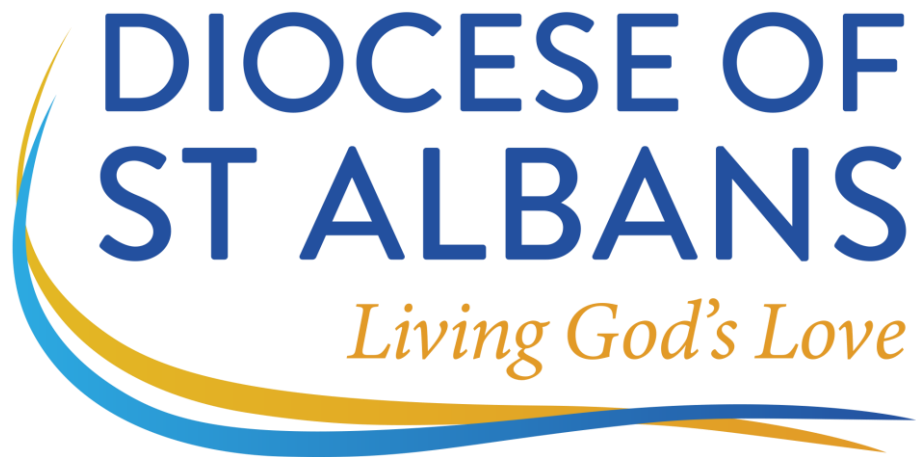




DIOCESE OF ST ALBANS

PATRONAGE (BENEFICES) MEASURE 1986

Filling of Vacant Benefices

For Parishes

December 2023

1. INTRODUCTION

- 1.1 The procedures for filling vacant benefices are set out in the provisions of the Patronage (Benefices) Measure 1986 [“the Measure”]. 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 parochial church councils [“PCCs”]. The statutory provisions are complex and detailed, and deal separately with various special situations. In case of doubt, the PCC should seek advice from the “Designated Officer”. In this diocese, the Pastoral and Advisory Secretary has been appointed 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*. Because there are various forms you may be asked to complete, there is a Glossary of the vacancy forms and terms at Section 12 of this booklet.

FILLING A VACANCY

2 Preliminary

- 2.1 ***When the vacancy is announced:*** *The churchwardens will receive guidance from the Archdeacon’s office. This will set out how to get ready for the vacancy, arranging cover for services, the parsonage and handover from the outgoing priest. It is important to take time to say goodbye to the outgoing priest before starting the formal processes of making a new appointment. Your outgoing priest may have given a lot of notice and there may be a delay before the formal processes can begin.*

- 2.2 **Vacancy Meeting:** *The Archdeacon will make arrangements with the churchwardens for an informal Vacancy Meeting. This will often be referred to simply as the 'Vacancy Meeting'; it is not required formally under the Measure and differs to the Section 11 and Section 12 Meetings, but such a meeting is held for every vacancy. The PCC, wider congregation and local community, 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 inform development of the parish profile. There may be an opportunity for any questions the PCC or Patron may have about the process. The bishop will also explain the advertising processes and options (see paragraph 2.4).*
- 2.3 **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 should be joint. The Parish Profile, and in particular the conditions, needs and traditions of the parish[es], should be discussed and agreed by the full PCC. It is one of the items to be agreed by the PCC at its formal Section 11 meeting[s] (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**, safeguarding, HR and MMDR processes and other issues for circulation to candidates.*
- 2.4 **Advertising:** *The Archdeacon prepares a notice of the forthcoming vacancy for the diocesan website. The Archdeacon liaises with the Parish Representatives over the possibility of advertising the vacancy wider than this, but it should be noted that legally this is a matter for the Patron to decide but in practice is dealt with through the Archdeacon's Office. If the PCC[s] wish to advertise more widely than the diocesan website and any website operated by the Patron, i.e. in the church press and/or Church of England Pathways, please note that this will be at the PCC's expense.*
- 2.5 **Formal vacancy notice:** *The formal notification of the vacancy [Form 31 or 32] is issued by the Designated Officer*

– after being notified by the diocesan bishop [‘the bishop’] – to:

- (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.

Generally, this Notice is served around the start of the formal vacancy [for various reasons, this date may differ to the date your previous incumbent stood down and from the Start Date due to notice periods and/or to allow for conversations about the vacancy and the process involved]. Other documents, such as the Form 34 will be sent near or around the informal Vacancy Meeting (paragraph 2.1), or on the Start Date shown on Form 31. Questions about process can be clarified at the meeting or sent to the Pastoral Officer. After the Start Date shown on Form 31 and after the Vacancy Meeting, 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, or benefices held in plurality.

