



Statutory Document No. 2015/0258

PATRONAGE (AMENDMENT) MEASURE (ISLE OF MAN) 2015

<i>Approved by Sodor and Man Diocesan Synod</i>	<i>13th November 2014</i>
<i>Approved by Tynwald</i>	<i>18th February 2015</i>
<i>Royal Assent given</i>	<i>15th July 2015</i>
<i>Announced to Tynwald</i>	<i>21st July 2015</i>

A MEASURE enacted pursuant to the Church Legislation Procedure Act 1993 to make further provision for the exercise of patronage in relation to parochial benefices

1. Short title

The short title of this Measure is the Patronage (Amendment) Measure (Isle of Man) 2015.

2. Interpretation

In this Measure —

"the 1986 Measure" means the Patronage (Benefices) Measure 1986¹, as set out in Schedule 1 to the 1997 Measure;

"the 1997 Measure" means the Patronage Measure (Isle of Man) 1997².

3. Delegation of rights of presentation

In section 35 of the 1986 Measure, at the end insert —

"(9) If Her Majesty's right of presentation to a Crown benefice stands for the time being delegated to the bishop, Part II of this Measure shall apply in all respects as if the patronage or share in the patronage which is vested in Her Majesty were vested in the bishop, subject only to the following modifications —

- (a) in section 15(a), for "collate" substitute "present";
- (b) omit section 16.

¹ 1986 No. 3

² SD 638/97

- (10) A statement in an instrument purporting to admit a person to a Crown benefice that Her Majesty's right of presentation to the benefice stands delegated to the bishop shall be conclusive evidence of that fact.
- (11) Subsections (9) and (10) do not apply to a right of presentation referred to in subsection (1B)(a)."

4. Appointment of priest in charge as incumbent

After section 16 of the 1986 Measure insert —

"16A Special procedure for appointment of priest in charge as incumbent

- (1) This section applies where —
 - (a) a benefice is vacant; and
 - (b) if either —
 - (i) a suspension period in respect of the benefice has been declared, or
 - (ii) a restriction in respect of the benefice has come into force, the bishop is aware that the suspension period has ended or is shortly to come to an end, or that the restriction has ceased or is shortly to cease to be in force, as the case may be; and
 - (c) the bishop proposes that a priest in charge who holds office in respect of the benefice should be admitted to the benefice.
- (2) The bishop may give notice of his proposal to —
 - (a) the priest in charge;
 - (b) the parochial church council of each parish belonging to the benefice; and
 - (c) the patron (unless the bishop is the patron).
- (3) Upon receiving the notice referred to in subsection (2)(a) or (b) —
 - (a) the priest in charge may give notice to the bishop that he is willing to be admitted to the benefice;
 - (b) the parochial church council of each parish belonging to the benefice may pass a resolution stating that it approves the proposal that the priest in charge should be so admitted, and give notice to the bishop that it has done so.
- (4) No member of a parochial church council who is —
 - (a) the priest in charge,
 - (b) the spouse or civil partner of the priest in charge,
 - (c) the patron, or
 - (d) the representative of the patron,

shall attend a meeting at which the resolution mentioned in subsection (3)(b) is proposed to be considered.

- (5) This subsection applies where —
- (a) the bishop is not the patron;
 - (b) the patron has received the notice referred to in subsection (2)(c);
 - (c) the bishop has received the notices referred to in subsection (3)(a) and (b); and
 - (d) if either —
 - (i) a suspension period in respect of the benefice has been declared, or
 - (ii) a restriction in respect of the benefice has come into force, the suspension period has ended or the restriction has ceased to be in force, as the case may be.
- (6) Where subsection (5) applies —
- (a) sections 8 and 9 apply with the substitution for references to a notice under section 7(4) of references to the notice under subsection (2)(c);
 - (b) the patron may give notice to the bishop presenting the priest in charge to him for admission to the benefice; and
 - (c) the bishop may (subject to section 19) institute the priest in charge to the benefice.
- (7) Where —
- (a) the bishop is the patron,
 - (b) section 2 of the 2010 Measure does not apply, and
 - (c) the bishop has received the notices referred to in subsection (3)(a) and (b),
- the bishop may (subject to section 19) collate the priest in charge to the benefice.
- (8) Where —
- (a) section 2 of the 2010 Measure applies;
 - (b) the bishop is the relevant bishop for the purposes of subsection (2) of that section;
 - (c) Her Majesty has not given notice under subsection (3) of that section; and
 - (d) the bishop has received the notices referred to in subsection (3)(a) and (b),
- the bishop may present the priest in charge on behalf of Her Majesty for admission to the benefice.

