

# CHURCH MEASURES

Extracted from *Manx Church Legislation* (4th ed., 2014)

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**Legal Aid and Miscellaneous Provisions Measure (Isle of Man) 1990**

GC 132/90

*NOTE COMMENCEMENT: the Measure was brought into force on 1st July 1990 by the Legal Aid and Miscellaneous Provisions Measure (Isle of Man) 1990 (Appointed Day) Order 1990 (GC 145/90).*

**1. Extension of the Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988**

The Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988 (a Measure of the General Synod of the Church of England) shall extend to the Island subject to the exceptions, adaptations and modifications specified in the Schedule.

**2. Short title and commencement**

(1) This Measure may be cited as the Legal Aid and Miscellaneous Provisions Measure (Isle of Man) 1990.

(2) This Measure shall come into operation on such day as the Bishop may by order appoint.

SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS SUBJECT TO WHICH THE CHURCH OF ENGLAND (LEGAL AID AND MISCELLANEOUS PROVISIONS) MEASURE 1988 HAS EFFECT IN THE ISLAND

.....

*NOTE: Paragraphs 1 & 2 repealed by Legal Aid Measure (Isle of Man) 1995 (SD 426/95) Sch.2.*

*Marriages*

3. Omit section 5.

*Change of name of see*

4. Omit section 6.

*Licences of ministers etc.*

5. Omit section 7(2).

*Church land*

6. Omit section 9.

*Leasehold Reform Act 1967*

7. Omit section 10.

*Short title etc.*

8. (1) For section 15(2) substitute —  
"2) References in this Measure to any provision of a Measure (including this Measure) are to that provision as it has effect in the Isle of Man."

(2) Omit section 15(3).

.....

*NOTE Paragraphs 9 & 10 repealed by Legal Aid Measure (Isle of Man) 1995 (SD 426/95) Sch.2*

*Repeals*

11. In Schedule 3, omit the entries relating to the Pluralities Act 1838, the Clergy (Ordination and Miscellaneous Provisions) Measure 1964 and the Incumbents (Vacation of Benefices) Measure 1977.

**Church (Miscellaneous Provisions) Measure (Isle of Man) 1990**

GC 3/91

*NOTE COMMENCEMENT: the Measure was brought into force by the Church (Miscellaneous Provisions) Measure (Isle of Man) 1990 (Appointed Day) Order 1991 (GC 40/91) as follows: ss.3-7 and Schedules 3-5 on 1st April 1991; ss.1 & 2 and Schedules 1 & 2 on 1st January 1992.*

**1. Incumbents and Churchwardens (Trusts) Measure 1964**

The Incumbents and Churchwardens (Trusts) Measure 1964 (a Measure of the Church Assembly) shall extend to the Isle of Man subject to the modifications specified in Schedule 1.

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*NOTE S.2 repealed by Churchwardens Measure (Isle of Man) 2013 Sch.2.*

**3. Clergy (Ordination and Miscellaneous Provisions) Measure 1964**

The Clergy (Ordination and Miscellaneous Provisions) Measure 1964 (a Measure of the Church Assembly) shall extend to the Isle of Man subject to the modifications specified in Schedule 3.

**4. Church of England (Miscellaneous Provisions) Measure 1983**

The Church of England (Miscellaneous Provisions) Measure 1983 (a Measure of the General Synod) shall extend to the Isle of Man

subject to the modifications specified in Schedule 4.

. . . . .

*NOTE S.5 repealed by Church Fees Measure (Isle of Man) 2014 Sch.4.*

**6. Deacons (Ordination of Women) Measure 1986**

Section 3 (provisions as to pensions etc.) of the Deacons (Ordination of Women) Measure 1986 (a Measure of the General Synod) shall extend to the Isle of Man.

**7. Short title and commencement**

(1) This Measure may be cited as the Church (Miscellaneous Provisions) Measure (Isle of Man) 1990.

(2) This Measure shall come into operation on such day or days as the Bishop may by order appoint.

**SCHEDULE 1**

**MODIFICATIONS SUBJECT TO WHICH THE INCUMBENTS AND CHURCHWARDENS (TRUSTS) MEASURE 1964 EXTENDS TO THE ISLE OF MAN**

**Interpretation**

1. In section 1 —
  - (a) omit the definition of "custodian trustee";
  - (b) in the definition of "endowments of the benefice", omit "and any land or personal property held by the incumbent under the Parsonages Measure 1938";
  - (c) in the definition of "incumbent", omit "but shall not include the curate in charge of a conventional district";
  - (d) in the definition of "land", omit "and mines and minerals, whether or not held apart from the surface," "a manor and" and the words from "nor an undivided" onwards;
  - (e) in the definition of "parish", omit the words from "and includes" onwards;
  - (f) for the definition of "permanent trusts" substitute —

""permanent trusts" means any trust of property which is held subject to a restriction on its being expended without distinction between capital and income."

**Property to which Measure applies**

2. (1) In section 2(2) —
  - (a) in paragraph (a), after "office," insert "or in an incumbent and churchwardens,"
  - (b) omit paragraphs (b), (c) and (d).
- (2) In section 2(3), omit the proviso.

**Vesting of property in diocesan authority**

3. (1) In section 3(1), for "commencement of this Measure" substitute "extension of this Measure to the Isle of Man".

(2) After section 3(2) insert —

"(2A) Subject to the following provisions of this Measure, where any interest is vested in the diocesan authority as custodian trustee —

- (a) the management of the trust property and the exercise of any power or discretion exercisable by the trustees under the trust shall remain vested in the trustees other than the custodian trustee ("the managing trustees");
- (b) as between the custodian trustee and the managing trustees, and subject to the rights of any other persons, the custodian trustee shall have the custody of all securities and documents of title relating to the trust property, but the managing trustees shall have free access to them and be entitled to take copies thereof or extracts from them;
- (c) the custodian trustee shall concur in and perform all acts necessary to enable the managing trustees to exercise their powers of management or any other power or discretion vested in them (including the power to pay money or securities into court), unless the matter in which it is requested to concur is a breach of trust, or involves a personal liability upon it in respect of calls or otherwise, but unless it so concurs the custodian trustee shall not be liable for any act or default on the part of the managing trustees or any of them;
- (d) all sums payable to or out of the income or capital of the trust property shall be paid to or by the custodian trustee, except that the custodian trustee may allow the dividends and other income derived from the trust property to be paid to the managing trustees or to such person as they may direct, or into such bank for the credit of such person as they may direct, and in such case shall be exonerated from seeing to the application of them and shall not be answerable for any loss or misapplication of them;
- (e) the power of appointing new trustees, when exercisable by the trustees, shall be exercisable by the managing trustees alone, but the custodian trustee shall have the same power of

applying to the court for appointment of a new trustee as any other trustee;

(f) in determining the number of trustees for the purpose of the Trustee Act 1961 (an Act of Tynwald) the custodian trustee shall not be reckoned as a trustee;

(g) the custodian trustee, if it acts in good faith, shall not be liable for accepting as correct and acting upon the faith of any written statement by the managing trustees as to any matter of fact upon which the title to the trust property or any part thereof may depend, nor for acting on any legal advice obtained by the managing trustees independently of the custodian trustee."

(3) In section 3(3), for the words from "paragraph (b)" onwards substitute "section 39(1)(b) of the Trustee Act 1961 (an Act of Tynwald)".

(4) In section 3(6), for "the High Court or the Charity Commissioners" substitute "Her Majesty's High Court of Justice of the Isle of Man".

**Consent of diocesan authority to acquisition of property**

4. In section 4, for "commencement of this Measure" substitute "extension of this Measure to the Isle of Man".

**Provisions as to property vested in diocesan authority**

5. In section 5, omit "either from the Charity Commissioners or otherwise".

**Short title etc.**

6. Omit section 6(2) and (3).

**Vesting of property**

7. (1) The Schedule is modified as follows.

(2) In paragraph 2, for "to the incumbent and to the Charity Commissioners" substitute "and to the incumbent".

(3) Omit paragraph 3.

(4) In paragraph 5 —

(a) omit the words from "If the Charity" to "they have made and";

(b) for "(2) and (3)" substitute "(2), (2A) and (3)".

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*NOTE: Sch.2 repealed by Churchwardens Measure (Isle of Man) 2013 Sch.2.*

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**SCHEDULE 3**

**MODIFICATIONS SUBJECT TO WHICH THE CLERGY (ORDINATION AND MISCELLANEOUS PROVISIONS) MEASURE 1964 EXTENDS TO THE ISLE OF MAN**

**Miscellaneous provisions**

1. Omit sections 10 and 11.

**Vacancy in see**

2. Omit section 12.

**Extent**

3. Omit section 13.

**SCHEDULE 4**

**MODIFICATIONS SUBJECT TO WHICH THE CHURCH OF ENGLAND (MISCELLANEOUS PROVISIONS) MEASURE 1983 EXTENDS TO THE ISLE OF MAN**

**Miscellaneous provisions**

1. Omit sections 1, 2, 3, 4 and 6.

**Discharge of certain functions of bishop**

2. (1) In section 8(1) and (3), omit "bishop's council and".

(2) In section 8(11), for the words from "section 3" to "1978" substitute "and section 8 of the Church Act 1979 (an Act of Tynwald)".

(3) In section 8(12), for "comes into operation" substitute "is extended to the Isle of Man".

**Discharge of certain functions of archdeacon**

3. In section 9(4), omit the words from "or section 2(2)" onwards.

**Miscellaneous provisions**

4. Omit sections 11 and 12.

**Short title etc.**

5. Omit section 13(2) and (3).

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*NOTE Sch.5 repealed by Church Fees Measure (Isle of Man) 2014 Sch.4.*

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**Care of Churches and Ecclesiastical Jurisdiction Measure  
(Isle of Man) 1992**

GC 485/92

*NOTE: COMMENCEMENT: the Measure was brought into force by the Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992 (Appointed Day) Order 1993 (SD 102/93) as follows:*

*(a) on 1st April 1993 in relation to the 1991 Measure ss.2 (except subs.(7)), 8 (in part), 25, 26, 27, 32 (in part) & 33, Sch.4 paras.1-4 & 10, Sch.7 paras.2A, 3 & 5A and Sch.8 (in relation to Ecclesiastical Jurisdiction Measure 1963, Faculty Jurisdiction Measure 1964 s.14 & Sch., Church Act 1969 and Church Act 1979 s.10(1) & 11 and Sch.2 paras.15, 16, 17 & 19);*

*(b) on 1st January 1994 in relation to the remainder of the Measure.*

**1. Extension of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991**

The Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (a Measure of the General Synod of the Church of England) shall extend to the Island subject to the modifications specified in the Schedule.

**2. Short title and commencement**

(1) This Measure may be cited as the Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992.

(2) This Measure shall come into operation on such day or days as the Bishop may by order appoint.

SCHEDULE

MODIFICATIONS SUBJECT TO WHICH  
THE CARE OF CHURCHES AND  
ECCLESIASTICAL JURISDICTION  
MEASURE 1991 HAS EFFECT IN THE  
ISLAND

*Diocesan Advisory Committee*

1. (1) In section 2(2), omit the words from "containing" onwards.

(2) In section 2(3), for "such further provisions consistent with those set out in Schedule 1 to this Measure" substitute "such provisions".

(3) In section 2(7), omit the words from "and the secretary" onwards.

(4) In section 2(8), for "Section 13 of the 1964 Measure" substitute "Section 10 of the Church Act 1979 (an Act of Tynwald)".

*Inspection of churches*

2. In section 3, for "Inspection of Churches Measure 1955" substitute "Church Act 1979 (an Act of Tynwald)".

*Duties of churchwardens as to records*

3. In section 4(3), for "Council for the Care of Churches" substitute "bishop of the diocese concerned".

*Duties of churchwardens as to fabric etc.*

4. In section 5(1)(b), for "Inspection of Churches Measure 1955" substitute "Church Act 1979 (an Act of Tynwald)".

*Trees in churchyards*

5. Omit section 6.

*Duties of diocesan board of finance*

6. In section 7, for "Inspection of Churches Measure 1955" substitute "Church Act 1979 (an Act of Tynwald)".

*Ecclesiastical jurisdiction — general*

7. In section 8(2), for "coming into operation of that amendment" substitute "extension of that amendment to the Isle of Man".

*Ecclesiastical Judges and Legal Officers Measure 1976*

8. Omit section 9.

. . . . .

*NOTE Para.9 omitted by Church Fees Measure (Isle of Man) 2014 Sch.4.*

*Ecclesiastical Fees Measure 1986*

9. Omit section 10.

*Faculty jurisdiction — general*

10. In section 11(2), for "coming into operation of this section" substitute "extension of this section to the Isle of Man".

*Delegation to archdeacon*

[11. Omit section 14(6).]

*NOTE Para.11 substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 s.3.*

. . . . .

*NOTE Para.12 omitted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 s.3.*

*Parties*

13. In section 16(5), for "coming into force of this section" substitute "extension of this section to the Isle of Man".

*Faculties for demolition of churches*

14. (1) In section 17(4)—

- (a) in paragraph (a), for "'The London Gazette" and in such other newspapers" substitute "such newspaper or newspapers published and circulating in the Isle of Man";
- (b) in paragraph (b), omit "the Council for the Care of Churches and";
- (c) in paragraph (d), for the words from "(i)" to "other person" substitute "any person".

(2) For section 17(5) substitute —

"(5) Without prejudice to the requirements of subsection (4) above, the court shall not grant a faculty under subsection (2) or (3)(a) above in the case of a church which is registered in the Protected Buildings Register [or is in a conservation area] unless —

- (a) the registrar has given notice in writing to the Department of Local Government and the Environment;
- (b) the judge of the court has thereafter considered such advice as that Department may have tendered to the court;
- (c) the registrar has given notice in writing to the Manx Museum and National Trust and thereafter either —
  - (i) for a period of at least one month following the giving of the notice reasonable access to the church has been made available to members or officers of that body for the purpose of recording it; or
  - (ii) that body has stated in writing that it has completed its recording of the church or that it does not wish to record it."

(3) In section 17(6)(b), for "a listed building" substitute "registered in the Protected Buildings Register".

(4) In section 17(7), for "coming into force of this section" substitute "extension of this section to the Isle of Man".

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*NOTE: Para.14: words in square brackets in sub-para.(2) inserted by Statute Law Revision Measure (Isle of Man) 1994 Sch.1 para.7.*

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*Emergency demolition of churches*

15. (1) In section 18(1), for "coming into operation of this section" substitute "extension of this section to the Isle of Man".

(2) In section 18(1)(b) and (2)(b), for "a listed building" substitute "registered in the Protected Buildings Register".

(3) In section 18(2)(b), for "local planning authority" substitute "Department of Local Government and the Environment".

(4) In section 18(3), for the words from "Council" onwards substitute "said Department".

*Deposit of articles for safe keeping*

16. For section 21(7) substitute —

["(7) In this section "article" does not include any register or article to which the Church Records Measure (Isle of Man) 2000 applies.".]

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*NOTE Para.16: words in square brackets substituted by Church Records Measure (Isle of Man) 2000 s.32(2)(a).*

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*Removal of legal effects of consecration*

17. (1) In section 22(1)(a), after "purposes)" insert ", by the churchwardens of any parish jointly with any such corporation".

(2) In section 22(3), for "Secretary of State" substitute "Department of Local Government and the Environment".

(3) In section 22(5), after "enforceable" insert "; subject to section 29 (registration of encumbrances) of the Registration of Deeds Act 1961 (an Act of Tynwald) and to the provisions of the Land Registration Act 1982 (an Act of Tynwald),".

(4) After section 22(5) insert —

"(5A) For the purposes of section 11(1) of the said Act of 1961 the archdeacon shall be deemed to be a person legally or beneficially interested in the building or land affected; and for the purposes of the said Act of 1982 a condition or requirement shall be treated as falling within Part I of Schedule 6 (registrable burdens) to that Act."

(5) For section 22(7) substitute —

"(7) Section 1 of the Conveyancing Act 1983 (an Act of Tynwald) (which enables the court to discharge or modify restrictions affecting land) shall not apply in relation to conditions and requirements imposed under subsection (2) above."

(6) Omit section 22(8).

*Application to Crown land*

18. For section 23(4) substitute —

- "(4) In this section —  
"the appropriate authority" means —  
(a) in relation to Crown land vested in or managed by a Department or Statutory Board or a government department of the United Kingdom, that Department, Board or department;  
(b) in relation to any other Crown land, the Governor in Council;  
and, if any question arises as to what authority is the appropriate authority in relation to any land, the question shall be referred to the Governor in Council, whose decision shall be final;  
"Crown land" means land in which there is an interest belonging to or held in trust for Her Majesty;  
"Department", "the Governor in Council" and "Statutory Board" have the meanings given by the Interpretation Act 1976 (an Act of Tynwald)."

*Public notices*

19. In section 24, for "Section 4 of the Parish Notices Act 1837" substitute "Section 6 of the Public Notices Act 1872 (an Act of Tynwald)".

*Rule Committee*

[20. Omit section 25.]

*Functions of Rule Committee*

21. [(1) In section 26(1), for "Rule Committee" substitute "Legislative Committee of the Sodor and Man Diocesan Synod". ]  
(2) In section 26(2) —  
(a) in paragraph (a), after "practice" insert "in the Isle of Man", and omit the words from "or the Care" onwards; and  
(b) omit paragraph (b).  
[(3) In section 26(3) —  
(a) for "Rule Committee" substitute "Legislative Committee";  
(b) omit paragraph (b); and  
(c) in paragraph (c), for "section 25 of the Parochial Registers and Records Measure 1978" substitute "Church Records Measure (Isle of Man) 2000". ]  
(4) After section 26(3) insert —  
"(4) Rules made under this section may provide that the rules made under this section as it has effect in England shall have effect in the Isle of Man subject to such modifications as may be prescribed."

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*NOTE Para.21: sub-paras.(1) and (3) substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 Sch.3 para.2.*

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*Rules: supplementary provisions*

22. (1) In section 27(1), omit paragraph (c).  
(2) For section 27(2) substitute —  
"(2) Any rules made under section 24 above shall not have effect unless they are approved by the Sodor and Man Diocesan Synod, and shall be laid before Tynwald as soon as may be after they are so approved."  
(3) Omit section 27(3) and (4).

