notice (Form 30) of it on:

(a) all Patrons of the benefice who are registered in the Diocesan Register of Patrons. The notice will inform them which of them (“the Patron”) is entitled to act on this occasion; and

(b) the PCC Secretary.

4. The Patron

Where the Patron is an individual, they must (using Form 15 or 16) either:

APPENDIX A

Forms of Parish Resolution under the Priests (Ordination of Women) Measure 1993

RESOLUTION A

That this Parochial Church Council would not accept a woman as the minister who presides at or celebrates the Holy Communion or pronounces the Absolution in the parish.

RESOLUTION B

That this Parochial Church Council would not accept a woman as the incumbent or priest in charge of the benefice or as a team vicar for the benefice.

(a) make a formal declaration that they are a Communicant member of the Church of England or a church in communion with it, or that they are 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 or a body chosen from a statutory list (eg: the Dean and Chapter of the Cathedral Church of the Diocese, Universities and University Colleges, any Diocesan Board of Patronage).

The Patron may also appoint a representative if, for any reason, he considers he will be unable to discharge his functions as Patron in filling the vacancy.

5. A Patron which is a corporate or incorporated body must appoint an individual as its representative who can and does make the declaration; the same applies to a body chosen as a representative from the statutory list.

6. The declaration by the Patron or any representative, and the name and address of any representative, must be sent to the DO 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 7(b) and 11). The DO must inform the PCC Secretary (Form 33) of the name and address of any representative.

THE PCC MEETING

7. Within four weeks of the notice of vacancy under paragraph 3, 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 purpose of:

(a) preparing a statement describing the conditions, needs and traditions of the parish. This must be sent as soon as practicable to

the Patron and the Bishop, failing which the PCC representatives lose their right to veto any choice of Incumbent (see paragraphs 7(b) and 11);

(b) appointing two lay members of the PCC to act as the PCC's representative in connection with the selection of an Incumbent. The persons mentioned above as excluded from the meeting and all clerks in Holy Orders together with any Deaconess or lay worker licensed to the parish, are not eligible for appointment. If no representatives are appointed the two Churchwardens have to act. The names and addresses of the representatives should again be sent (Form 34) as soon as practicable to the Patron and the Bishop;

(c) deciding whether to request the Patron to consider advertising the vacancy. The final decision on advertising rests with the Patron;

(d) deciding whether to request a joint meeting with the Patron and the Bishop (see paragraphs 9 and 10); and

(e) deciding whether to request a statement in writing from the Bishop describing, in relation to the benefice, the needs of the Diocese and the wider interest of the Church;

(f) considering whether to vote on the parish resolutions in the Priests (Ordination of Women) Measure 1994, concerning the position of the PCC on women priests. The full text of this procedure is attached as Annex A.

8. 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 make a joint statement under paragraph 7(a) or may each make a separate statement dealing with the parish concerned, but the other decisions of the meeting must be joint decisions. Four or more representatives must be appointed under paragraph 7(b) so that each PCC has at least one representative; 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 plurality, which are treated as a single multi-parish

Only a simple majority (ie more than half of the members of the PCC present and voting) is necessary to pass either of the resolutions. Ex officio and co-opted members of the PCC are full voting members.

6. Provided the above conditions are satisfied, a resolution may be passed at any time after the Measure comes into force. There is no time limit either on passing the resolution or keeping it in force. Similarly a resolution may be rescinded by the PCC at any time and the person referred to in paragraph 5 must be notified.

7. Resolution A in Appendix A cannot be considered by a PCC if the incumbent, priest in charge, any team vicar or assistant curate of that benefice is a woman priest. Resolution B, which would allow a woman curate to serve in a parish but not a woman incumbent, can be considered where a woman priest is serving.

DISTRICT CHURCH COUNCILS AND CONVENTIONAL DISTRICTS

8. A district council cannot consider the resolutions; they must be dealt with by the PCC although the PCC should be sensitive to any expression of opinion of a district church council. A conventional district is considered to be a parish for the purposes of the Measure and can consider the resolutions.

TEAM COUNCILS, GROUP COUNCILS AND JOINT COUNCILS

9. In the case of team and group ministries and benefices held in plurality the resolutions set out in Appendix A must be considered by the constituent PCCs. Thus, a PCC cannot delegate its functions under the Measure to a team council (in a team ministry), to a group council (in a group ministry), or to a joint PCC (in a benefice with two or more separate parishes or in benefices held in plurality).