(9) Where —

- (a) the patron has given notice in accordance with subsection (6)(b),
- (b) the bishop collates the priest in charge under subsection (7), or
- (c) the bishop presents the priest in charge on behalf of Her Majesty for admission to the benefice under subsection (8),

the following provisions shall not apply —

- (i) sections 7 and 11 to 15; and
- (ii) section 32(5) of the 2012 Measure.

(10) In this section —

"suspension period" has the same meaning as in section 29 of the 2012 Measure;

"restriction" means a restriction on the right of presentation to a benefice imposed under section 14 or 31 of the 2012 Measure."

5. Minor and consequential amendments

The amendments specified in the Schedule have effect.

Section 5.

SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

The 1986 Measure

1. In section 3 —
 - (a) in subsections (1)(b), (2) and (6), omit "or order";
 - (b) in subsection (8), for "section 67 of the Pastoral Measure 1983" substitute "section 29 of the 2012 Measure".
2. In section 7(1) and (2), for "section 70 of the Pastoral Measure 1983" substitute "section 32 of the 2012 Measure".
3. In sections 10, 11(2)(a) and 12(4), after "spouse" insert "or civil partner".
4. In section 16 —
 - (a) in subsection (2)(b), for "the Pastoral Measure 1983" substitute "section 29 of the 2012 Measure";
 - (b) in subsection (2)(c), for "24 or 69" substitute "14 or 31".
5. In section 19(3), omit "or order".
6. In section 23, omit subsection (2).
7. Omit section 34.
8. In section 35 —
 - (a) in subsection (1A) —
 - (i) at the beginning insert "Subject to subsection (9),";
 - (ii) in paragraph (c), omit "and";
 - (iii) at the end insert "; and"(e) section 16A (except subsection (6)(a)).";
 - (b) for subsection (1B) substitute —

"(1B) Where —

 - (a) Her Majesty has the right of presentation to a benefice which is vacant during a vacancy in the see of a diocesan bishop and to which the right of presentation would, but for that vacancy, be exercisable by that bishop, and
 - (b) either —
 - (i) Her Majesty has given notice under section 2(3) of the 2010 Measure, or
 - (ii) that right of presentation is exercisable on behalf of Her Majesty by the relevant bishop under section 2(2) of the 2010 Measure,any reference to the patron in any provision of this Measure listed in subsection (1C) shall be construed as a reference to Her Majesty or to the relevant bishop, as the case may be.
- (1C) The provisions referred to in subsection (1B) are —
 - (a) section 7(4),

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- (b) section 11(8), so far only as it relates to parish representatives,
 - (c) section 13(1)(b)(i), (3) and (so far only as they relate to parish representatives) (4) and (5), and
 - (d) section 22.";
 - (c) in subsection (7), after "then" insert ", subject to subsection (9)";
 - (d) in subsection (7)(a), omit ", in the case of a shared benefice,";
 - (e) after subsection (7) insert —
 - "(7A) Where section 2 of the 2010 Measure applies —
 - (a) if Her Majesty has not given notice under subsection (3) of that section, subsection (7)(a) has effect as if the second and third references to Her Majesty were to the relevant bishop, and
 - (b) subsection (7)(b) has effect as if the reference to a person other than Her Majesty did not include the relevant bishop."
 - (f) in subsection (8), for "paragraphs (a) to (d) of section 81(2) of the Pastoral Measure 1983" substitute "section 40(4) of the 2012 Measure".
9. In section 37(1), after "all such notices shall" insert ", where the form of the notice is prescribed by rules under section 38,".
10. In section 39 —
 - (a) in subsection (1), after "requires —" insert —
 - ""the 2010 Measure" means the Vacancies in Suffragan Sees and Other Ecclesiastical Offices Measure 2010³;
 - "the 2012 Measure" means the Mission and Pastoral Measure (Isle of Man) 2012⁴;"
 - and for the definitions of "pastoral scheme" and "pastoral order" substitute —
 - ""pastoral scheme" has the same meaning as in the 2012 Measure;"
 - (b) in subsection (2), omit "or pastoral order".
11. Omit section 41 and Schedule 5.
- Church Act 1992 (c.5)*
12. In Schedule 2 —
 - (a) in paragraph 6(3), omit "with the consent of the patron of the benefice";
 - (b) omit paragraph 7.
- The 1997 Measure*
13. In section 2(4), for the definition of "benefice" substitute —
 - ""benefice" means the office of rector or vicar of a parish or parishes, with cure of souls, but not including the office of a vicar in a team ministry;"

³ 2010 No. 2

⁴ SD 654/12

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Mission and Pastoral Measure (Isle of Man) 2012 (SD 654/12)

14. In section 29(1), omit "registered".