*Registrars' fees*

23. Omit section 29.

*Interpretation*

24. (1) In section 31(1) —  
(a) omit the definitions of "administrative body", "Cathedrals Fabric Commission", "Council for the Care of Churches", "high judicial office", "listed building", "local planning authority", "national amenity society"[, "Rule Committee"] and "parish church";  
(b) in the definition of "conservation area", for "Planning (Listed Buildings and Conservation Areas) Act 1990" substitute "Town and Country Planning Act 1991 (an Act of Tynwald)";  
(c) for the definition of "Diocesan Board of Finance" substitute —  
""Diocesan Board of Finance" means the Sodor and Man Diocesan Board of Finance;" ;  
(d) for the definition of "parish" substitute —  
""parish" means an ecclesiastical parish;" ;  
(e) after the definition of "prescribed" insert —  
""Protected Building Register" means the register maintained under section 1 of the Town and Country Planning Act 1991 (an Act of Tynwald)";  
(2) In section 31(2)(b), for the words in brackets substitute "(not being a church or chapel which is not subject to the jurisdiction of the bishop of the diocese)".  
(3) For section 31(4) substitute —  
"(4) In relation to a church or building in a district assigned to a chapel under the Church Representation Rules, references in this Measure to the parochial church council or a parochial church meeting of the parish concerned are to the parochial

church council or a parochial church meeting of that district.

(4A) References in this Measure to any provision of a Measure (including this Measure) are to that provision as it has effect in the Isle of Man."

(4) In section 31(5), for "section 13 of the 1964 Measure" substitute "section 10 of the Church Act 1979 (an Act of Tynwald)".

(5) In section 31(6), for the words from "the Ancient" onwards substitute "any enactment relating to ancient monuments or town and country planning".

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*NOTE Para.24: sub-para.(1)(a) amended by Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 Sch.3 para.2.*

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*Citation etc.*

25. Omit section 33(2) and (3).

*Constitution of Diocesan Advisory Committee*

26. Omit Schedule 1.

*Inspection of churches*

27. (1) Schedule 3 is modified as follows.

(2) In the heading, for "INSPECTION OF CHURCHES MEASURE 1955" substitute "CHURCH ACT 1979".

(3) In paragraph 1, for "Inspection of Churches Measure 1955" substitute "Church Act 1979 (an Act of Tynwald)".

(4) In paragraph 2, for sub-paragraphs (a) and (b) substitute —

"(a) in paragraph (c), for the words an architect or architects, surveyor or other suitably qualified person" substitute "a qualified person or persons";

(b) in paragraph (d), after "situate" insert "to the incumbent of the benefice comprising that parish and to the secretary of the diocesan advisory committee of the diocese".

(5) In paragraph 3 —

(a) in section 1A —

(i) for "Measure" substitute "Act";

(ii) in paragraph (b), for the words from "Council" to "jointly" substitute "Manx Museum and National Trust"; and

(iii) omit paragraph (c); and

(b) omit section 1B.

(6) In paragraph 5 —

(a) for "section 6" substitute "section 11";

(b) in sub-paragraph (a), for "bishop" substitute "benefice", and in the definition of "church" —

(i) in paragraph (a), omit "other than one to which the Care of Cathedrals Measure 1990 applies";

(ii) in paragraph (b), for the words in brackets substitute "(not being a church or chapel which is not subject to the jurisdiction of the bishop of the diocese)";

(b) in sub-paragraph (b), in the definition of "qualified person", for "Architects Registration Acts 1931 to 1969" substitute "Architects Act 1976 (an Act of Tynwald)".

*Amendment of Ecclesiastical Jurisdiction Measure 1963*

28. (1) Schedule 4 is amended as follows.

(2) In paragraph 2 —

(a) omit sub-paragraph (a);

(b) in sub-paragraph (b), after "solicitor" insert "or an advocate of the Manx bar";

(c) for sub-paragraph (c)(ii) substitute —

"(ii) for the words "without limit of time" there shall be substituted the words "for the period beginning with the date of the appointment and ending with the date on which he attains the age of 72 years";

(iii) at the end there shall be inserted the following paragraph —

"(c) may continue to act as chancellor for the purpose of any proceedings or cause of faculty in the consistory court or the chapter court of the diocese during the course of which he attains the age of 72 years as if the date of the conclusion in that court of those proceedings or that cause, as the case may be, were the date on which he attains that age.";

(d) in sub-paragraph (d), in the new section 2(4A), for "the age at which a puisne judge of the High Court is obliged to vacate that office" substitute "the age of 75 years".

(3) Omit paragraph 9.

(4) In paragraph 11, after the new section 81(4) insert —

"(5) In this section "the High Court", in relation to a court in the Isle of Man, means the High Court of Justice of the Isle of Man."

*Further amendments*

29. Omit Schedules 5 and 6.

*Minor and consequential amendments*

30. (1) Schedule 7 is modified as follows.

(2) Omit paragraph 1.



- (3) In paragraph 2 —  
 (a) for "that Measure" substitute "the Faculty Jurisdiction Measure 1964";  
 (b) for "coming into force" substitute "extension to the Isle of Man".

.....

- (5) For paragraph 3 substitute —  
 "3. For section 15 of that Measure there shall be substituted —

"15. In this Measure unless the context otherwise requires —

"advisory committee" means the diocesan advisory committee constituted under section 2 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, as it has effect in the Isle of Man;

"Bishop" means the Bishop of Sodor and Man;

"church" includes any building or part of a building which is licensed for public worship according to the rites and ceremonies of the Church of England and is subject to the faculty jurisdiction;

"court" means the consistory court of the diocese of Sodor and Man;

"judge" means the judge of the court;

"prescribed" means prescribed by rules made under section 26 of the said Measure.".

- (6) In paragraph 4, for sub-paragraph (b) substitute —

"(b) in rule 24(2)(a), at the end there shall be inserted —

"(v) the chairman of the diocesan advisory committee (if in Holy Orders);";

- (c) in rule 24(3)(a), at the end there shall be inserted —

"(iii) the chairman of the diocesan advisory committee (if not in Holy Orders);".

.....

- (8) Omit paragraph 6.

*NOTE Para.30: sub-para.(4) repealed by Church Fees Measure (Isle of Man) 2014 Sch.4; sub-para.(7) repealed by Legal Aid Measure (Isle of Man) 1995 Sch.2.*

*Acts and Measures repealed*

31. For Schedule 8 substitute —

"Section 32(2)

SCHEDULE 8  
 ENACTMENTS REPEALED

PART 1  
 MEASURES

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1963 No.1	The Ecclesiastical Jurisdiction Measure 1963.	Section 64. Section 65. Section 65A.
1964 No.5	The Faculty Jurisdiction Measure 1964.	Section 2. Section 5. Section 9. Section 10. Section 12. Section 14. The Schedule.

PART 2  
 ACTS OF TYNWALD

<i>Reference</i>	<i>Short title</i>	<i>Extent of repeal</i>
IV p.158	The Public Notices Act 1872.	Section 6.
XXI p.94	The Church Act 1969.	In Schedule 1, paragraphs 2(b) and 5.
1979 c.10	The Church Act 1979.	Section 10. In section 11, the definition of "advisory committee". In Schedule 2, paragraphs 6, 9, 11,13, 15, 16 and 17.

**Church (Miscellaneous Provisions) Measure (Isle of Man) 1993**

SD 496/93

*NOTE: COMMENCEMENT: the Measure was brought into force on 1st January 1994 by the Church (Miscellaneous Provisions) Measure (Isle of Man) 1993 (Appointed Day) Order 1993 (SD 509/93).*

**1. Extension of provisions of the Church of England (Miscellaneous Provisions) Measure 1992**

The following provisions of the Church of England (Miscellaneous Provisions) Measure 1992 (a Measure of the General Synod of the

Church of England) shall extend to the Island subject to the exceptions, adaptations and modifications specified in the Schedule —

Section 2 (conduct of funeral services)

Section 3 (burial of cremated remains)

section 7 (amendment of Ecclesiastical Jurisdiction Measure 1963)

Section 10 (advowsons)

Section 11 and Schedule 2 (resignation of incumbents)

Section 12 (tenure of office of chancellors and registrars)

.....

- Section 16 (non-residentiary canons)
- Section 17 and Schedules 3 and 4 (amendments and repeals)
- Section 19 (short title etc.)

*NOTE S.1: words omitted repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.*

**2. Short title and commencement**

- (1) This Measure may be cited as the Church (Miscellaneous Provisions) Measure (Isle of Man) 1993.
- (2) This Measure shall come into operation on such day or days as the Bishop may by order appoint.

*NOTE Commencement: see general note above.*

SCHEDULE  
EXCEPTIONS, ADAPTATIONS AND  
MODIFICATIONS SUBJECT TO WHICH  
THE EXTENDED PROVISIONS OF THE  
CHURCH OF ENGLAND  
(MISCELLANEOUS PROVISIONS)  
MEASURE 1992 HAVE EFFECT IN THE  
ISLAND

*Section 2 (conduct of funeral services)*

- 1. (1) In section 2(5), for "Section 11 of the Cremation Act 1902" substitute "Section 10 of the Cremation Act 1957 (an Act of Tynwald)".
- (2) In section 2(6), after "In this section —" insert —

""cemetery" does not include any parish burial ground within the meaning of the Burials Act 1986 (an Act of Tynwald);", and in the definition of "minister", omit paragraph (b)]

*Section 3 (burial of cremated remains)*

- 2. In the proviso to section 3(1), for "by an Order in Council" substitute "under section 5 of the Burials Act 1986 (an Act of Tynwald), or under any enactment repealed by that Act,".

*Section 10 (advowsons)*

- 3. (1) In section 10(2), omit the words from "and any advowson" onwards.
- (2) Omit section 10(3).

.....

*Section 16 (non-residentiary canons)*

- 5. In section 16 —

- (a) for "a non-residentiary canon in any cathedral church" substitute "a canon in the cathedral church of Saint German";
- (b) for the words from "notwithstanding" to "shall be construed" substitute "notwithstanding anything in section 4 of the Church Act 1895 (an Act of Tynwald) or in the statutes of that cathedral church to the contrary; but nothing in that section or those statutes shall be construed".

*Section 17 (amendments and repeals)*

- 6. In section 17(2), omit the words in brackets.

*Section 19 (short title etc.)*

- 7. (1) After section 19(1) insert —  
"(1A) References in this Measure to any Act or Measure or to any provision thereof are to that Act, Measure or provision as it has effect in the Isle of Man."

- (2) Omit section 19(2) to (5).

*Schedule 3 (amendments)*

- 8. In Schedule 3 —
- (a) omit paragraphs 1 to 3, 6 to 17, 20 to 23 and 25 to 27;
- (b) in paragraph 24, for "Commissioners" substitute "diocesan board of finance".

*Schedule 4 (repeals)*

- 9. For Schedule 4 substitute —  
"Section 17(2).

SCHEDULE 4  
REPEALS

Reference	Short title	Extent of repeal
ACTS OF PARLIAMENT		
30 & 31 Vict. c.133	The Consecration of Churchyards Act 1872.	Section 12.
ACTS OF TYNWALD		
IV p.158	The Public Notices Act 1872.	Section 3. Section 5. In section 7, the words from "nor to notice" onwards.
XVIII p.789	The Cremation Act 1957.	Section 10.
MEASURES		
1959 No.2	The Vacancies in Sees Measure 1959.	Section 2.
1963 No.1	The Ecclesiastical Jurisdiction Measure 1963."	Section 2(3).

*NOTE Schedule: para.1(2), words in square brackets inserted by Mission and Pastoral Measure (Isle of Man) 2012 Sch.8 para.5; para.4 repealed by ib. Sch.10.*

# Statute Law Revision Measure (Isle of Man) 1994

SD 254/94

*NOTE: COMMENCEMENT: the Measure came into force on 21st June 1994 (the date on which Royal assent was announced to Tynwald).*

## 1. Modifications of Church of England (Ecumenical Relations) Measure 1988

(1) The Church of England (Ecumenical Relations) Measure 1988 is modified in its application to the Island as follows.

(2) In section 5 (Churches to which Measure applies), at the end insert —

"(3) Except in the case of a Church nominated under paragraph (b) of subsection (2) above, this Measure does not apply to a Church by virtue of subsection (1) above unless the said Act of 1969, as it has effect in the Isle of Man, for the time being applies to it."

(3) In section 8 (saving regarding solemnization of marriage), for "Marriage Acts 1949 to 1986" substitute "Marriage Act 1984 (an Act of Tynwald)".

## 2. Amendment of enactments

The enactments specified in Schedule 1 are amended in accordance with that Schedule.

## 3. Repeals

(1) The enactments specified in Part 1 of Schedule 2 are repealed to the extent specified in column 3 of that Part.

(2) The transitional and saving provisions in Part 2 of Schedule 2 shall have effect.

## Short title

4. This Measure may be cited as the Statute Law Revision Measure (Isle of Man) 1994.

### SCHEDULE 1

#### AMENDMENT OF ENACTMENTS

*The Church Act 1895 (VI p.648)*

1. (1) In section 2A(3), for "certified to be true by the Bishop and the Secretary of the Synod" substitute "certified in accordance with section 2 of the Church Act 1987".

(2) In section 4(7), for "by the Commissioners by order under their common seal" substitute "by resolution of the standing committee of the Sodor and Man Diocesan Synod".

.....

*The Church Act 1969 (XXI p.94)*

3. (1) Schedule 1 is amended as follows.

(2) In paragraph 2(c), in the substituted section 2(5), omit the words from "and (b)" onwards.

(3) After paragraph 3 insert —

"3A. In section 28 (conduct of trial) —

(a) in paragraphs (a) and (e), for "court of assize exercising criminal jurisdiction" substitute "Court of General Gaol Delivery";

(b) in paragraph (c), for "such a court of assize" substitute "such a Court".

*The Marriage Act 1984 (c.13)*

4. (1) In section 7(3), for "The churchwardens of every parish shall provide for every church or chapel in the parish" substitute "Every parochial church council shall provide for each church or chapel in its district".

(2) In section 55, in the definition of "clergyman", at the end insert ", and includes a clerk in Holy Orders of the Church in Wales or the Church of Ireland".

*The Sharing of Church Buildings Act 1986 (c.5)*

5. (1) Schedule 1 is amended as follows.

(2) In paragraph (1), after sub-paragraph (3) insert —

"(4) In section 1(6), for "1969" substitute "1983".

(3) In paragraph 3, for sub-paragraph (b) substitute —

"(b) for the words from "provided" onwards substitute "provided by the Sharing of Church Buildings Measure 1970".

(4) After paragraph 3 insert —

"4. (1) In section 5(1), for the words from "1969" to "Synod" substitute "1983".

(2) In section 5(4), for "1969" substitute "1983".

(5) After paragraph 5 insert —

"6. In section 7(3), for the words from "1969" onwards substitute "1983".

*The Church Act 1992 (c.5)*

6. In Part 2 of Schedule 4, for paragraph 19 substitute —

"19. For paragraph 41 substitute —

### "Covenants

41. (1) In section 62(1) —

(a) omit "the Commissioners or" (in the first place); and

(b) omit "Commissioners or" (in the second and third places).

(2) In section 62(2), for "Commissioners" (in both places) substitute "board".

*The Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992 (GC 485/92)*

7. In paragraph 14(2) of the Schedule, in the substituted section 17(5), after "Protected Buildings Register" insert "or is in a conservation area".

*NOTE Schedule 1: para.2 repealed by PCCs and Accounts Measure (Isle of Man) 2010 s.1(2).*

SCHEDULE 2

REPEALS

PART 1

ENACTMENTS REPEALED

Reference	Short title	Extent of repeal
I p.46	The Churchwardens Ordinance.	The words "be appointed and sworn once a Year to", and the words from "'their Church-Yard Ditch" onwards.
II p.223	The Parish Registers Act 1849.	Section 7.
IV p.298	The Parochial Registers Act 1873.	Sections 1 to 3.
V p.58	The Church Act 1880.	In section 2, the definitions of "Diocesan Synod", "Ecclesiastical Committee", "Patron", "Seatholders", "Ecclesiastical district", "Registrar" and "Registry". Section 32. Section 34. Section 16.
VII p.179	The Clergy Residence Act 1897.	Section 16.
VII p.443	The Public Notices Amendment Act 1903.	Section 3.
X p.384	The Civil Registration (Marriages) Act 1919.	Section 4.

XVII p.1	The Church Act 1948.	In section 8, the words from the beginning to "insurance of", and the words from "shall absolutely" to "said Parish Churches". Section 15. Section 16.
XIX p.2	The Church Act 1960.	Section 16.
XXI p.94	The Church Act 1969.	Section 12. Schedule 2.
1971 c.11	The Church (Miscellaneous Provisions) Act 1971.	Section 26. Sections 32 and 33.
1978 c.4	The St John's (Cronk-y-Voddy) Act 1978.	The whole Act.
1979 c.10	The Church Act 1979.	In paragraph 1 of Schedule 2, the words from "and wherever" onwards.
1983 c.22	The Church Act 1983.	In Schedule 1, paragraph 1.
1984 c.24	The Castletown Church Act 1984.	The whole Act.
1992 c.5	The Church Act 1992.	In Schedule 6, paragraph 5.

PART 2

TRANSITIONAL AND SAVING PROVISIONS

1. The repeal by this Act of section 26 of the Church (Miscellaneous Provisions) Act 1971 shall not come into operation until the repeal (by the Church Act 1992) of section 2 of the Diocesan Endowments Act 1929 comes into operation.

2. The repeal by this Act of paragraph 1 of Schedule 1 to the Church Act 1983 shall not come into operation until the repeal (by the Church Act 1992) of section 4 of the Church Act 1880 comes into operation.

3. The church of St Mary, Castletown shall, as from the 1st December 1989, be deemed for all purposes to have been the parish church of the parish of Castletown.

*NOTE Sch.2 Part 2: the repeals mentioned in paras.1 & 2 were brought into force on 22nd November 1994 by the Church Act 1992 (Appointed Day) (No.2) Order 1994 (SD 118/94).*

**Legal Aid Measure (Isle of Man) 1995**

SD 546/95

*NOTE: COMMENCEMENT: the Measure came into force on 19th October 1995 (the day on which Royal assent was announced to Tynwald).*

**1. Extension of the Church of England (Legal Aid) Measure 1994**

The Church of England (Legal Aid) Measure 1994 (a Measure of the General Synod of the Church of England) shall extend to the Island

subject to the exceptions, adaptations and modifications specified in Schedule 1.

**2. Short title etc.**

- (1) This Measure may be cited as the Legal Aid Measure (Isle of Man) 1995.
- (2) The enactments specified in Schedule 2 are repealed to the extent specified in column 3 of that Schedule.