- 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) to discuss the items below. *It may be appropriate to hold more than one Section 11 meeting if needed to meet the timetable agreed with the Archdeacon’s office. The Form 34 (see para. 3.2) can only be completed once all decisions have been made but please do notify the Archdeacon’s office as soon as parish representatives have been appointed by the full PCC. Copies of the resolutions will be needed with 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 or Benefice Profile]. This must be sent as soon as practicable after the Section 11 meeting which confirms the final profile *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). The Profile, and in particular the conditions, needs and traditions of the parish, should be discussed and prepared by the full PCC(s) before it is agreed at the formal meeting – a separate meeting to discuss the preparation of the profile and its contents is recommended;
- 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. The parish representatives may not always sit on the interview panel which is determined by the bishop, especially in the case of multi-parish benefices (see 3.3);
- 3.1.3 To decide whether to request the patron to consider advertising the vacancy, *i.e. in diocesan practice whether the PCC wishes to advertise more widely than the usual places* (see paragraph 2.4 above);
- 3.1.4 To decide whether to request a joint Section 12 meeting with the patron and the bishop (read Section 5 thoroughly);
- 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 2.3. 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 If a PCC decides, and particularly if the PCC already has a resolution in place, 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 such a resolution already exists, it is not necessary to pass a new resolution, but it should be discussed and reviewed during the Section 11 meeting. If action is taken on this matter, the following must be notified of the result: Diocesan Bishop, Archdeacon, Rural/Area 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. *Please contact your Archdeacon to discuss this further.*
- 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 (*see comments on the timetable in para. 3.1*), to the Pastoral Officer for distribution to the patron, bishop and archdeacon.
- 3.3 In the case of a multi-parish benefice, the Section 11 meeting[s] must be a joint meeting of all the PCCs. This does not apply to team councils or joint PCCs [but see 3.4 below] but it does apply where there is a newer Joint Council Scheme [*please seek advice from the Pastoral Officer if unclear*]. The PCCs may agree a joint parish profile or in exceptional circumstances (as in the case of 3.1.6 above) may submit separate profiles which are then collated, but the other decisions of the Section 11 meeting[s] must be joint decisions. If any parish wishes to petition the Bishop under the House of Bishops Declaration on the Ministry of Bishops

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."

and Priests that must be done by the individual PCC. Four or more representatives must be appointed under paragraph 3.1.2 above 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 nor require them to be on the interview panel, which is selected by the Bishop in consultation with the representatives. 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 benefice for this purpose.

- 3.4 Where there is a team council or joint PCC (rather than a Joint Council under the Church Representation Rules 2020 onwards), 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 confirm to the Designated Officer that they are eligible to act as patron, or appoint an eligible representative if, for any reason, s/he considers s/he is unable to discharge their functions as patron in filling the vacancy. Where there are two or more joint patrons, any of those patrons may nominate one of the others to act on their 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 is eligible.
- 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 the initial Vacancy Meeting involving representatives of the PCC; the patron and the bishop, the formal procedure which follows will not be needed.

- 5.1 The PCC, the patron or the bishop may request a joint Section 12 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 Section 12 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/Area Dean and the lay chair 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, suffragan bishop's office 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, such as the ministry team, on the interview day.

- 6.2 *The Bishop may make the practical offer on behalf of the patron and parish representatives but, when a priest has been chosen, the patron formally offers the benefice and 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 the bishop gives notice of refusal within four weeks or any of the PCC representatives 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 Bishop 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 Start Date on Form 34, 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, appointments are still managed by the Archdeacon's office who will liaise with the Patron. The Vacancy Meeting is still held (paragraph 2.1 above).* Following the formal notification of the vacancy (para. 2.4) and *Vacancy Meeting* (para. 2.2), the PCC should hold one or more Section 11 Meetings for the following purposes:

- To appoint parish representatives
- To agree the Parish/Benefice 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., The full legal requirements are available as follows:-

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

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

St Albans Diocesan Registry contact details:

<https://www.stalbansdiocese.org/directory/diocesan-registry/>

11. **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 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 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 [not used where Bishop is patron].

Section 11 meeting: PCC meetings 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. This will be a meeting of all PCCs where there is a multi-parish benefice.

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

Vacancy Meeting: is a meeting that takes place to which all parishioners, stakeholders, community partners, PCC members, Rural/Area Dean and Lay Deanery Chair are invited. It often takes place after the incumbent has moved on and, if the start of the vacancy is delayed, this could be some time after the incumbent has left. This meeting is not required under the Measure but is arranged by the Archdeacon's/Bishop's office for every vacancy.

MMDR Processes: A Mission and Ministry Development Review (MMDR) is a review process for clergy. More information is available at:

<https://www.stalbansdiocese.org/ministry/ordained-ministry/mission-and-ministry-development-reviews/>

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 18 months of **Start Date on Form 31**.