ANNEX A

THE ORDINATION OF WOMEN TO THE PRIESTHOOD

RESOLUTIONS UNDER THE MEASURE

1. Any parish wishing to do so is in a position to consider, and, if thought appropriate, pass the resolutions set out in Appendix A. There is, however, no obligation on parishes so to act.
2. Parishes are however required to consider the resolutions where there is a vacancy in the benefice and the PCC is meeting to consider the parish statement under the Patronage (Benefices) Measure 1986.
3. Any member of the PCC may ask for either or both of the resolutions in Appendix A to be placed on the agenda of the PCC. The Secretary of the PCC has to give members at least four weeks' notice of the time and place of the meeting at which the resolution or resolutions are to be considered.
4. Where the Chairman of the PCC refuses or neglects to convene a meeting to consider the resolutions, not less than one-third of the members of the PCC may sign a requisition requiring him to call a meeting. If he still refuses or neglects to do so, those members may forthwith convene the meeting (Church Representation Rules, Appendix II para. 3).
5. The PCC meeting must be attended by at least half of the members of the PCC entitled to attend. If either, or both, of the resolutions in Appendix A is passed, a copy shall be sent to:
 - (a) the Diocesan Bishop;
 - (b) the Area Dean;
 - (c) the Lay Chairman of the Deanery Synod;
 - (d) the Registrar of the Diocese;
 - (e) the designated officer under the Patronage (Benefices) Measure 1986;
 - (f) the registered patron of the benefice.

benefice for this purpose. Where there is a Team Council or joint PC it will carry out the PCC's functions under the Measure.

JOINT MEETING (often called a Section 12 Meeting)

9. The PCC, the Patron or the Bishop may request (Form 34 for PCC, Form 35 for Bishop or Patron) a joint meeting, which the PCC Secretary must then convene, giving at least fourteen days' notice, within six weeks of the request. In the case of the Bishop or Patron, the request must be made within ten days of receiving the PCC statement (see paragraph 7(a)). 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-week 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 11).

10. The purpose of the meeting is to exchange views on:

(a) the PCC statement under paragraph 7(a); and

(b) the Bishop's statement under paragraph 7(e) or, if no written statement has been requested, an oral statement on the same matters.

The Bishop and/or Patron (or their representative) may send a representative to the meeting if 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 Area Dean and the Lay Chair of the Deanery Synod must also be invited to attend.

11. When the Patron has chosen a priest to whom he wishes to offer the benefice, 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 will be deemed to have approved it unless, in the case of the Bishop, he gives notice of refusal within four weeks or, in the case of the PCC representatives, any of them gives 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.

12. Once the Patron has offered the benefice to a priest who has accepted, the Patron (if he is not the Bishop) must give formal notice of presentation (Form 38) to the Bishop within the nine month period mentioned in paragraph 13.

LAPSE

13. If no priest has accepted the appointment to the benefice within nine months of the date when the benefice became vacant the right to select the new Incumbent lapses to the Archbishop. The DO will inform the Archbishop when this occurs (Form 39) and the PCC Secretary (Form 40). He must consult the Bishop and the PCC representatives as well as anyone else he thinks fit, but he does not normally need their approval before offering the benefice to a priest.

INSTITUTION OR COLLATION

14. The Bishop must give the PCC Secretary at least three weeks' written notice (Form 17) of his intention to institute or collate the priest, and the PCC Secretary must see that it is displayed for two weeks at, or near, the principal door of every church and licensed place of worship in the parish. The institution or collation can then take place.

GENERAL

15. Forms referred to in this document have been prescribed by the Patronage (Benefices) Rules 1987. When the DO initially writes to the Patron and PCC Secretary she will enclose the forms required by the Measure. However, copies of the forms, and of the full legal requirements, are also available as follows:

The Patronage (Benefices) Measure 1986 – available from HMSO

The Patronage (Benefices) Rules 1987 (SI 1987 NO 773) including Forms 1-17 – available from HMSO

Forms 30-43, approved by the Standing Committee of the General Synod – available from the General Synod Office.

Some useful books:

A Handbook for Churchwardens and Parochial Church Councillors; Moorhouse (Continuum), 2001

So the Vicar's Leaving – The good interregnum guide; Canterbury Press, 1998

Some useful phone numbers:

Church House 0191 270 4100
Archdeacon 0191 273 8245

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