SCHEDULE 1

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS SUBJECT TO WHICH THE CHURCH OF ENGLAND (LEGAL AID) MEASURE 1994 HAS EFFECT IN THE ISLAND

**Legal aid — supplementary provisions**

- 1. (1) In section 3(1) and (2), for "solicitor" substitute "advocate".
- (2) In section 3(3)(a) —
  - (a) for "counsel or a solicitor" substitute "an advocate"; and
  - (b) for "counsel, solicitor" substitute "advocate".

**Legal aid — rules**

- 2. (1) In section 4(1)(b), for "solicitor or counsel" substitute "advocate".
- (2) In section 4(2), for "counsel or solicitor" substitute "an advocate".
- (3) For section 4(4) to (6) substitute —
 

"(4) Rules made under this section as it has effect in England shall have effect in the Isle of Man subject to the modification that references to counsel or a solicitor shall be construed as references to an advocate, and to such further modifications (if any) as the [Legislative Committee of the Sodor and Man Diocesan Synod] may by order prescribe.

- (5) An order under subsection (4) shall not have effect unless it is approved by the Sodor and Man Diocesan Synod."

*NOTE Para.2: words in square brackets in new s.4(4) substituted by Church*

*(Miscellaneous Provisions) Measure (Isle of Man) 2009 Sch.3 para.4.*

**Transitional provisions**

- 3. In section 5(1) and (3), for "coming into force of this Measure" substitute "extension of this Measure to the Isle of Man".

**Extent**

- 4. Omit section 6.

**Short title etc.**

- 5. For section 8(2) substitute —
 

"(2) References in this Measure to any provision of a Measure (including this Measure) are to that provision as it has effect in the Isle of Man."

**Proceedings for which legal aid may be given**

- [6. In Schedule 1 —
  - (a) for entry 2 substitute —
 

2 Proceedings on an inquiry The incumbent concerned. under the Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996 conducted by [a tribunal constituted under that Measure].
  - (b) in entries 3 and 4, for "a pastoral committee" substitute "the Church Commissioners for the Isle of Man".]

*NOTE Sch.6: para.6 substituted by Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996 Sch.2 para.2; words in square brackets in entry 2 substituted by Clergy Discipline Measure (Isle of Man) 2005 Sch.2 para.1.*

SCHEDULE 2

ENACTMENTS REPEALED

Reference	Short title	Extent of repeal
GC 132/90	The Legal Aid and Miscellaneous Provisions Measure (Isle of Man) 1990.	In the Schedule paragraphs 1, 2, 9 and 10
GC 485/92	The Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992	In the Schedule, paragraph 30(7).

**Church (Miscellaneous Provisions) Measure (Isle of Man) 1996**

SD 715/96

*NOTE: COMMENCEMENT: the Measure was brought into force on 1st April 1997 by the Church (Miscellaneous Provisions) Measure (Isle of Man) 1996 (Appointed Day) Order 1997 (SD 27/97).*

.....

*NOTE S.1 repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.*

**2. Extension of the Church of England (Miscellaneous Provisions) Measure 1995**

The following provisions of the Church of England (Miscellaneous Provisions) Measure

1995 (a Measure of the General Synod of the Church of England) —

- section 1 (ministers of Church of Ireland)
- section 3 (designation of archdeacon emeritus)
- section 4 (resignation of certain officials)
- section 7 and the Schedule (amendment of Church Funds Investment Measure 1958)

.....

section 12 (amendment of Church of England (Miscellaneous Provisions) Measure 1983)

section 14 (miscellaneous amendments)

shall extend to the Island, subject to the modifications specified in Schedule 2.

*NOTE S.2: words omitted repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.*

**3. Short title etc.**

This Measure may be cited as the Church (Miscellaneous Provisions) Measure (Isle of Man) 1996 and shall come into operation on such day or days as the Bishop may by order appoint.

.....

*NOTE Schedule 1 repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.*

**SCHEDULE 2**

**MODIFICATIONS SUBJECT TO WHICH CERTAIN PROVISIONS OF THE CHURCH OF ENGLAND (MISCELLANEOUS**

**PROVISIONS) MEASURE 1995 EXTEND TO THE ISLAND**

**General modification**

1. References to any Measure or any provision are to that Measure or provision as it has effect in the Isle of Man.

**Section 1 (ministers of Church of Ireland)**

2. In section 1 —

- (a) after "England" (in the first place) insert "or the Isle of Man";
- (b) for "England" (in the second place) substitute "the Isle of Man".

**Section 4 (resignation of certain officials)**

3. In section 4 —

- (a) for "a dean, residentiary canon or archdeacon" substitute "an archdeacon or a canon of the cathedral church of St German";
- (b) for paragraphs (a) to (d) substitute —
  - "(a) in the case of an archdeacon, to Her Majesty;
  - (b) in the case of a canon, to the diocesan bishop."

.....

**Section 14 (miscellaneous amendments)**

5. In section 14, omit the words from "sections 2(3) and" to "1993;".

*NOTE Schedule 2: para.4 repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.*

**Patronage Measure (Isle of Man) 1997**

SD 637/97

*GENERAL NOTE The Measure was brought into force on 1st January 1998 by the Patronage Measure (Isle of Man) 1997 (Appointed Day) Order 1997 (SD 638./97).*

**1. Extension of the Patronage (Benefices) Measure 1986**

(1) The Patronage (Benefices) Measure 1986 (a Measure of the General Synod of the Church of England) shall extend to the Island in accordance with subsection (2).

(2) The said Measure, incorporating the exceptions and modifications subject to which it extends to the Island, is set out in Schedule 1.

**2. Power to refuse to institute to benefice**

(1) The Bishop may refuse to institute or admit a presentee to a benefice on any of the following grounds —

- (a) that at the date of presentation not more than 3 years have elapsed since the presentee was ordained deacon;
- (b) that the presentee is unfit to discharge the duties of the benefice by reason of —
  - (i) physical or mental infirmity or incapacity;
  - (ii) pecuniary embarrassment of a serious character;
  - (iii) grave misconduct or neglect of duty in an ecclesiastical office;
  - (iv) evil life; or
  - (v) having by his conduct caused grave scandal concerning his moral character since his ordination;
- (c) that the presentee has, with reference to the presentation, been knowingly party or privy to any transaction or agreement which is invalid under section 3 of the

Patronage (Benefices) Measure 1986 (as it has effect in the Island by virtue of section 1); or

(d) where the presentee has not previously held a benefice or the office of vicar in a team ministry, that he has had no experience, or less than 3 years' experience, as a full-time curate.

(2) Where the Bishop refuses to institute or admit a presentee on any ground specified in subsection (1), he shall notify the refusal and the grounds for it in writing to the person presenting to the benefice and the presentee, and either of those persons may, within one month after such notification, appeal in writing to the Archbishop of York.

(3) On an appeal under subsection (2) the Archbishop, after making or causing to be made such inquiries as he thinks fit, may either

- (a) uphold the Bishop's decision, or
- (b) direct him to institute or admit the presentee; and it shall be the duty of the Bishop to comply with any such direction.

(4) In this section —

["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;]

"curate" means an assistant curate, priest in charge or curate in charge licensed to a parish.

(5) References in subsection (1)(d) to a benefice or the office of vicar in a team ministry, and in subsection (4) to a parish, include references respectively to —

- (a) any benefice or any such office, and any parish, in the province of Canterbury or York;
- (b) any benefice or corresponding office, and any parish, in the Church in Wales, the Church of Ireland or the Episcopal Church of Scotland.

(6) This section applies to benefices in the patronage of the Crown.

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*NOTE S.2: subs.(4): definition of "benefice" substituted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.13.*

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### 3. Short title etc.

(1) This Measure may be cited as the Patronage Measure (Isle of Man) 1997.

(2) The modifications of rules 19, 20 and 21 of the Church Representation Rules specified in Part 1 of Schedule 2 shall have effect in place of those applying thereto immediately before the passing of this Measure.

(3) The modifications of —

(a) sections 18, 32, 69 to 72 and 81(1) of, . . .  
..

set out in Part 2 of Schedule 2 shall have effect in place of those applying thereto immediately before the passing of this Measure.

(4) This Measure shall come into operation on such day as the Bishop may by order appoint.

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*NOTE S.3: subs.(3) words omitted repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10; subs.(4): see general note above.*

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## SCHEDULE 1

### PART I

#### TRANSFER OF RIGHTS OF PATRONAGE

##### 3. Transfer of rights of patronage

(1) No right of patronage of a benefice shall be capable of sale and any transfer thereof for valuable consideration shall be void.

(2) Subject to the provisions of this section, a right of patronage vested in an ecclesiastical corporation shall not be transferred to any body or person unless —

(a) the consent of the bishop or, if the bishop is the proposed transferor, the consent of the archbishop has been obtained; or

(b) the transfer is made by a pastoral scheme

....

(3) Where a right of patronage of a benefice is proposed to be transferred otherwise than by a pastoral scheme ..., the proposed transferor shall send to the bishop (or, if the bishop is the proposed transferor, to the archbishop) and to the registrar of the diocese a notice stating —

- (a) his intention to transfer that right;
- (b) the name and address of the proposed transferee; and
- (c) particulars of the terms of the proposed transfer.

(4) On receiving a notice under subsection (3) above, the registrar shall send to the secretary of the parochial church council of the parish concerned a notice informing him of the proposed transfer and stating that before the expiration of the period of one month beginning with the date on which the notice is sent to him representations with respect to the proposed transfer may be made to the registrar by the parochial church council; and the registrar shall notify the bishop and the proposed transferor, or, if the bishop is the proposed transferor, the bishop and the archbishop, of any representations made to him within that period.

(5) After the expiration of the period of one month mentioned in subsection (4) above, the bishop or, if the bishop is the proposed

transferor, the archbishop shall consider any representations made under that subsection and, whether or not any such representations have been made, the bishop or archbishop may request the proposed transferor (either personally or through some person appointed by the proposed transferor) to confer with him (or with some person appointed by the bishop or, as the case may be, the archbishop) as to the proposed transfer; and the bishop or, as the case may be, the archbishop shall not give any consent required under this section until after any such representations have been considered and any such request has been complied with.

(6) Any transfer of a right of patronage otherwise than by a pastoral scheme ... shall be in the prescribed form.

(8) No transfer of a right of patronage of a benefice shall take effect during the period of a vacancy in that benefice [unless the benefice is one to which a suspension period (within the meaning of [section 29 of the 2012 Measure]) applies and a person holds office as priest in charge for the benefice].

(9) In this section "transfer" means a transfer inter vivos including a transfer by way of exchange; but [except in subsection (6)] it does not include a transfer by operation of law, a transfer upon the appointment of a new trustee or a transfer by the personal representatives of a deceased person.

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*NOTE: S.3: subs.(2)(b), (3) & (6): words omitted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.1(a); subs.(8): words in outer square brackets inserted by Church of England (Miscellaneous Provisions) Measure 2000 s.17; words in inner square brackets inserted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.1(b); subs.(9): words in square brackets inserted by Church of England (Miscellaneous Provisions) Measure 2000 s.17.*

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#### **5. Rights of patronage exercisable otherwise than by patron**

(1) Where an office is a patron of a benefice, the person who is for the time being the holder of that office shall, subject to the provisions of Part II of this Measure, be entitled to discharge all the functions of a patron of that benefice.

(2) Where a patron of a benefice dies then, until the right of patronage is transferred to the person entitled thereto, the personal representatives of the deceased patron shall, subject to the provisions of Part II of this Measure, be entitled to discharge all the functions of a patron of that benefice.

(3) The patron of a benefice may by an instrument creating a power of attorney confer

on the donee of the power authority to discharge on his behalf all the functions of a patron of that benefice, and where such a power is created the donee shall, subject to the provisions of Part II of this Measure, be entitled to discharge those functions until the power is revoked.

#### **6. Registration of advowsons**

For the avoidance of doubt, it is hereby declared that the title to an advowson may not be registered pursuant to the Land Registration Act 1982 (an Act of Tynwald).

#### **PART II**

#### **EXERCISE OF RIGHTS OF PRESENTATION**

#### *General provisions as to filling of vacancies*

#### **7. Notification of vacancies**

(1) Subject to [section 32 of the 2012 Measure], where a benefice becomes vacant by reason of the death of the incumbent, the bishop shall, as soon as practicable after he becomes aware of the vacancy, give notice of that fact to the registrar of the diocese.

(2) Subject to [section 32 of the 2012 Measure], where the bishop is aware that a benefice is shortly to become vacant by reason of resignation or cession, the bishop shall give such notice of that fact as he considers reasonable in all the circumstances to the registrar of the diocese.

(4) [Subject to subsection (5), as] soon as practicable after receiving a notice under subsection (1) or (2) above the registrar shall send notice of the vacancy to the patron of the benefice and to the secretary of the parochial church council of the parish belonging to the benefice; and any such notice shall include such information as may be prescribed.

[5] Where the Bishop gives notice to the registrar under subsection (1) or (2), he may include in it —

(a) a statement that he is considering whether or not to suspend the presentation to the benefice under section 29 of the Mission and Pastoral Measure (Isle of Man) 2012, and

(b) a direction to the registrar not to send a notice of the vacancy or impending vacancy under subsection (3) until the expiration of such period as is specified in the notice under subsection (1) or (2), not exceeding 3 months beginning with the giving of that notice;

and the registrar shall comply with the direction unless it is withdrawn before the expiration of that period.]



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*NOTE S.7: subs.(1) & (2): words in square brackets substituted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.2; subs.(4): words in square brackets substituted by Mission and Pastoral Measure (Isle of Man) 2012 Sch.8 para.7(3); subs.(5) inserted by ibid.*

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## **8. Provisions as to declarations of membership**

(1) Where the patron of a benefice is an individual and is not a clerk in Holy Orders, he shall on receiving notice of a vacancy in the benefice under section 7(4) of this Measure —

- (a) if able to do so, make a written declaration (in this Measure referred to as "the declaration of membership") declaring that he is an actual communicant member of the Church of England or of a Church in communion with that Church; or
- (b) if unable to make the declaration himself, appoint some other person, being an individual who is able and willing to make it or is a clerk in Holy Orders or a patronage board constituted by a pastoral scheme, to act as his representative to discharge in his place the functions of a patron.

(2) Where the patron of a benefice is a body of persons corporate or unincorporate then, on receiving notice of a vacancy in the benefice under section 7(4) of this Measure, that body shall appoint an individual who is able and willing to make the declaration of membership or is a clerk in Holy Orders to act as its representative to discharge in its place the functions of a patron.

(3) Notwithstanding anything in subsection (1) above, where the patron of a benefice who is an individual and is not the bishop of a diocese is of the opinion, on receiving notice of a vacancy in the benefice under section 7(4) of this Measure, that he will be unable for any reason to discharge his functions as a patron of that benefice he may, notwithstanding that he is able to make the declaration of membership, appoint such a representative as is mentioned in subsection (1)(b) above to discharge those functions in his place.

(4) Where a benefice the right of presentation to which belongs to an office (other than an ecclesiastical office) becomes a vacant, the person who holds that office on the date on which the benefice becomes vacant shall be entitled to present on that vacancy and shall as soon as practicable after that date —

- (a) if able to do so, make the declaration of membership, or

- (b) if unable to make the declaration himself, appoint some other person, being a person who may be appointed as a representative under subsection (1)(b) above, to act as his representative to discharge in his place the functions of a patron.

(5) Where the right of presentation to a benefice is exercisable by the donee of a power of attorney, the donee shall as soon as practicable after receiving notice of the vacancy in the benefice (or, if the power is created during the vacancy, as soon as practicable after it is created) —

- (a) if able to do so, make the declaration of membership, or
- (b) if unable to make the declaration himself, appoint some other person, being a person who may be appointed as a representative under subsection (1)(b) above, to act as his representative to discharge in his place the functions of a patron.

(6) Where under the preceding provisions of this section a patronage board constituted by a pastoral scheme is appointed to discharge the functions of a patron, that body shall as soon as practicable after being so appointed appoint as its representative an individual who is able and willing to make the declaration of membership or is a clerk in Holy Orders.

## **9. Information to be sent to registrar**

(1) Before the expiration of the period of two months beginning with the date on which a benefice becomes vacant, a patron who is an individual shall send to the registrar of the diocese —

- (a) the declaration of membership made by him, or
- (b) the name and address of his representative and the declaration of membership made by that representative.

(2) Before the expiration of the said period of two months, a patron which is a body of persons corporate or unincorporate shall send to the registrar of the diocese the name and address of the individual who is to act as its representative and the declaration of membership made by that representative.

(3) Where the functions of a patron are to be discharged by the holder of an office, subsection (1) above shall apply to the person who holds that office on the date on which the benefice becomes vacant as it applied to the patron.

(4) Where the functions of a patron are to be discharged by the donee of a power of attorney, subsection (1) above shall apply to the donee as it applies to the patron except that, if the power is created during the vacancy

concerned, there shall be substituted for the period of two months mentioned in that subsection the period of two months beginning with the date on which the power is created, and the information required to be sent under that subsection shall include information as to that date.

(5) Where the patron or his representative is a clerk in Holy Orders, the patron shall, before the expiration of the period during which the declaration of membership is required to be sent to the registrar under the preceding provisions of this section, notify the registrar of that fact, and a declaration of membership made by that clerk shall not be required to be sent to the registrar under this section.

(6) As soon as practicable after receiving information under this section as to the appointment of a representative, the registrar shall send to the secretary of the parochial church council the name and address of that representative.

#### 10. Disqualification for presentation

Where the patron of a benefice or the representative of that patron is a clerk in Holy Orders or is the spouse [or civil partner] of such a clerk, that clerk shall be disqualified for presentation to that benefice.

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*NOTE S.10: words in square brackets inserted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.3.*

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#### 11. Requirements as to meetings of parochial church council

(1) Before the expiration of the period of four weeks beginning with the date on which the notice under section 7(4) of this Measure is sent to the secretary of the parochial church council, one or more meetings of that council shall be held for the purposes of —

- (a) preparing a statement describing the conditions, needs and traditions of the parish;
- (b) appointing two lay members of the council to act as representatives of the council in connection with the selection of an incumbent;
- (c) deciding whether to request the patron to consider advertising the vacancy;
- (d) deciding whether to request a meeting under section 12 of this Measure;
- (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 interests of the Church; . . . .

(2) A meeting of the parochial church council for which subsection (1) above provides shall

be convened by the secretary thereof, and no member of that council who is —

- (a) the outgoing incumbent or the spouse [or civil partner] of the outgoing incumbent, or
  - (b) the patron, or
  - (c) the representative of the patron,
- shall attend that meeting.

(3) None of the following members of the parochial church council, that is to say —

- (a) any person mentioned in subsection (2) above, and
- (b) any deaconess or lay worker licensed to the parish,

shall be qualified for appointment under subsection (1)(b) above.

(4) If before the vacancy in the benefice is filled any person appointed under subsection (1)(b) above dies or becomes unable for any reason to act as the representative of, or ceases to be a member of, the council by which he was appointed, then, except where he ceases to be such a member and the council decides that he shall continue to act as its representative, his appointment shall be deemed to have been revoked and the council shall appoint another lay member of the council (not being a member disqualified under subsection (3) above) to act in his place for the remainder of the proceedings under this Part of this Measure.

(5) If a parochial church council holds a meeting under subsection (1) above but does not appoint any representatives at that meeting, then, subject to subsection (6) below, two churchwardens who are members of that council (or, if there are more than two churchwardens who are members of the council, two churchwardens chosen by all the churchwardens who are members) shall act as representatives of the council in connection with the selection of an incumbent.

(6) A churchwarden who is the patron of a benefice shall not be qualified under subsection (5) above to act as a representative of the parochial church council or to choose any other churchwarden so to act, and in any case where there is only one churchwarden qualified to act as such a representative that churchwarden may act as the sole representative of that council in connection with the selection of the incumbent.

(7) Any representative of the parochial church council appointed under subsection (1) or (4) above and any churchwarden acting as such a representative by virtue of subsection (5) or (6) above is in this Part of this Measure referred to as a "parish representative", and

where a churchwarden is entitled to act as the sole parish representative any reference in this Part to the parish representatives shall be construed as a reference to that churchwarden.

(8) A copy of the statement prepared under subsection (1)(a) above together with the names and addresses of the parish representatives shall, as soon as practicable after the holding of the meeting under that subsection, be sent by the secretary of the parochial church council to the patron and, unless the bishop is the patron, to the bishop.

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*NOTE S.11: subs.(1)(f) repealed by Bishops and Priests (Consecration and Ordination of Women) Measure 2014 Sch.; subs.(2)(a): words in square brackets inserted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.3.*

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## **12. Joint meeting of parochial church council with bishop and patron**

(1) Where a request for a meeting under this section is made —

- (a) by a notice sent by the patron or the bishop to the secretary of the parochial church council, or
- (b) by a resolution of the parochial church council, passed at a meeting held under section 11 of this Measure,

a joint meeting of the parochial church council with the patron and (if the bishop is not the patron) the bishop shall be held for the purpose of enabling those present at the meeting to exchange views on the statement prepared under section 11(1)(a) of this Measure (needs of the parish) and the statement presented under subsection (2) below (needs of the diocese).

(2) At any meeting held under this section the bishop shall present either orally or, if a request for a statement in writing has been made by the patron or the parochial church council, in writing a statement describing in relation to the benefice the needs of the diocese and the wider interests of the Church.

(3) Any notice given under subsection (1)(a) above shall be of no effect unless it is sent to the secretary of the parochial church council not later than ten days after a copy of the statement prepared under subsection (1)(a) of section 11 of this Measure is received by the persons mentioned in subsection (8) of that section.

(4) The outgoing incumbent and the spouse [or civil partner] of the outgoing incumbent shall not be entitled to attend a meeting held under this section.

(5) A meeting requested under this section shall be held before the expiration of the period of six weeks beginning with the date on which the request for the meeting was first made (whether by the sending of a notice as mentioned in subsection (1)(a) above or by the passing of a resolution as mentioned in subsection (1)(b) above), and at least fourteen days' notice (unless a shorter period is agreed by all the persons concerned) of the time and place at which the meeting is to be held shall be given by the secretary of the parochial church council to the patron, the bishop (if he is not the patron) and the members of the parochial church council.

(6) If either the patron or the bishop is unable to attend a meeting held under this section, he shall appoint some other person to attend on his behalf.

(7) The chairman of any meeting held under this section shall be such person as the persons who are entitled to attend and are present at the meeting may determine.

(8) No meeting requested under this section shall be treated for the purposes of this Measure as having been held unless there were present at the meeting —

- (a) the bishop or the person appointed by the bishop to attend on his behalf, and
- (b) the patron or the person appointed by the patron to attend on his behalf, and
- (c) at least one third of the members of the parochial church council who were entitled to attend.

(9) The secretary of the parochial church council shall invite both the rural dean of the deanery in which the parish is (unless he is the outgoing incumbent) and the lay chairman of the deanery synod of that deanery to attend a meeting held under this section.

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*NOTE S.12: subs.(4): words in square brackets inserted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.3.*

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## **13. Provisions with respect to the selection of incumbent**

(1) The patron of a vacant benefice shall not make to any priest an offer to present him to a benefice until—

- (a) if a request for a meeting under section 12 of this Measure has been made, either —
  - (i) that meeting has been held, or
  - (ii) all the parties concerned have agreed that no such meeting should be held, or
  - (iii) the period of six weeks mentioned in section 12(5) has expired; and

(b) (whether or not such a request has been made) the making of the offer to the priest in question has been approved —

- (i) by the parish representatives, and
- (ii) if the patron is a person other than the bishop of the diocese in which the benefice is, by that bishop.

(2) If, before the expiration of the period of four weeks beginning with the date on which the patron sent to the bishop a request for him to approve under paragraph (b) of subsection (1) above the making of the offer to the priest named in the request, no notice is received from the bishop of his refusal to approve the making of the offer, the bishop shall be deemed to have given his approval under that paragraph.

(3) If, before the expiration of the period of two weeks beginning with the date on which the patron sent to the parish representatives a request for them to approve under paragraph (b) of subsection (1) above the making of the offer to the priest named in the request, no notice is received from any representative of his refusal to approve the making of the offer, the representatives shall be deemed to have given their approval under that paragraph.

(4) If —

- (a) the bishop refuses to approve under paragraph (b) of subsection (1) above the making of the offer to the priest named in the request, or
- (b) any parish representative refuses to approve under that paragraph the making of that offer,

the bishop or the representative, as the case may be, shall notify the patron in writing of the grounds on which the refusal is made.

(5) Where approval of an offer is refused under subsection (4) above, the patron may request the archbishop to review the matter and if, after review, the archbishop authorises the patron to make the offer in question, the patron may make that offer accordingly . . . .

(6) Where a priest accepts an offer made in accordance with the provisions of this section to present him to a benefice and the patron is a person other than the bishop, the patron shall send the bishop a notice presenting the priest to him for admission to the benefice.

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*NOTE S.13: subs.(5): proviso repealed by Bishops and Priests (Consecration and Ordination of Women) Measure 2014 Sch.*

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#### **14. Failure of patron to comply with section 9**

(1) Where any declaration of membership or other information required to be sent to the

registrar under section 9 of this Measure is not sent to him before the expiration of the period during which it is required to be so sent and the patron is a person other than the bishop then, after the expiration of that period —

(a) no meeting shall be held under section 12 of this Measure by reason of any request made by the patron and subsections (2), (5), (6) and (8) of that section shall not apply in relation to that patron; and

(b) no offer shall be made to any priest under section 13 of this Measure; but the bishop may, subject to subsection (2) below, make to such priest as he thinks fit an offer to collate him to the benefice.

(2) The bishop shall not make an offer under subsection (1) above unless the making of the offer has been approved by the parish representatives, and subsections (3), (4)(b) and (5) of section 13 of this Measure shall apply in relation to a request sent by the bishop to those representatives by virtue of this subsection as if for any reference to the patron there were substituted a reference to the bishop.

(3) Where under subsection (1) above the bishop makes to a priest an offer to collate him to a benefice in respect of which more than one person is patron, the patron whose turn it was to present to the benefice shall be treated for the purposes of this Measure as having exercised that turn.

#### **15. Failure of council to comply with section 11 or 12**

If a copy of the statement prepared under section 11(1)(a) of this Measure is not sent under subsection (8) of that section to the persons mentioned in that subsection or if notice is not given under section 12(5) of this Measure of any joint meeting requested under subsection (1)(a) of the said section 12 then —

(a) if the bishop is the patron, he may, without making any request for the approval of the parish representatives, make to such priest as he thinks fit an offer to collate him to the benefice; and

(b) if the bishop is not the patron, that patron shall be entitled to proceed under section 13 of this Measure as if paragraphs (a) and (b)(i) of subsection (1), subsection (3) and paragraph (b) of subsection (4) thereof had not been enacted.

#### **16. Presentation to benefices remaining vacant for 18 months**

(1) If at the expiration of the period of eighteen months beginning with the date on which a benefice becomes vacant —

- (a) no notice of presentation under section 13(6) of this Measure has been received by the bishop, or
  - (b) where the bishop is the patron, he has not received an acceptance of any offer made by him to collate a priest to the benefice, the right of presentation to that benefice shall be exercisable by the archbishop in accordance with the provision of this section; and a notice to that effect shall be sent by the bishop to the archbishop.
- (2) In calculating the period of eighteen months mentioned in subsection (1) above, no account shall be taken of any of the following periods, that is to say —
- (a) a period during which the decision of the bishop to refuse to approve the making to a priest of an offer to present him to a benefice is under review by an archbishop,
  - (b) a suspension period within the meaning of [section 29 of the 2012 Measure], and
  - (c) a period during which the exercise of rights of presentation is restricted under section [14 or 31] of that Measure.
- (3) As soon as practicable after a right of presentation becomes exercisable by an archbishop under this section, the archbishop shall send to the secretary of the parochial church council of the parish concerned a notice requiring him within three weeks after receiving the notice to send to the archbishop copies of the statement describing the conditions, needs and traditions of the parish prepared in accordance with section 11 of this Measure together with copies of any additional observations which the council wishes the archbishop to consider.
- (4) The bishop may, and if the archbishop so requests shall, send to the archbishop a statement describing in relation to the benefice the needs of the diocese and the wider interests of the Church.
- (5) Before the archbishop decides on the priest to whom an offer to present him to the benefice is to be made he shall consult the bishop, the parish representatives and such other persons as he thinks fit, including other persons who in his opinion can also represent the views of the parishioners and, if during the period of eighteen months mentioned in subsection (1) above the approval of the bishop or the parish representatives to the making of an offer to a priest by the patron of the vacant benefice has been refused under section 13 of this Measure, the archbishop shall not make any offer to that priest under this section unless the consent of the bishop or, as the case may be, the parish representatives has been obtained.

- (6) Where a priest accepts an offer to present him to a benefice made in accordance with the provisions of this section, the archbishop shall send to the bishop a notice presenting the priest to him for admission to the benefice.

*NOTE S.16: subs.(2)(b) & (c): words in square brackets inserted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.4.*

**[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.]

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*NOTE S.16A inserted by Patronage (Amendment) Measure (Isle of Man) 2015 s.4.*

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#### **17. Provisions to have effect where bishop refuses to institute presentee**

(1) Nothing in the preceding provisions of this Measure shall be taken as affecting the power of a bishop under any rule of law to refuse to institute or admit a presentee to the benefice.

(2) Where in exercise of any such power a bishop refuses to institute or admit a presentee to a benefice, and either no legal proceedings in respect of the refusal are brought or the refusal of the bishop is upheld in such proceedings, the presentation to the benefice affected shall be made by the patron whose turn it was to present when the vacancy first occurred; and for the purposes of sections 7, 9, 11 and 12 of this Measure a new vacancy shall not be treated as having occurred by virtue of this section.

#### **19. Notice of intention of bishop to institute or collate person to benefice**

(1) Subject to subsection (3) below, a bishop shall not on a vacancy in a benefice institute or collate any person to the benefice unless after the occurrence of the vacancy a notice in the prescribed form, signed by or on behalf of the bishop, is served on the secretary of the parochial church council of the parish concerned informing him of the bishop's intention to institute or collate that person to the benefice specified in the notice and a period of three weeks has expired since the date of the service of the notice.

(2) As soon as practicable after receiving a notice under subsection (1) above the secretary shall cause the notice or a copy thereof to be fixed on or near the principal door of every church in the parish and every building licensed for public worship in the parish and to remain affixed thereon for two weeks.

(3) Subsection (1) above shall not apply in relation to a person designated by or selected under a pastoral scheme ... as the incumbent of any benefice.

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*NOTE S.19: subs.(3): words omitted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.5.*

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**20. Bishop to act in place of incumbent patron in certain cases**

Where a benefice ("the ancillary benefice") becomes vacant and it is the turn of the incumbent of another benefice ("the principal benefice"), being the patron of the ancillary benefice, to present to that benefice, then if, when the ancillary benefice becomes vacant or at any time during the vacancy thereof and before a notice of presentation under section 13(6) of this Measure is sent to the bishop by the incumbent of the principal benefice —

- (a) the principal benefice is or becomes vacant, or
- (b) the principal benefice is under sequestration, or
- (c) the incumbent of the principal benefice is suspended or inhibited from discharging all or any of the duties attached to his preferment, the bishop shall discharge in his place the functions of a patron.

**21. Exercise of patronage by personal representatives**

Where a benefice becomes vacant and the patron dies during the vacancy, then, notwithstanding anything in section 3(8) of this Measure the right of presentation to that benefice upon that vacancy shall be exercisable by that patron's personal representatives; but, before they exercise that right, they shall comply with the requirements of sections 8 and 9 of this Measure as if they were the patron.

**22. Exchange of benefices**

(1) Two incumbents may by instrument in writing agree to exchange their benefices if the agreement of the following persons has been obtained —

- (a) the bishop of the diocese in which each benefice is,
- (b) any patron whose turn it is to present to either of the benefices, and
- (c) the parochial church council of the parish of each benefice, the agreement having in each case been given by resolution of the council.

(2) Where a patron whose turn it is to present to a benefice has given his agreement under subsection (1) above to an exchange by the incumbent of that benefice, he shall be treated for the purposes of this Measure as having exercised that turn.

**23. Special provisions applicable to certain benefices**

(1) The provisions of this Part of this Measure shall in their application to —

- (a) a benefice which comprises two or more parishes,
- (b) a benefice of which the parochial church council of the parish belonging to the benefice is the patron, and
- (c) benefices held in plurality,

have effect subject to the provisions of Schedule 2 to this Measure. ...

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*NOTE S.23: subs.(2) omitted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.6.*

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**24. Interpretation of Part II**

(1) Subject to subsections (2) and (3) below, in this Part of this Measure, except in sections 7(4) and 10, any reference to a patron, in relation to any vacancy in a benefice in respect of which there is more than one patron, shall be construed as a reference to the patron whose turn it is to present on that vacancy.

(2) In a case where the functions of the patron of a benefice in relation to a vacancy in the benefice are to be discharged by the holder of an office or the donee of a power of attorney, any reference in this Part of this Measure (except in sections 8, 9(1) to (4) and 21) to the patron shall (subject to subsection (3) below) be construed as a reference to that office-holder or donee as the case may be.

(3) In sections 11 and 12 of this Measure any reference to the patron of a benefice (except the reference in section 11(2)(b)) shall in a case where the functions of the patron in relation to a vacancy in the benefice are to be discharged by a representative be construed as a reference to that representative, and in section 13 of this Measure any reference to the patron of a benefice shall, in a case where the patron, being an individual, has appointed a body mentioned in section 8(7) of this Measure or another individual to discharge those functions, be construed as a reference to that body or that other individual, as the case may be.

(4) In this Part of this Measure, except in section 8, "representative", in relation to a patron, means —

- (a) in the case of a patron who is an individual, the individual appointed under section 8(1)(b), (3) or (6);
- (b) in the case of a patron which is a body of persons, the individual appointed under section 8(2);

- (c) in the case of a patron which is an office, the individual appointed under section 8(4);
- (d) in a case where the functions of a patron are to be discharged by the donee of a power of attorney, the individual appointed under section 8(5).
- (5) In this Part of this Measure "parish representative" has the meaning assigned to it by section 11(7) of this Measure.

PART III

MISCELLANEOUS PROVISIONS AS TO PATRONAGE

*Benefices affected by pastoral reorganisation*

**29. Provisions as to patronage affected by pastoral schemes**

(3) Subject to any provision for the designation or selection of the first incumbent of a new benefice created by a pastoral scheme, sections 7 to 16 of this Measure shall apply to the making of the first presentation to the benefice as if the coming into operation of the scheme were the occurrence of a vacancy in the benefice.

**31. Abrogation of rules as to lapse**

(1) Without prejudice to the provisions of section 16 of this Measure, any rule of law whereby the right of patronage of a benefice lapses to a bishop or archbishop or to Her Majesty in right of Her Crown shall cease to have effect.

(2) Nothing in this section shall affect any right of presentation which on a vacancy in a benefice is exercisable by Her Majesty —

- (a) by reason of the appointment to a diocesan bishopric of the incumbent of the benefice concerned, or
- (b) by reason of a vacancy in the see of a diocesan bishop who is a patron of the benefice concerned.

**33. Transfer of advowson held on trust for sale or comprised in settled land**

(1) The tenant for life of settled land may, with the consent of the trustees of the settlement or with the approval of the Court, convey an advowson comprised in the settled land gratuitously to any person who has agreed to accept it and —

- (a) being an individual —
  - (i) is an ecclesiastical corporation sole, or
  - (ii) is an actual communicant member of the Church of England, or
- (b) being a body of persons, corporate or unincorporate, has the furtherance of the

work of the Church of England as one of its objects.

(2) Subsection (1) above shall be construed as one with the Settled Land Act 1893 (an Act of Tynwald), and that Act shall apply as if the power conferred by subsection (3) had been conferred by that Act.

(3) For the purposes of this section and of section 53 of the said Act of 1893 as applied by subsection (2), an advowson held by any trustee on a trust which would be a trust for sale if the advowson were capable of sale shall be deemed to subject to a trust for sale.

(4) Nothing in any trust deed shall prevent the transfer inter vivos by trustees of an advowson which is the subject of a trust.

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*NOTE: S.34 omitted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.7.*

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PART IV

GENERAL AND SUPPLEMENTARY PROVISIONS

*Benefices in the patronage of the Crown*

**35. Provisions with respect to benefices in the patronage of the Crown**

(1) Without prejudice to the application of section 31 of this Measure to the Crown and except as provided by this section, nothing in this Measure shall apply in relation to any benefice the patronage or any share in the patronage of which is vested in or exercisable by Her Majesty, (in this Measure referred to as a "Crown benefice").

[(1A) [Subject to subsection (9),] the following provisions of this Measure shall apply in relation to the selection of an incumbent to fill a vacancy in a benefice the patronage or any share in the patronage of which is vested in or exercisable by Her Majesty. . . .

- (a) section 11(1) (b), (4), (5), (6) and (7);
- (b) section 11(2) (a) and, so far as it relates thereto, section 11(3)(a), and section 11(3) (b);
- (c) section 11(8), so far only as it relates to parish representatives; . . .
- (d) section 13(1)(b)(i), (3) and, so far only as they relate to parish representatives, (4) and (5); [and
- (e) section 16A (except subsection (6)(a))].

(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),
- (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.]
- (3) Where in the case of a Crown benefice a share only in the patronage is vested in Her Majesty (in this section referred to as a "shared benefice") sections 5 and 21 of this Measure shall apply in relation to a patron of the benefice other than Her Majesty.
- (5) Where a right of patronage of a benefice is proposed to be transferred to Her Majesty sections 3(2) to (7) of this Measure shall not apply but the transferor shall send a notice to the registrar to inform him of the transfer.
- (6) Section 3(1) of this Measure shall apply to the transfer of a right of patronage of a Crown benefice.
- (7) Section 7 of this Measure shall apply in relation to a Crown benefice, and where the registrar of a diocese receives a notice under that section in respect of a Crown benefice then[, subject to subsection (9).] —
- (a) if the patronage is vested wholly in Her Majesty or ... if the right of presentation upon the vacancy in question is exercisable by Her Majesty, any parochial church council to which notice is given under section 7(4) of this Measure may send to Her Majesty a statement describing the conditions, needs and traditions of the parish . . . . , and a copy of any such statement shall be sent to the bishop;
- (b) if the benefice is a shared benefice and the right of presentation upon the vacancy in question is exercisable by a person other than Her Majesty, sections 8 to 21 of this Measure shall apply in relation to the benefice.

[(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.]

(8) Section 22 of this Measure shall apply in relation to a Crown benefice and where the consent of Her Majesty is required by that section that consent may be given in accordance with the provisions of [section 40(4) of the 2012 Measure] and those provisions shall have effect accordingly with the necessary modifications.

[(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.

(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).]

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*NOTE S.35: subs.(1A) inserted by Crown Benefices (Parish Representatives) Measure 2010 s.1 (modified); words in square brackets inserted, and word omitted, by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.8(a); subs.(1B) inserted by Crown Benefices (Parish Representatives) Measure 2010 s.1, substituted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.8(b); subs.(1C) inserted by ib. Sch. para.8(b); subs.(7): words in square brackets inserted, and first words in para.(a) omitted, by ib. Sch. para.8(c) & (d); second words in para.(a) repealed by Bishops and Priests (Consecration and Ordination of Women) Measure 2014 Sch.; subs.(7A) inserted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.8(e); subs.(8): words in square brackets substituted by ib. Sch. para.8(f); subs.(9)-(11) inserted by ib. s.3.*

*Delegation of Crown patronage to Bishop: see Crown Patronage (Isle of Man) Order 2015.*

### **37. Provisions as to notices and other documents**

(1) All notices, agreements, approvals, consents and requests required or authorised by this Measure to be served, sent, given or made shall be in writing, and all such notices shall[, where the form of the notice is prescribed by rules under section 38,] be in the prescribed form.

(2) Any notice or other document required or authorised by this Measure to be served on or sent or given to any person may be served, sent or given by delivering it to him, or by leaving it at his proper address, or by post.

(3) Any notice or other document required or authorised to be served, sent or given to a corporation or to an unincorporated body having a secretary or clerk or to a firm, shall be duly served, sent or given if it is served on or sent or given to, as the case may be, the secretary or clerk of the corporation or body or a partner of the firm.

(4) Subject to subsection (5) below, for the purposes of this section and of section 7 of the Interpretation Act 1978 in its application to this section, the proper address of the person on or to whom any such notice or other document is required or authorised to be served, sent or given shall be his last known address, except that in the case of the secretary or clerk of a corporation, it shall be that of the registered or principal office of the corporation, and in the case of the secretary or clerk of an unincorporated body or a partner of a firm, it shall be that of the principal office of the body or firm.

(5) If the person on or to whom any such notice or other document is to be served, sent or given has specified an address within the Isle of Man or the United Kingdom serving, sending or giving of the notice or other document, his proper address for the said purposes shall be that address.

*NOTE S.37: subs.(1): words in square brackets inserted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.9.*

### **38. Procedure**

(2) The [Legislative Committee of the Sodor and Man Diocesan Synod] shall have power to make rules with regard to any matter of procedure arising under this Measure and in particular with regard to any matter to be prescribed thereunder.

(4) Any rules made under this section shall be laid before the Sodor and Man Diocesan Synod

and shall not come into force until approved by the Diocesan Synod.

*NOTE S.38: subs.(2): words in square brackets substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 Sch.3 para.5. Rules under s.38: the Patronage Rules 1997 (SD 639/97).*

### **39. Interpretation**

(1) In this Measure, unless the context otherwise requires —

["the 2010 Measure" means the Vacancies in Suffragan Sees and Other Ecclesiastical Offices Measure 2010;

"the 2012 Measure" means the Mission and Pastoral Measure (Isle of Man) 2012;]

"actual communicant member of the Church of England" means a member of the Church of England who 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;

"actual communicant member of a Church in communion with the Church of England" means a communicant member of a Church in communion with the Church of England who 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;

"archbishop" means the archbishop of the province in which the benefice is or, where the benefice is in the diocese of the archbishop of that province or the archbishopric of that province is vacant or the archbishop is the patron of that benefice, the archbishop of the other province;

"benefice" means the office of rector or vicar of a parish or parishes with cure of souls, but not including the office of vicar in a team ministry or any office of canon in the cathedral church of St German;

"the bishop" means the bishop of the diocese concerned;

"clerk in Holy Orders" means a priest or deacon of the Church of England and "priest" includes a bishop;

"the declaration of membership" has the meaning assigned to it by section 8(1);

"parish" means a parish constituted for ecclesiastical purposes;

["pastoral scheme" has the same meaning as in the 2012 Measure;]

"patron", in relation to any benefice, means the person or persons entitled, otherwise than by virtue of section 16, to present to that benefice upon a vacancy, including —

- (a) in any case where the right to present is vested in different persons jointly, every person whose concurrence would be required for the exercise of the joint right, and
- (b) in any case where the patronage is vested in different persons by way of alternate or successive right of presentation, every person who would be entitled to present on the next or any subsequent turn;

(2) Where a pastoral scheme ... provides for the holding of benefices in plurality any reference in this Measure to a benefice shall be construed as including a reference to benefices held in plurality.

(3) If any question arises whether a Church is a Church in communion with the Church of England, it shall be conclusively determined for the purposes of this Measure by the Archbishops of Canterbury and York.

(4) References in this Measure to any Measure extending to the Island (including this Measure), or to any provision of such a Measure, are to that Measure or provision as it has effect in the Isle of Man.

*NOTE S.39: subs.(1): definitions of "the 2010 Measure" and "the 2012 Measure" inserted, and definition of "pastoral scheme" substituted, by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.10(a); subs.(2): words omitted by ib. Sch. para.10(b).*

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*NOTE S.41 omitted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.11.*

**42. Short title**

(1) This Measure may be cited as the Patronage (Benefices) Measure 1986.

**SCHEDULE 2**

**MODIFICATION OF PART II IN ITS APPLICATION TO CERTAIN BENEFICES**

**Benefice comprising two or more parishes**

1. Where a benefice comprises two or more parishes then, except in a case in which paragraph 19 or 20 below applies, the

provisions of Part II of this Measure shall have effect subject to the modifications for which paragraphs 2 to 18 below provide.

2. In section 7(4), for the words "the parish" there shall be substituted the words "each of the parishes".

3. In section 9(6) for the words "secretary of the parochial church council" there shall be substituted the words "secretaries of the parochial church councils".

4. For section 11(1) there shall be substituted:—

"(1) Before the expiration of the period of four weeks beginning with the date on which the notice under section 7(4) of this Measure is sent to the secretaries of the parochial church councils concerned one or more joint meetings of those councils shall be held for the purposes of —

- (a) discharging the duties imposed on them by subsection (1A) below;
- (b) appointing such number of persons, but not less than four, as will enable each of those councils to have at least one representative, but not more than two representatives, to act as representatives of those councils in connection with the selection of an incumbent;
- (c) deciding whether to request the patron to consider advertising the vacancy;
- (d) deciding whether to request a meeting under section 12 of this Measure;
- (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 interests of the church;

and each person appointed under paragraph (b) shall be a member of one of the parochial church councils concerned.

(1A) At the meeting, or the first meeting, convened under this section, the parochial church councils shall decide whether they will join in preparing a statement describing the conditions, needs and traditions of the parishes belonging to the benefice or whether the parochial church council of each parish will prepare such a statement in relation to that parish, and that decision having been made, the parochial church councils of those parishes or the parochial church council of each parish, as the circumstances require, shall prepare such a statement."

5. In section 11(2), for the words from the beginning to "council", in the second place where it occurs; there shall be substituted the

words "A joint meeting of the parochial church councils for which subsection (1) above provides shall be convened by the secretaries of those councils, and no member of any of those councils".

6. In section 11(3), for the words "the parochial church council" there shall be substituted the words "any of the parochial church councils" and for the words "the parish" there shall be substituted the words "any of the parishes".

7. In section 11(4), for the words from "the council by which he was appointed" to the end there shall be substituted the words "any of the councils by which he was appointed then, except where he ceases to be such a member and those councils decide that he shall continue to act as their representative, his appointment shall be deemed to have been revoked and those councils shall appoint another lay member of any of those councils in his place".

8. For section 11(5) there shall be substituted —

"(5) If the parochial church councils concerned hold a joint meeting under subsection (1) above but do not appoint representatives under paragraph (b) of that subsection, all the churchwardens who are members of any of the councils concerned shall appoint not more than five of those churchwardens to act as representatives of those councils in connection with the selection of an incumbent."

9. In section 11(8) for "1(a)" there shall be substituted "(1A)", and for the words "secretary of the parochial church council" there shall be substituted the words "secretaries of the parochial church councils".

10. For section 12(1) there shall be substituted —

"(1) Where a request for a meeting under the section is made —

(a) by a notice sent by the patron or the bishop to the secretaries of the parochial church councils concerned or

(b) by a resolution of those councils passed at a joint meeting held under section 11 of this Measure,

a joint meeting of those councils with the patron and (if the bishop is not the patron) the bishop shall be held for the purpose of enabling those present at the meeting to exchange views on the statement or statements prepared under section 11(1A) of this Measure (needs of the parish) and

the statement presented under subsection (2) below (needs of the diocese)."

11. In section 12(2) for the word "council" there shall be substituted the word "councils".

12. In section 12(3) for the words "the parochial church council" there shall be substituted the words "each of the parochial church councils concerned" and for "(1)(a)" there shall be substituted "(1A)".

13. In section 12(5) for the words "secretary of the parochial church council" there shall be substituted the words "secretaries of the parochial church councils" and for the words "parochial church council" in the second place where those words occur there shall be substituted the words "parochial church councils concerned".

14. In section 12(8)(c) for the word "council" there shall be substituted the words "councils concerned".

15. In section 12(9) for the words "The secretary of the parochial church council shall invite both the rural dean of the deanery in which the parish is" there shall be substituted the words "The secretaries of the parochial church councils concerned shall invite both the rural dean of the deanery which comprises the parishes concerned."

16. In section 16(3) for the words "of the parish", in the first place where those words occur, there shall be substituted the words "of each of the parishes belonging to the benefice".

17. In section 19(1) for the words "of the parish" there shall be substituted the words "of each of the parishes".

18. In section 22(1) for the words "the parish of each benefice" there shall be substituted the words "every parish belonging to each benefice".

19. Where, by a pastoral scheme or by a scheme made under the Church Representation Rules, a team council is established in respect of a benefice which comprises more than one parish, the functions under Part II of this Measure of the parochial church councils of those parishes shall be exercisable by the team council.

20. Where, by a pastoral scheme or by a scheme made under the Church Representation Rules, a joint parochial church council is established for all the parishes of a benefice, the functions under Part II of this Measure of the parochial church councils of those parishes shall be exercisable by the joint parochial church council.

**Benefice of which parochial church council is the patron**

21. Where the parochial church council of the parish belonging to a benefice is the patron of the benefice, Part II of this Measure shall have effect in relation to that benefice as if the provisions thereof requiring the appointment of parish representatives and the approval of such representatives to the making of an offer to present a priest to the benefice, and any other provisions thereof referring to such representatives, were omitted.

**Benefices held in plurality**

22. Where two or more benefices are held in plurality, the provision of Part II of this Measure shall have effect in relation to them as if they were a single benefice comprising two or more parishes.

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*NOTE Sch.5 omitted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.11.*

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*[End of text of Patronage (Benefices) Measure 1986]*

SCHEDULE 2  
MODIFICATIONS OF CERTAIN  
ENACTMENTS  
PART 1  
MODIFICATIONS OF CHURCH  
REPRESENTATION RULES

**Rule 19: joint parochial church councils**

1. (1) In rule 19(1)(c), at the beginning insert "subject to paragraph 20 of Schedule 2 to the Patronage (Benefices) Measure 1986,".

(2) In rule 19(2), after "said Measure" insert "and subject to paragraph 20 of Schedule 2 to the Patronage (Benefices) Measure 1986,".

(3) In rule 19(4) —

(a) for "bishop's council and standing committee" substitute "standing committee of the diocesan synod"; and

(b) for "bishop's council" (in the second place) substitute "standing committee".

**Rule 20: team councils**

2. (1) In rule 20(1)(c), at the beginning insert "subject to paragraph 20 of Schedule 2 to the Patronage (Benefices) Measure 1986,".

(2) In rule 20(2), after "said Measure" insert "and subject to paragraph 20 of Schedule 2 to the Patronage (Benefices) Measure 1986,".

**Rule 21: group councils**

3. (1) In rule 21(1)(c), after "1983" insert "and its functions under Part II of the Patronage (Benefices) Measure 1986".

(2) In rule 21(3), at the end insert "except that the functions of a parochial church council under Part II of the Patronage (Benefices) Measure 1986 may not be delegated to a group council".

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*NOTE Schedule 2: Part 2 repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.*

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**Sale of Parsonages Measure (Isle of Man) 2000**

SD 339/01

**1. Amendment of Church Act 1992**

(1) Paragraph 6 of Schedule 2 to the Church Act 1992 (Church land) is amended as follows.

(2) In sub-paragraph (3), for "sub-paragraph (2)" substitute "sub-paragraphs (2) and (3A)".

(3) After sub-paragraph (3) insert —

"(3A) The following sum shall be paid by the Board out of the net proceeds of a disposal of land comprising the parsonage house of a benefice to the parochial church council of any parish or part of a parish within the area of the benefice, namely a sum equal to the total of any sums expended by the council in carrying out, or in meeting or contributing to the cost of, any works of improvement of the

house carried out with the consent of the Board during the 10 years ending with the completion of the disposal (after deducting the amount of any grant made to the council by the Board for the purpose), reduced by one-tenth for each complete year which has elapsed between the date on which the expenditure was incurred and the completion of the disposal.

(3B) Any question under sub-paragraph (3A) whether any works carried out to a parsonage house are works of improvement shall be referred to and determined by the Archdeacon, whose decision shall be final."

(4) In sub-paragraph (4), for "sub-paragraphs (1) to (3)" substitute "sub-paragraphs (1) to (3A)".

(5) No expenditure incurred before the passing of this Measure shall be taken into account under sub-paragraph (3A) of the said paragraph 6.

## 2. Short title

This Measure may be cited as the Sale of Parsonages Measure (Isle of Man) 2000.

*NOTE* The Measure came into operation on 17th May 2000 (the day on which Royal assent was announced to Tynwald).

# Church Records Measure (Isle of Man) 2000

SD 533/00

## *Diocesan record office*

### 1. Provision of diocesan record office

(1) There shall be a diocesan record office for the diocese, being such repository in the Island as is for the time being designated by the Bishop as such office by an instrument in writing.

(2) The Bishop shall not designate a repository as the diocesan record office unless that place is —

- (a) the Manx Museum;
  - (b) the Public Record Office provided under the Public Records Act 1999;
  - (c) a repository specified in a direction under section 1(6) of that Act; or
  - (d) in the opinion of the Bishop a suitable place to be appointed as a place of deposit under this Measure.
- (3) The Bishop shall not designate a repository as the diocesan record office without the consent of the authority or other body by whom it is provided or managed.

*NOTE: S.1: subs.(1): the Manx Museum was designated as the diocesan record office by the Diocesan Record Office (Designation) Instrument 2000 (SD 685/00)*

### 2. Custody etc. of records held in diocesan record office

The diocesan records officer shall have the custody of any records or registers which are deposited in the diocesan record office in pursuance of this Measure and shall be responsible for their safe-keeping, care and preservation.

## *Diocesan records*

### 3. Meaning of "diocesan record"

(1) In this Measure "diocesan record" means a record of —

- (a) a body specified in Part 1 of Schedule 1;
- (b) a person specified in Part 2 of Schedule 1; or

(c) any other person or body specified in an order made by the Bishop for the purpose of this section, being a person holding an office in, or a body exercising functions in relation to, the Established Church in the Island (other than an incumbent, priest in charge, churchwarden or parochial church council).

(2) A reference to any person in Part 2 of Schedule 1, or in an order under subsection (1)(c), is to that person in his official capacity and not in any other capacity.

### 4. Deposit of diocesan records in diocesan record office

(1) Subject to section 5(2), every person who has the custody of any diocesan record, being a record to which this subsection applies, shall as soon as practicable after the end of the year 2005 and each fifth year thereafter deposit that record in the diocesan record office.

(2) Subsection (1) applies to any record which was completed 50 years or more before the end of the year in question.

(3) Without prejudice to subsection (1), any person who has the custody of any diocesan records may deposit any of those records in the diocesan record office.

(4) Any deposit under this section shall be accompanied by —

- (a) a list describing the records which are being deposited; and
- (b) a list describing the records which are being retained by the person making the deposit.

(5) Each of the lists referred to in subsection (4)(b) shall specify the usual place of custody of the records to which the list relates.

(6) A copy of each of the lists referred to in subsection (4) shall be sent to the Bishop or to such person as he may designate for the purpose.

(7) Any person who under this section deposits any records in the diocesan record office shall obtain from the diocesan records officer a receipt for the records deposited, and

that receipt shall be kept with the records which are being retained by that person.

#### **5. Care etc. of diocesan records**

(1) Every person having the custody of any diocesan records shall be responsible for their safe-keeping, care and preservation.

(2) The Bishop may in writing authorise the person having the custody of any diocesan record which —

(a) is required by section 4(1) to be deposited in the diocesan record office, and

(b) is specified in the authorisation,

to retain the record in his custody.

(3) An application for an authorisation under subsection (2) shall be made in writing by the person or persons having the custody of the record, and where any relevant directions under subsection (5) are in force, the Bishop shall not issue the authorisation unless he is satisfied that the requirements of those directions are being and will be complied with as respects that record.

(4) If it appears to the Bishop that any such requirements are not being complied with as respects any record to which an authorisation under subsection (2) relates, he shall revoke the authorisation.

(5) The Bishop shall from time to time issue directions with respect to the safekeeping, care and preservation of diocesan records not kept in the diocesan record office; and all persons concerned shall comply with such directions.

(6) Directions under subsection (5) may either —

(a) relate to diocesan records generally and be addressed to all persons concerned, or

(b) relate to particular diocesan records or be addressed to a particular person or body.

(7) The expense of complying with directions issued under this section shall be met by the Sodor and Man Diocesan Board of Finance.

#### **6. Order for deposit of records in diocesan record office**

If it appears to the Bishop —

(a) that section 4(1) has not been complied with as respects any diocesan records to which that provision applies, or

(b) that directions issued by him under section 5 with respect to any diocesan records have not been complied with, or

(c) that any diocesan records are for any other reason exposed to danger of loss or damage,

the provisions of Schedule 2 shall apply.

#### **7. Return of diocesan records deposited in diocesan record office**

(1) Where —

(a) any diocesan records have been deposited in the diocesan record office, and

(b) an application for the purpose is made to the Bishop by any person who would have been entitled to have the custody of them had they not been so deposited,

the Bishop shall order that those records or such of them as may be specified in the order shall be returned to and placed in the custody of that person.

(2) The Bishop shall not make an order under this section unless he is satisfied that any relevant directions issued by him under section 5(5) will be complied with by the applicant for the order.

(3) At least one month before making an order under this section the Bishop shall give to the diocesan records officer notice of his intention, containing particulars of such records and stating the name and address of the person into whose custody they are to be returned.

(4) The making of an order under this section with respect to any records shall not be taken as —

(a) preventing the subsequent deposit of those records in the diocesan record office under section 4, or

(b) affecting the power to make an order under Schedule 2 with respect to them.

#### *Parochial registers and records*

#### **8. Custody of registers in parochial custody**

(1) The incumbent of the benefice to which a parish belongs shall have the custody of the registers of baptisms, confirmations, banns of marriage, marriages, burials or services which in accordance with any statutory provision or Canon are provided for any parish church or other place of public worship in the parish.

(2) During a vacancy in the benefice the churchwardens of the parish shall, subject to subsection (3), have the custody of the registers mentioned in subsection (1).

(3) Where the bishop appoints a priest in charge for any benefice to which a suspension period (within the meaning of the [Mission and Pastoral Measure (Isle of Man) 2012]) applies, the priest in charge shall during that period have the custody of the said registers.

(4) Subsections (1) to (3) do not apply to any registers which are for the time being deposited in the diocesan record office.

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*NOTE S.8: subs.(3): words in square brackets inserted by Mission and Pastoral Measure [Isle of Man] 2012 Sch.8 para.8.*

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**9. Inspection of registers and records in parochial custody**

- (1) The Archdeacon shall cause the registers and records in parochial custody, including registers in use for the purpose of making entries therein, to be inspected and reported on periodically by such person or persons as he may appoint.
- (2) Before making an appointment under subsection (1) the Archdeacon shall consult the diocesan records officer.
- (3) The Archdeacon —
  - (a) shall cause the first inspection under this section affecting every parish to be begun not later than the end of 2005; and
  - (b) shall cause an inspection under this section affecting any parish to be begun not more than 5 years after the date on which the immediately preceding inspection affecting that parish was completed.
- (4) A report under this section shall be made to the Archdeacon or to such person as he may designate for the purpose.
- (5) Any person carrying out an inspection under this section shall compile a list of the registers, and a list describing the records, which have been inspected by him under this section.
- (6) Any person carrying out an inspection under this section affecting any parish may comply with subsection (5) by certifying in writing that any such list previously compiled on a inspection affecting the same parish, with such additions or omissions, if any, as are specified in the certificate is a list of the registers or a list describing the records, as the case may be, which have been inspected by him under this section.
- (7) The person in whose custody such registers or records are shall allow any person carrying out an inspection under this section to have access to those registers and records at any reasonable time and shall give him such facilities as he may reasonably require to enable him to carry out his functions under this section.
- (8) Any person carrying out an inspection under this section shall send a copy of any list or certificate compiled or issued by him thereunder to —
  - (a) the Archdeacon,
  - (b) the diocesan records officer,

- (c) the incumbent or priest in charge of the parish affected, and
  - (d) the parochial church council of that parish.
- (9) A copy or a list or certificate sent to a parochial church council under subsection (8) shall be accompanied by an instruction that —
- (a) it be inserted in or annexed to the inventory of articles appertaining to the parish church, and
  - (b) the date or dates on which the inspection was carried out be inserted in the log book relating to the church.
- (10) Any expenses incurred by a person carrying out an inspection under this section in complying with the provisions thereof shall be paid by the parochial church council of the parish affected.

**10. Closure of old registers**

- (1) Any register to which this section for the time being applies shall be closed and no further entries shall be made therein.
- (2) This section applies to any register in which the earliest entry has (at any time, whether at the coming into force of this section or subsequently) been in existence for 100 years or more, other than a register of marriages in which the earliest entry was made on or after 27th September 1910.

**11. Deposit of registers, etc. in diocesan record office**

- (1) Subject to section 11(3), every person —
  - (a) who by virtue of section 8 has the custody of any register belonging to a parish, being a register to which this subsection applies, or
  - (b) who has the custody of any record in parochial custody in such a parish, being a record to which this subsection applies,shall as soon as practicable after the first and each subsequent inspection under section 9 affecting that parish is begun deposit that register or record in the diocesan record office.
- (2) Subsection (1) applies to —
  - (a) any register in which the date of the latest entry is 100 years or more earlier than the relevant date, other than a register in use for the purpose of making entries therein,
  - (b) any register to which section 10 applies, and
  - (c) any record which was completed 100 years or more before the relevant date.

In this subsection "the relevant date" means the date on which each of the inspections referred to in subsection (1) is begun.

- (3) Without prejudice to subsection (1), any person —



- (a) who by virtue of section 8 has the custody of any registers belonging to a parish, or
- (b) who has the custody of any records in parochial custody in a parish,

may, with the consent of the parochial church council of the parish, deposit any of those registers or records, except a register in use for the purpose of making entries therein, in the diocesan record office.

(4) Any deposit under this section shall be accompanied by —

- (a) a list of the registers, and a list describing the records, which are being deposited; and
- (b) a list of the registers, and a list describing the records, which are being retained in parochial custody, other than registers in use for the purpose of making entries therein.

(5) Each of the lists referred to in subsection (4)(b) shall specify the usual place of custody of the registers or records to which the list relates.

(6) A copy of each of the lists referred to in subsection (4) shall be sent to the Bishop or to such person as he may designate for the purpose.

(7) Any person who under this section deposits any registers or records in the diocesan record office shall obtain from the diocesan records officer a receipt for the registers or records deposited, and that receipt shall be inserted in or annexed to the inventory of articles appertaining to the parish church concerned.

## **12. Care, etc. of registers and records in parochial custody**

(1) Every person having the custody of any registers or records in parochial custody —

- (a) shall be responsible for their safe-keeping, care and preservation; and
- (b) as respects any register or record which is retained in parochial custody under an authorisation issued under subsection (2), shall comply with such requirements as are prescribed with respect to their safe-keeping, care and preservation.

(2) The Bishop may in writing authorise any register or record which is required by section 11(1) to be deposited in the diocesan record office and is specified in the authorisation to be retained in parochial custody.

(3) An application for an authorisation under subsection (2) shall be made in writing by the person or persons having the custody of the register or record in question, and the Bishop shall issue the authorisation if he is satisfied

that the requirements of any relevant directions under subsection (5) are being and will be complied with as respects that register or record.

(4) If it appears to the Bishop that those requirements are not being complied with as respects any register or record to which an authorisation under subsection (2) relates, he shall revoke the authorisation.

(5) The Bishop shall from time to time issue directions with respect to the safekeeping, care and preservation of the other registers and records in parochial custody; and all persons concerned shall comply with such directions.

(6) Directions under subsection (5) may either —

- (a) relate to registers and records in parochial custody generally and be addressed to all persons concerned, or
- (b) relate to particular registers or records in parochial custody or be addressed to a particular incumbent, priest in charge or parochial church council or to particular churchwardens.

(7) Subject to any particular requirements imposed under subsection (6)(b), directions under subsection (5) shall —

- (a) require the registers and records to which the directions apply to be kept in the appropriate parish church or other place of public worship; and
- (b) include directions with respect to the type of container in which those registers and records are to be kept.

(8) The expense of complying with directions under subsection (5) shall be met by the parochial church council.

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*NOTE: S.12: subs.(1)(b): requirements are prescribed by the Parochial Registers and Records Regulations 2000 (SD 683/00); subs.(5): for directions see the Parochial Registers and Records Directions 2013 in Part 5, post.*

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## **13. Order for deposit of registers etc. in diocesan record office**

If it appears to the Bishop —

- (a) that section 11(1) has not been complied with as respects any registers or records in parochial custody to which that provision applies,
- (b) that any relevant directions issued by him under section 12(5) as respects any such registers or records have not been complied with, or
- (c) that any such registers or records are for any other reason exposed to danger of loss or damage,

the provisions of Schedule 2 shall apply.

**14. Faculty not required for deposit of registers, etc. in diocesan record office**

A register or record may be deposited in the diocesan record office in pursuance of this Measure without a faculty.

**15. Return to parochial custody of registers, etc. deposited in diocesan record office**

- (1) Where —
- (a) any registers or records formerly in parochial custody have been deposited in the diocesan record office, and
- (b) an application for the purpose is made to the Bishop by any person who would have been entitled to have the custody of them had they not been so deposited,

the Bishop shall order that those registers or records or such of them as may be specified in the order shall be returned to and placed in the custody of that person.

(2) A Bishop shall not make an order under this section unless he is satisfied that any relevant directions issued by him under section 12(5) will be complied with by the applicant for the order.

(3) At least one month before making an order under this section the Bishop shall give to the diocesan records officer notice of his intention, containing particulars of such registers or records and stating the name and address of the person into whose custody they are to be returned.

(4) The making of an order under this section with respect to any registers or records shall not be taken as —

- (a) preventing the subsequent deposit of those registers or records in the diocesan record office under section 11, or
- (b) affecting the power to make an order under Schedule 2 with respect to them.

*Registration of baptisms and burials*

**16. Provision of registers of baptisms and burials**

(1) The parochial church council of every parish shall provide a register book of public and private baptisms for the parish or, in the case of a parish which has more than one parish church, for each such church.

(2) The churchwardens of every parish shall provide a register book of burials for every parish burial ground in the parish; and expenses incurred under this subsection shall be treated for the purposes of the Burials Act 1986 as expenses of maintaining the parish burial ground in question.

(3) The registers referred to in subsections (1) and (2) shall be deemed to belong to the parochial church council or the churchwardens, as the case may be.

(4) Such registers shall be of durable material and the prescribed heads of information to be entered therein shall, in the case of every such register provided after the commencement of this Measure, be printed on every leaf thereof.

(5) Every place of entry in every such register shall be numbered progressively from the beginning to the end of the register, beginning with the number one, and every entry shall be divided from the following entry by a printed line.

**17. Registration of baptisms**

(1) Where the ceremony of baptism according to the rites of the Established Church is performed —

- (a) in a parish church of a parish, or
- (b) in any other place in a parish by a minister of the parish,

the person by whom the ceremony was performed shall as soon as possible thereafter enter the prescribed particulars in the appropriate register of baptisms and shall sign the register in the place provided.

(2) Where the ceremony of baptism according to the said rites is performed in any place in a parish other than a parish church by a person who is not a minister of the parish, the person by whom the ceremony was performed shall as soon as possible thereafter send to the incumbent or priest in charge of the parish a certificate signed by him certifying when and where the ceremony was performed and containing such other particulars as are prescribed.

(3) Where the ceremony of baptism according to the said rites is performed in an institution in respect of which a clerk in Holy Orders is for the time being licensed under section 2 of the Extra-Parochial Ministry Measure 1967 to perform any offices or services, then, unless the ceremony is performed in an institution for which a register of baptisms has been provided by virtue of section 20, the person by whom the ceremony was performed shall as soon as possible thereafter send a certificate —

- (a) signed by him,
- (b) certifying when and where the ceremony was performed, and
- (c) containing such other particulars as are prescribed,

to the incumbent or priest in charge of the parish in which the institution is.

(4) On receiving a certificate under subsection (2) or (3) the incumbent or priest in charge shall enter the prescribed particulars of the baptism to which the certificate relates in the appropriate register of baptisms.

(5) In this section "minister", in relation to a parish, means —

- (a) the incumbent of the benefice to which the parish belongs,
- (b) a vicar in a team ministry for the area of that benefice,
- (c) the priest in charge of the parish, or
- (d) any curate licensed to officiate in the parish.

#### **18. Registration of burials**

(1) Subject to subsection (4), the minister officiating at a burial according to the rites of the Established Church shall as soon as possible after the burial has taken place enter the prescribed particulars in the appropriate register of burials and shall sign the register in the place provided.

(2) Subject to subsection (4), where a burial according to the said rites takes place in an institution in respect of which a clerk in Holy Orders is for the time being licensed under section 2 of the Extra-Parochial Ministry Measure 1967 to perform any offices or services, then unless the burial takes place in the burial ground of an institution for which a register of burials has been provided by virtue of section 20, the minister officiating at the burial shall as soon as possible after the burial has taken place send a certificate —

- (a) signed by him,
- (b) certifying when and where the burial took place, and
- (c) containing such other particulars as are prescribed,

to the incumbent or priest in charge of the parish in which the institution is.

(3) On receiving such certificate the incumbent or priest in charge shall enter the prescribed particulars of the burial to which the certificate relates in the appropriate register of burials.

(4) This section does not apply in relation to a burial which takes place in the cemetery provided under the Douglas Cemetery Act 1895.

(5) In this section "minister" means any person who is authorised to bury the dead according to the rites of the Established Church.

#### **19. Corrections of errors in register of baptisms or burials**

(1) A person required to register a baptism or a burial under this Measure who discovers an error in the form or substance of an entry made in the register of baptisms or burials, as the case may be, shall not be liable to any penalty under the Forgery Act 1952 by reason only that within one month after the discovery of the error he corrects the erroneous entry in the presence of the persons specified in subsection (2) by entry in the margin of the register, without any alteration of the original entry.

(2) The persons referred to in subsection (1) are —

- (a) in the case of an erroneous entry in a register of baptisms, either or both of the parents of the child to whom the entry relates or, in the case of the death or absence of both of them, the churchwardens of the parish to which the register belongs; and
- (b) in the case of an erroneous entry in a register of burials, 2 persons who were present at the burial to which the entry relates or the churchwardens of the parish to which the register belongs.

(3) Any such marginal entry as is referred to in subsection (1) shall be signed by the person by whom the entry is made and shall be attested by the persons in whose presence the entry is required to be made, and the person by whom the entry is made shall add the date when it is made.

#### **20. Application of ss.16-19 to certain institutions**

Sections 16 to 19, so far as applicable and with the necessary modifications, apply in relation to —

- (a) the provision of registers of baptisms or burials for any institution in respect of which a clerk in Holy Orders is for the time being licensed under section 2 of the Extra-Parochial Ministry Measure 1967 to perform any offices or services;
- (b) the registration of baptisms performed in any such institution; and
- (c) the registration of burials which take place in any burial ground belonging to any such institution.

*Exhibitions, research etc.*

#### **21. Making certain registers etc. in record office available for exhibition or research**

(1) Subject to the provisions of this section and section 22(1), where a request in that

behalf is made to the diocesan records officer, he may authorise —

- (a) such of the diocesan records in his custody by virtue of section 4 or 6, or
- (b) such of the registers or records in his custody by virtue of section 11 or 13,

as may be specified in the authorisation to be transferred to, and deposited for such period as may be so specified in, a suitable and safe place for the purpose of exhibition or research.

(2) Subsections (3) and (4) apply to a request under this section relating to registers or records falling within subsection (1)(b).

(3) Where such a request is made by the parochial church council of the parish to which the registers or records in question belong, the diocesan records officer shall issue the authorisation requested if he is satisfied that the place of a deposit specified in the request is a suitable and safe place.

(4) Where such a request is made by any person other than that parochial church council, the diocesan records officer may issue the authorisation requested only with the consent of that council.

## **22. Making registers etc. in parochial custody available for certain purposes**

(1) Subject to subsection (2), any person having the custody of any registers or records in parochial custody may deposit any of them for a limited period —

- (a) in the diocesan record office, or
- (b) in some other suitable and safe place approved by the Bishop,

for the purpose of exhibition or research or for the purpose of enabling copies or lists to be made of them or copies of any part thereof.

(2) The power conferred by subsection (1) on a person having the custody of such registers or records may be exercised at the request of any other person, but, whether or not any such request is made, the first mentioned person, if not the parochial church council concerned, may exercise that power only with the consent of that council.

(3) Where a request for the deposit in accordance with subsection (1) of any such registers or records is made to the person having the custody of them, then —

- (a) if that person refuses or fails to comply with the request, or
- (b) where subsection (2) applies, the parochial church council refuses to consent to the deposit being made,

the Bishop, on the application of the person who made the request and after giving the parochial church council concerned and any

other person who has the custody of them an opportunity to make representations to him, may order them to be deposited for a period specified in the order in the diocesan record office or other suitable and safe place approved by him for any of the purposes mentioned in subsection (1).

(4) Before approving a place as suitable and safe place for the purposes of this section the Bishop shall consult the diocesan records officer.

## **23. Provisions supplemental to ss.22 and 22**

(1) The period during which any registers or records formerly or for the time being in parochial custody may be deposited in any place by virtue of any provision of section 21 or 22 shall not exceed one year; but the person by whom that period was fixed may, with the consent of the parochial church council concerned, extend that period for a further period, not exceeding one year; and that said power may be exercised from time to time before or after the expiration of an extension of a period of deposit.

(2) The expenses arising out of the transfer, deposit and return of registers and records in pursuance of any provision of section 21 or 22 shall be paid by the person at whose request the deposit is made.

(3) Before —

- (a) the Bishop makes an order under section 22(3) on the application of the person who made such request, or
- (b) the diocesan records officer issues an authorisation under section 21 at the request of any person other than the parochial church council of the parish to which the registers and records described in the request belong, or
- (c) any person agrees to comply with a request for the deposit in accordance with section 22(1) of any such registers or records as are referred to therein,

he may require the person who made the request to effect insurance with such insurer as may be agreed between that person and that council or, in default of agreement, as the Bishop may direct.

(4) Insurance under subsection (3) must cover risks of loss of, or damage to, the registers and records —

- (a) while in transit to or from the place in which they are to be deposited in accordance with the request, order or authorisation, as the case may be, and
- (b) while so deposited in that place,

for such sum as may be agreed or directed as mentioned in that subsection.

*Miscellaneous and supplemental*

**24. Access to registers and records**

(1) Subject to the following provisions of this section, it shall be the duty of the diocesan records officer to arrange that reasonable facilities are available to the public for inspecting and obtaining registers and records deposited in the diocesan record office under this Measure.

(2) If it appears to the Bishop that any records deposited in the diocesan record office under this Measure that they contain information of such a kind, or obtained in such circumstances, that the opening of those records to the public would or might constitute a breach of confidence or good faith on the part of the Church or of the persons who obtained the information, he shall notify the diocesan records officer accordingly.

(3) Where a notification is given under subsection (2), the records in question shall not be available in the diocesan record office for public inspection even after the expiration of the said period except in such circumstances and subject to such conditions, if any, as the Bishop may approve, or, if the Bishop thinks fit, after the expiration of such period as he may direct.

(4) Nothing in this section shall be construed as granting any right to inspect public records or any part of them which appear to the diocesan records officer to be in danger of damage through inspection by the public; but where any records are withheld from inspection by the public by virtue of this subsection the diocesan records officer shall, if possible, make copies of them available for inspection by the public.

(5) The foregoing provisions of this section are subject to any statutory provision, whenever made, which prohibits or restricts the disclosure of information.

**25. Disposal of registers etc. on dissolution of parish, etc.**

(1) Where a parish is dissolved by a pastoral scheme, whether in consequence of a union of parishes or otherwise, then, subject to the provisions of that scheme, the registers belonging to that parish and any records in parochial custody therein shall be dealt with in such manner as the Bishop may direct.

(2) Subject to section 47 of the Marriage Act 1984 (disposal of registers of marriage on church ceasing to be used for marriages), where a church (within the meaning of the [Mission and Pastoral Measure (Isle of Man) 2012]) ceases to be used as such, whether by reason of a declaration of redundancy,

demolition or otherwise, then, unless the Bishop otherwise directs or any pastoral scheme otherwise provides, the registers and records kept in or relating to that church shall be deposited in the diocesan record office.

(3) Subsections (1) and (2) are without prejudice to the power of the Bishop to make an order under section 13 with respect to such registers or records; and section 15, with the omission of subsection (3), shall apply in relation to any such registers or records which in compliance with the direction of the Bishop have been deposited in a place which is not the diocesan record office.

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*NOTE S.25: subs.(2): words in square brackets inserted by Mission and Pastoral Measure [Isle of Man] 2012 Sch.8 para.8.*

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**26. Searches of certain registers**

(1) Every person having the custody of any register of baptisms or burials, being an incumbent, priest in charge or churchwarden, shall at all reasonable hours allow searches to be made in that register on payment of such fee, if any, as may be prescribed and shall, if requested to do so, give a copy certified under his hand of any entry in that register on payment of such fee, if any, as may be prescribed under [the Church Fees Measure (Isle of Man) 2014].

(2) Where any registers of baptisms or burials are deposited in the diocesan record office —

(a) the diocesan records officer shall at all reasonable hours allow searches to be made in any such register and shall, if requested to do so, give a copy, certified under the hand of an officer of the record office, of any entry therein; and

(b) the authority or body under whose control that office is may charge such fees, if any, for allowing a search to be made in any such register or for providing a copy of an entry therein as is payable to an incumbent for the same service by virtue of any order for the time being in force made under the [Church Fees Measure (Isle of Man) 2014].

(3) Where any registers of marriages are deposited in the diocesan record office, section 48 of the Marriage Act 1984 (searches in marriage registers) shall have effect as if for references therein to an incumbent there were substituted references to the diocesan records officer.

(4) Where a search is made —

(a) under subsection (1) or (2), or

(b) in the case of a register of marriages in which the first entry was made before 27th

September 1910, under the said section 48,

the person having the custody of the register or the diocesan records officer may require the search to be made in an authenticated photographic copy of the register.

For the purposes of this subsection a copy shall be regarded as authenticated if it bears a certificate signed by the person who had the custody of the register or the person who was the diocesan records officer, as the case may be, at the time the certificate was issued to the effect that it is a true copy of the register.

(5) Where a search is required under subsection (4) to be made in an authenticated photographic copy of a register, the person making the search may request the person having custody of the register (the "custodian") or diocesan records officer to allow the search to be made in the register on the grounds that the copy is not accurate or that the quality of reproduction of the copy is not adequate for the purpose of the search.

(6) Where a request is made under subsection (5), the custodian or diocesan records officer, if —

- (a) he is satisfied that the grounds for the request are reasonable, or
- (b) he is directed to do so by the Archdeacon under subsection (7),

shall allow the search to be made in the register, but only under the supervision of the custodian or diocesan records officer or other person designated by the custodian or diocesan records officer for the purposes of this subsection.

(7) Where a request made under subsection (5) is refused, the person making the search may refer the matter to the Archdeacon; and thereupon the Archdeacon, if satisfied that the grounds for the request are reasonable, may direct the custodian or diocesan records officer to allow the search to be made in the register.

(8) No part of any fee paid to the diocesan records officer by virtue of this section shall be payable by him to any person who would have had the custody of any register had it not been deposited in the diocesan record office.

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*NOTE: S.26: subs.(1) & (2)(b) amended by Church Fees Measure (Isle of Man) 2014 Sch.3 para.3; subs.(9) repealed by ib. Sch.4.*

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#### **27. Recovery of registers from unauthorised persons**

(1) Where any registers which belong to a parish or were originally in parochial custody are in the possession of any other person who

has no title to or right to the possession of them, the Bishop may apply to the High Court for an order that that person do deliver those registers to him, and the court, if satisfied that that person has no title to or right to the possession of them, may order him to deliver them to the Bishop.

(2) Registers delivered to a Bishop in accordance with an order of the court under subsection (1) may, as he thinks fit, be —

- (a) placed by him in the custody of the person who would have had the custody of them had they remained in parochial custody, or
- (b) deposited by him in the diocesan record office.

(3) For the removal of doubt it is declared that, subject to the provisions of this Measure and of the Marriage Act 1984, the title to or right to the possession of registers in the custody of any person by virtue of this Measure is incapable of assignment, whether for value or otherwise.

#### **28. Special provisions as to marriage registers**

(1) Where the diocesan records officer has in his custody any register of marriages solemnised on or after the 27th September 1910, he shall —

- (a) furnish the Chief Registrar with particulars of such registers; and
- (b) if any such register is required for the purpose of correcting any erroneous entry therein in accordance with section 46 of the Marriage Act 1984, deliver that register to the minister concerned and permit him to retain it for such period as may be necessary for that purpose.

(2) Nothing in this Measure authorises the deposit in the diocesan record office of any duplicate register or marriages which, when filled, is to be delivered to the Chief Registrar in accordance with section 45 of the Marriage Act 1984.

#### **29. Service of notices and orders**

(1) Any notice or order required or authorised by this Measure to be served on or sent or given to a parochial church council shall be duly served, sent or given if it is served on or sent or given to the secretary of that council.

(2) For the purposes of this section and of section 41 of the Interpretation Act 1976 in its application to this section, the proper address of the person on or to whom any such notice or order is required or authorised to be served, sent or given shall be the last known address of that person.

### 30. Orders, regulations etc.

- (1) The Bishop may make regulations prescribing any matter which by virtue of any provision of this Measure may be prescribed.
- (2) The Bishop may make regulations modifying this Measure in its application to registers or records kept otherwise than in documentary form.
- (3) The Bishop may by order vary any of the periods specified in section 4(2), 10(2) or 11(2)(a) or (c) (or those periods as varied by a previous order under this subsection).
- (4) Regulations under subsection (1) or (2), and orders under section 3(1)(c) and subsection (3), shall not have effect unless they are approved by the Diocesan Synod.
- (5) Where the Bishop makes an instrument under section 1, or gives any general directions under section 5(5) or 12(5), he shall notify the Diocesan Synod that he has done so and of the effect of the instrument or directions.

### 31. Interpretation

- (1) In this Measure —
  - "burial" includes the disposal of cremated remains;
  - "churchwarden" includes a chapel warden;
  - "diocesan record" has the meaning given by section 3;
  - "diocesan record office" means the repository designated under section 1(1);
  - "diocesan records officer" means the chief officer of the diocesan record office;
  - "Diocesan Synod" means the Sodor and Man Diocesan Synod;
  - "the diocese" means the Diocese of Sodor and Man;
  - "directions" means directions in writing;
  - "notice" means a notice in writing;
  - "in parochial custody" —
    - (a) in the case of records, means in the custody of an incumbent or priest in charge or of churchwardens or of a parochial church council or in the joint custody of any of them, and
    - (b) in the case of registers, means in the custody of an incumbent or priest in charge or of churchwardens;
  - "prescribed" means prescribed by regulations under section 30(1);
  - "records" means materials in written or other form setting out facts or events or otherwise recording information, other than registers;
  - "registers" means the registers mentioned in section 8(1).

(2) In this Measure references to any Measure of the General Synod or to any provision of such a Measure shall be construed as references to that Measure or provision as it has effect in the Island.

(3) In the case of parish in which there are 2 or more parochial church councils, a reference to the parochial church council of the parish shall be construed —

- (a) in relation to registers or records relating to a church, as a reference to the parochial church council of that part of the parish in which the church is;
- (b) otherwise, as a reference to all of those councils.

(4) Where records created at different dates are —

- (a) entered in one book, or
- (b) for administrative purposes kept together in one file or other assembly,

all the records in that book, file or assembly shall be treated for the purposes of this Act as having been completed when the latest of them was completed.

### 32. Transitional provision, amendments and repeals

- (1) Any registers or records, being —
  - (a) diocesan records, or
  - (b) registers and records formerly in parochial custody,

which were deposited in a repository before its designation as the diocesan record office shall, after it is so designated, be treated as if they had been deposited there pursuant to this Measure.

(2) The Schedule to the Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992 is amended as follows —

- (a) in paragraph 16, for section 21(7) substitute —

"(7) In this section "article" does not include any register or record to which the Church Records Measure (Isle of Man) 2000 applies." .....

(3) The enactments specified in Schedule 3 are repealed to the extent specified in column 3 of that Schedule.

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*NOTE: S.32: subs.(2): para.(b) omitted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 Sch.3 para.6.*

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### 33. Short title and commencement

- (1) This Measure may be cited as the Church Records Measure (Isle of Man) 2000.

(2) This Measure shall come into operation on such day or days as the Bishop may by order appoint.

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*NOTE: The Measure was brought into force on 13th October 2000 for the purpose of making orders, rules and regulations, and on 1st January 2001 for all other purposes, by the Church Records Measure (Isle of Man) 2000 (Appointed Day) Order 2000 (SD 682/00).*

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#### SCHEDULE 1

##### BODIES AND PERSONS WHOSE RECORDS ARE DIOCESAN RECORDS

###### PART 1

The Diocesan Synod  
The diocesan conference of the diocese  
The Church Commissioners for the Isle of Man  
The Sodor and Man Diocesan Board of Finance  
The chapter of the cathedral church of St German  
The standing committee of the Diocesan Synod  
The legislative committee of the Diocesan Synod  
The Diocesan Advisory Committee  
The Vacancy in See Committee  
Any committee or council established by resolution or standing order of the Diocesan Synod  
Any ecclesiastical court  
Any tribunal established under the [Mission and Pastoral Measure (Isle of Man) 2012] or the Incumbents (Disability) Measure (Isle of Man) 1995  
Any deanery synod  
Any committee of a deanery synod

###### PART 2

The Bishop  
The Archdeacon  
The Vicar General  
The Diocesan Registrar  
Any officer of a body mentioned in Part 1

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*NOTE Schedule 1: Part 1: words in square brackets inserted by Mission and Pastoral Measure (Isle of Man) 2012 Sch.8 para.8.*

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#### SCHEDULE 2

##### ORDER FOR DEPOSIT OF RECORDS IN RECORD OFFICE

###### *Interpretation*

1. In this Schedule "the records" means the diocesan records referred to in section 6, or the registers or records in parochial custody referred to in section 13, as the case may be.

###### *Invitation to make representations*

2. In the circumstances mentioned in section 6 or 13, the Bishop shall notify the person or body who has the custody of the records, and any other person or body appearing to him to be concerned, of the facts as they appear to the Bishop and inform them that he will consider any written representations made to him by any of them before a date specified in the notice, being a date not less than 28 days after service of the notice.

###### *Emergency order*

3. If after considering any representations duly made to him under paragraph 2 the Bishop is of opinion that the matter is urgent and the circumstances are such that delay must be avoided, then he may order that such of the records as are specified in the order shall be deposited in the diocesan record office within the period of 7 days beginning with the date of service of the order.

###### *Notice by Bishop in ordinary cases*

4. If after considering any such representations the Bishop is of opinion that action by him under paragraph 3 is unnecessary but that he should proceed under this paragraph, he shall serve a further notice on the persons referred to in paragraph 2 informing them that he will make an order under paragraph 5 unless, within such period as may be specified in the notice, they satisfy him —

- (a) that section 4(1) or section 11(1) has been complied with as respects any record in their custody to which that provision applies, or
- (b) that any relevant directions issued by him under section 5(5) or section 12(5) are being and will be complied with, so far as they are applicable, or
- (c) that adequate steps have been taken to remove the danger of loss of, or damage to, the records,

as the circumstances of the case require.

###### *Order requiring deposit in record office*

5. If, at the expiration of the period specified in a notice served by him under paragraph 4, the Bishop is not satisfied as to the matters so specified, he shall order that such of the records as are specified in the order shall be deposited in the diocesan record office within the period of 7 days beginning with the date of service of the order.

###### *Service of order*

6. An order under this Schedule shall be directed to, and served on, the person or persons having the custody of the records specified in the order.

###### *Application to High Court*



7. If any person on whom an order made by the Bishop under this Schedule is served refuses or fails to comply with the order, the Bishop may apply to the High Court for an order that that person deliver the records specified in the first-mentioned order to the diocesan record office, and the court, if satisfied that that order was made in accordance with the provisions of this Schedule, may make an order accordingly.

SCHEDULE 3  
ENACTMENTS REPEALED

Reference	Short title	Extent of repeal
II p.223	The Parish Registers Act 1849.	The whole Act.
IV p.298	The Parochial Registers Act 1873.	The whole Act.
IX p.90	The Civil Registration (Marriages) Act 1910.	The whole Act.
X p.384	The Civil Registration (Marriages) (Amendment) Act 1919.	The whole Act.

## Church (Miscellaneous Provisions) Measure (Isle of Man) 2002

SD 155/02

### 1. Application of Church of England (Miscellaneous Provisions) Measure 2000

The following provisions of the Church of England (Miscellaneous Provisions) Measure 2000 (a Measure of the General Synod) shall extend to the Isle of Man —

section 9 (amendment of Incumbents (Vacation of Benefices) Measure 1977)

.....

section 15 (amendment of Ecclesiastical Jurisdiction Measure 1963)

section 17 (amendment of Patronage (Benefices) Measure 1986)

section 19 and Schedule 7 (transitional provisions)

subject to the modification that, in section 9, paragraph (b) is omitted.

*NOTE S.1: words omitted repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.*

### 2. Short title

This Measure may be cited as the Church (Miscellaneous Provisions) Measure (Isle of Man) 2002.

*NOTE The Measure came into force on 19th February 2002 (the day on which Royal assent was announced to Tynwald).*

## Clergy Discipline Measure (Isle of Man) 2005

SD 538/05

### 1. Extension of Measure to the Isle of Man

The Clergy Discipline Measure 2003 (a Measure of the General Synod) shall extend to the Isle of Man subject to the modifications specified in Schedule 1.

### 2. Short title, commencement etc.

(1) This Measure may be cited as the Clergy Discipline Measure (Isle of Man) 2005 and shall come into operation on such day or days as the Bishop may by order appoint.

(2) The enactments specified in Schedule 2 are amended in accordance with that Schedule.

(3) The enactments specified in Schedule 3 are repealed to the extent specified in column 3 of that Schedule.

*NOTE The Measure was brought into force on 1st January 2006 by the Clergy Discipline Measure (Isle of Man) 2005 (Appointed Day) Order 2005 (SD 854/05).*

### SCHEDULE 1

#### MODIFICATIONS SUBJECT TO WHICH THE MEASURE EXTENDS TO THE ISLE OF MAN

#### *Preliminary scrutiny of complaint*

1. Omit section 11(4).

#### *Courses available to bishop*

2. In section 12(1), omit "or the president of tribunals' direction under section 11(4), as the case may be".

#### *No further action*

3. Omit section 13(3).

*Formal investigation*

4. (1) For section 17(1) and (2) substitute —

"(1) Where the bishop directs that the complaint is to be formally investigated, he shall refer the matter to —

- (a) such person as he may appoint for the purpose (hereinafter referred to as "the appointed person"), in the case of a complaint appearing to him to fall within the jurisdiction of a disciplinary tribunal; or
- (b) the designated officer, in the case of a complaint appearing to him to fall within the jurisdiction of the Vicar-General's court;

and it shall then be the duty of the appointed person or the designated officer, as the case may be, to cause inquiries to be made into the complaint.

(1A) If, as a result of such inquiries —

- (a) it appears to the appointed person that the complaint falls within the jurisdiction of the Vicar-General's court, or
- (b) it appears to the designated officer that the complaint falls within the jurisdiction of a disciplinary tribunal,

the appointed person or the designated officer, as the case may be, shall notify the bishop accordingly.

(1B) Subject to subsection (1A) above, after the appointed person has made due inquiries, he shall —

- (a) determine whether there is a case to answer in respect of which a disciplinary tribunal should be requested to adjudicate;
- (b) if he decides that there is a case for the respondent to answer, declare that as his decision and refer the complaint to a disciplinary tribunal for adjudication;
- (c) if he decides that there is no case for the respondent to answer, declare that as his decision (and thereafter no further steps shall be taken in regard thereto); and
- (d) reduce his decision to writing and give a copy of it to the complainant, the respondent and the bishop.

(2) Subject to subsection (1A) above, after the designated officer has made due inquiries, he shall refer the matter to the president of tribunals for the purpose of deciding whether there is a case to answer in respect of which the Vicar-General's court should be requested to adjudicate."

(2) In section 17(3), for "a disciplinary tribunal or the Vicar-General's court, as the case may be," substitute "the Vicar-General's court".

*Conduct of proceedings*

5. (1) In section 18(1), for "the designated officer" substitute "the appointed person or the designated officer, as the case may be,".

(2) In section 18(2), for "the president of tribunals" substitute "the chancellor of the diocese or the president of tribunals, as the case may be,".

*Right of appeal*

6. In section 20(1), for "designated officer" substitute "appointed person or designated officer".

*Composition of tribunal*

7. (1) After section 20 (and the cross-heading following it) insert —

**"20A Diocesan panel**

(1) It shall be the duty of the standing committee of the diocesan synod to compile and maintain for the diocese, in accordance with subsection (2) below, a list (hereinafter referred to as "the diocesan panel") of persons available for appointment under the following provisions of this Measure as members of a disciplinary tribunal.

(2) The diocesan panel shall consist of —

- (a) 6 lay persons appointed by the standing committee, being persons who are resident in the diocese and on the electoral roll of a parish in the diocese; and
- (b) 6 persons in Holy Orders appointed by the standing committee, being persons who have served in Holy Orders for at least 7 years and are resident in the diocese.

(3) No person who is not an actual communicant, within the meaning of rule 54(1) of the Church Representation Rules, shall be appointed to serve on the diocesan panel.

(4) Subject to subsections (5) to (7), unless he sooner resigns by notice in writing to the bishop, a person appointed to serve on the diocesan panel shall so serve for a period of 6 years, and on the expiry of that term shall, if otherwise qualified, be eligible to be re-appointed.

(5) Of the persons appointed to serve on the diocesan panel on the first occasion after the extension of this Measure to the Isle of Man, half of those appointed under subsection (2)(a) and half of those

appointed under subsection (2)(b) shall serve for a period of 3 years, those so to serve being determined by lot.

(6) A person appointed to fill a casual vacancy on the diocesan panel shall serve for the unexpired term of service of the person in whose place he was appointed.

(7) Where the period of service of a person appointed to serve on the diocesan panel expires while he is a member of a disciplinary tribunal to which proceedings under this Measure are referred, he shall continue to be a member of the tribunal until the completion of the proceedings."

*Provincial panels*

8. In section 21, at the end insert —

"(9) In its application to the diocese of Sodor and Man the reference in subsection (2)(a) and (b) above to the bishop's council shall be construed as a reference to the standing committee of the diocesan synod."

*Disciplinary tribunals*

9. (1) For section 22(1) substitute —

"(1) Subject to subsection (1A), a disciplinary tribunal shall consist of —

- (a) the chairman, who shall be the chancellor of the diocese;
- (b) one lay person appointed by the chancellor from those nominated under section 20A(2)(a) above;
- (c) one lay person appointed by the chancellor from those nominated under section 21(2)(a) or (3)(a) above;
- (d) one person in Holy Orders appointed by the chancellor from those nominated under section 20A(2)(b) above;
- (e) one person in Holy Orders appointed by the chancellor from those nominated under section 21(2)(b) or (3)(b) above.

(1A) If it appears to the chancellor that there is no person nominated under section 20A(2)(a) or (b) above, as the case may be, who is suitable to be appointed a member of the tribunal under subsection (1)(b) or (d) above, he may instead appoint a member from those nominated under section 21(2)(a) or (3)(a) above, or section 21(2)(b) or (3)(b) above, as the case may be, to serve on the relevant provincial panel."

(2) In section 22(2), for "president of tribunals" substitute "chancellor".

*Sentences of imprisonment etc.*

10. (1) In section 30(1) —

(a) in paragraph (a), for "England" substitute "the Isle of Man", and after "sentence of" insert "custody or";

(b) in paragraph (b), after "has a" insert "divorce order,", and after "in the case of divorce," insert "the order has been made final or".

(2) In section 30(2), for "president of tribunals" substitute "chancellor".

11. In section 31(1) —

(a) in paragraph (a), for "England" substitute "the Isle of Man";

(b) in paragraph (b), for "decree of divorce" substitute "divorce order, decree of divorce", and after "in the case of divorce," insert "the order has been made final or".

*Duty to disclose convictions etc.*

12. In section 33(1), for "England" substitute "the Isle of Man".

*Duty to disclose divorce etc.*

13. In section 34, after "whose marriage" insert "a divorce order has been made final or".

[13A. In section 35(1), omit "Section 63 (fees payable)".]

*Special cases*

14. (1) In section 42(2), for "council" substitute "chapter".

(2) Omit section 42(6).

*Interpretation*

15. (1) In section 43(1), after the definition of "the 1963 Measure" insert —

""the appointed person", in relation to any complaint or proceedings arising from a complaint, means the person appointed under section 17(1) above for the purpose of the complaint;"

(2) For section 43(2) substitute —

"(2) References in this Measure to any Measure (including this Measure) or to any provision of such a Measure shall be construed as references to the Measure or provision as it has effect in the Isle of Man."

*Amendments*

16. (1) Omit section 44(1), (3) and (4).

(2) In section 44(5)(b), for ""committee"" substitute ""Isle of Man"".

*Rules*

17. (1) In section 45(1) for "paragraph (e)" substitute "paragraph (d)".

(2) In section 45(2)(a), omit ", the Care of Cathedrals Measures 1990 and 1994".

(3) Omit section 45(3).

*Transitional provisions*

18. (1) In section 47(1) and (2), for "comes into operation" substitute "is extended to the Isle of Man".

(2) In section 47(4) —

(a) after "sentences of" insert "custody or"; and

(b) for "come into operation" substitute "are extended to the Isle of Man".

*Citation etc.*

19. Omit section 48(2) and (3).

*Amendments of 1963 Measure*

20. In Schedule 1, after paragraph 10 insert —

"10A. In section 66, at the end insert —

"(5) References in this Measure to any Measure (including this Measure) or to any provision of such a Measure shall be construed as references to the Measure or provision as it has effect in the Isle of Man."

*NOTE: Schedule 1: para.13A inserted by Church Fees Measure (Isle of Man) 2014 Sch.3 para.4.*

SCHEDULE 2

AMENDMENTS RELATING TO PASTORAL BREAKDOWN

*The Legal Aid Measure (Isle of Man) 1995 (SD 546/95)*

1. In paragraph 6 of Schedule 1, in the substituted entry 2 in Schedule 1 to the Church of England (Legal Aid) Measure 1994, for "the consistory court" substitute "a tribunal constituted under that Measure".

*The Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996 (SD 714/96)*

2. For section 5 substitute —

**"5. Inquiry to be conducted by tribunal**

(1) An inquiry into the pastoral situation in a parish shall be conducted by a tribunal constituted in accordance with this section ("the tribunal").

(2) Subject to subsection (3), the tribunal shall consist of —

(a) the chairman, who shall be the chancellor of the diocese;

(b) 2 lay persons appointed by the chancellor from those nominated under section 20A(2)(a) of the Clergy Discipline Measure 2003;

(c) 2 persons in Holy Orders appointed by the chancellor from those

nominated under section 20A(2)(b) of that Measure.

(3) If it appears to the chancellor that there is no person nominated under the said section 20A(2)(a) or (b), as the case may be, who is suitable to be appointed a member of the tribunal under subsection (2)(a) or (b), he may instead appoint a member from those nominated under section 21(2)(a) or (3)(a), or section 21(2)(b) or (3)(b), as the case may be, of that Measure to serve on the relevant provincial panel.

(4) Without prejudice to subsection (5), at any sitting of the tribunal to which the incumbent concerned is invited, or at which he is entitled to be present, he may, if he so desires, be assisted, or in his absence represented, by some other person whether having professional qualifications or not.

(5) At an inquiry under this Measure any of the following may be represented by an advocate, barrister or solicitor —

(a) the incumbent concerned;

(b) the Archdeacon;

(c) the parochial church council of the parish concerned or, in the case of an inquiry requested by the persons mentioned in section 1(1)(c), the persons specified in the request as being willing to act as the representatives of the first-mentioned persons;

(d) in the case of an inquiry requested by the persons mentioned in section 1(1)(d), the persons specified in the request as being willing to act as the representatives of the first-mentioned persons."

3. In sections 6 to 10 and 14, for "court" (in each place) substitute "tribunal".

4. In section 16(1) —

(a) omit the definition of "the court";

(b) at the end insert —

"the tribunal" means the tribunal constituted under section 5."

5. In paragraph 3 of Schedule 1, in the words substituted in section 14(1) of the Incumbents (Vacation of Benefices) Measure 1977, for "court" substitute "tribunal".

SCHEDULE 3

ENACTMENTS REPEALED

Reference	Short title	Extent of repeal
XXI p.94	The Church Act 1969.	In Schedule 1, paragraphs 3A and 7.
SD 254/94	The Statute Law	In Schedule 1,

Revision paragraph  
Measure (Isle of Man) 1994. 3(3).

**Church (Miscellaneous Provisions) Measure (Isle of Man) 2009**

SD 809/09

**1. Extension of Church of England (Miscellaneous Provisions) Measure 2005**

The following provisions of the Church of England (Miscellaneous Provisions) Measure 2005 (a Measure of the General Synod) shall extend to the Isle of Man . . . . . —

section 2 (amendment of Church Commissioners Measure 1947 )

. . . . .

*NOTE S.1: words omitted repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.*

**2. Extension of Church of England (Miscellaneous Provisions) Measure 2006**

The following provisions of the Church of England (Miscellaneous Provisions) Measure 2006 (a Measure of the General Synod) shall extend to the Isle of Man subject to the exceptions, adaptations and modifications specified in Schedule 2 —

section 4 (amendment of Church Funds Investment Measure 1958 )

section 7 (amendment of Ecclesiastical Jurisdiction Measure 1963 )

section 8 (amendment of Synodical Government Measure 1969 )

. . . . .

*NOTE S.2: words omitted repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.*

**3. Amendment of Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992**

The Schedule to the Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992 is amended as follows —

(a) for paragraph 11 substitute — "11. Omit section 14(6)."

(b) omit paragraph 12.

**4. Transfer of rule-making functions**

Schedule 3 shall have effect for the purpose of transferring certain rule-making functions to the Legislative Committee of the Sodor and Man Diocesan Synod.

**5. Short title and commencement**

This Measure may be cited as the Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 and shall come into operation on such day or days as the Bishop may by order appoint.

*NOTE: The Measure (except s.3) was brought into force on 1st January 2010 by the Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 (Appointed Day) (No. 1) Order 2009 (SD 810/09); s.3 was brought into force on 1st July 2010 by the Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 (Appointed Day) (No. 2) Order 2010 (SD 329/10).*

. . . . .

*NOTE Schedule 1 repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.*

SCHEDULE 2

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS SUBJECT TO WHICH PROVISIONS OF THE 2006 MEASURE EXTEND TO THE ISLE OF MAN

- 1. (1) Omit section 7(2) and (3).
- (2) In section 7(5), in the inserted section 4(1C), for "three months" (in each place) substitute "six months".

. . . . .

*NOTE Schedule 2: para.2 repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.*

SCHEDULE 3

TRANSFER OF RULE-MAKING FUNCTIONS

. . . . .

2. In the Schedule to the Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992 —

(a) for paragraph 20 substitute — "20. Omit section 25.";

(b) for paragraph 21(1) substitute — "(1) In section 26(1), for "Rule Committee" substitute "Legislative Committee of the Sodor and Man Diocesan Synod".";

(c) for paragraph 21(3) substitute —

- "(3) In section 26(3) —
- (a) for "Rule Committee" substitute "Legislative Committee";
  - (b) omit paragraph (b); and
  - (c) in paragraph (c), for "section 25 of the Parochial Registers and Records Measure 1978" substitute "the Church Records Measure (Isle of Man) 2000".;
- (d) in paragraph 24(1)(a), after ""national amenity society"" insert ", "Rule Committee"".
3. In section 11(1) of the Incumbents (Disability) Measure (Isle of Man) 1995, for "Rule Committee established under section 25 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991" substitute "Legislative Committee of the Sodor and Man Diocesan Synod".
4. In Schedule 1 to the Legal Aid Measure (Isle of Man) 1995, in paragraph 2(3), in

section 4(4) of the Church of England (Legal Aid) Measure 1994, for "Rule Committee established under section 25 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991" substitute "Legislative Committee of the Sodor and Man Diocesan Synod".

5. In Schedule 1 to the Patronage Measure (Isle of Man) 1997, in section 38 of the Patronage (Benefices) Measure 1986, for "Rule Committee established by section 25 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991" substitute "Legislative Committee of the Sodor and Man Diocesan Synod".

6. In section 32(2) of the Church Records Measure (Isle of Man) 2000, omit paragraph (b).

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*NOTE Schedule 3: para.1 repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.*

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## Parochial Church Councils and Accounts Measure (Isle of Man) 2010

SD 958/10

### 1. Modifications of Parochial Church Councils (Powers) Measure 1956

- (1) The Parochial Church Councils (Powers) Measure 1956 shall extend to the Isle of Man subject to the following exceptions and modifications —
- (a) in section 1 —
    - (i) for "Rules for the Representation of the Laity" substitute "Church Representation Rules, as they have effect in the Isle of Man";
    - (ii) at the end insert —
 

"permanent trusts" means any trust of property which is held subject to a restriction on its being expended without distinction between capital and income.";
  - (b) omit the following provisions —
    - (i) in section 2, the words "or the deanery synod", "and the deanery synod" and "or deanery synod";
    - (ii) section 4(1)(iii) and (4);
    - (iii) section 5(4) and (5);
    - (iv) section 6(5);
    - (v) in section 7(iii), the words "and sexton" and "or sexton";
  - (c) for section 4(1)(ii)(c) substitute —
 

"(c) The care and maintenance of any churchyard, not being a parish burial ground within the meaning of the

- Burials Act 1986 (an Act of Tynwald).";
- (d) after section 6(2) insert —
 

"(2A)Where a council holds, acquires or administers —

    - (a) any interest mentioned in subsection (2), or
    - (b) any fund held on trust for any ecclesiastical purpose, which does not fall within paragraph (a) but which exceeds the prescribed amount in value,

the council shall inform the diocesan authority in writing of that interest or fund and, in the case of an interest of fund held on trust, of the terms of the trust.

(2B) In subsection (2A)(b) "the prescribed amount" means £5,000 or such higher amount as may be prescribed by order made by the diocesan authority and approved by the Diocesan Synod.";
  - (e) for section 8 substitute —
 

**"8. Accounts of the council**

    - (1) Every council shall cause —
      - (a) its accounts, including the accounts of all trusts administered by it, for each year ending on 31st December, and
      - (b) a statement of the funds and property, if any, remaining in the hands of the council at that date,

to be made up and examined in accordance with subsection (2).

(2) The accounts and statement referred to in subsection (1) shall be examined by an independent person who —

- (a) is an accountant (within the meaning of the Interpretation Act 1976 (an Act of Tynwald) );
  - (b) holds a qualification prescribed by regulations under section 11(1)(c) of the Charities Registration Act 1989 (an Act of Tynwald) ; or
  - (c) is for the time being approved by the bishop for the purpose of examining the accounts and statement in question.
- (3) The council shall —
- (a) present to the annual parochial church meeting of the parish —
    - (i) its accounts, including the accounts of all trusts administered by it, for the year ending on the 31st December immediately preceding the meeting, and
    - (ii) a statement of the funds and property, if any, remaining in the hands of the council at that date; and
  - (b) not later than 7 days before the annual parochial church meeting cause a copy of the examined accounts and statement to be published and affixed for a period of at least 14 days on or near the principal door of every church and other building licensed for public worship in the parish, and
  - (c) not later than 14 days after the annual parochial church meeting send a copy of the examined accounts and statement to the diocesan authority.;"

(f) omit section 10(2), (3) and (4).

(2) The following provisions are repealed —

- (a) the Church Act 1960;
- (b) in the Church Act 1987, section 1(4);
- (c) in the Statute Law Revision Measure (Isle of Man) 1994, paragraph 2 of Schedule 1.

## **2. Accounts of incumbents and churchwardens**

(1) In Schedule 1 to the Church (Miscellaneous Provisions) Measure (Isle of Man) 1990 (modifications of Incumbents and Churchwardens (Trusts) Measure 1964) —

- (a) for paragraph 3(1) substitute —

"(1) In section 3(1), for "commencement of this Measure" substitute "extension of this Measure to the Isle of Man", and at the end insert "and of the trusts to which the interest is subject".

(b) after paragraph 5 insert —

*"Notification and accounts of trusts*

5A. After section 5 insert —

### **"5A. Notification of certain trusts**

(1) Where an incumbent or churchwardens hold, acquire or administer any fund held on trust for ecclesiastical purposes of the Church of England, which exceeds the prescribed amount in value but is not an interest to which this Measure applies, it shall be their duty to inform the diocesan authority of the fund and of the trusts to which it is subject.

(2) In subsection (1) "the prescribed amount" has the meaning given by section 6(2B) of the Parochial Church Councils (Powers) Measure 1956.

### **5B. Trust accounts**

(1) Every incumbent or churchwardens shall cause —

- (a) the accounts of every charity administered by them to which this subsection applies, for each year ending on 31st December, and
- (b) a statement of the funds and property of the charity at that date,

to be made up and examined in accordance with subsection (2).

(2) Subsection (1) applies to an ecclesiastical charity whose gross income in the year in question exceeds £5,000 or such higher amount as may for the time being substituted for that amount in section 5(5) of the Charities Registration Act 1989 (an Act of Tynwald).

(3) The accounts and statement referred to in subsection (1) shall be examined by an independent person who —

- (a) is an accountant (within the meaning of the Interpretation Act 1976 (an Act of Tynwald));
- (b) holds a qualification prescribed by regulations under section 11(1)(c) of the Charities Registration Act 1989 (an Act of Tynwald); or
- (c) is for the time being approved by the Bishop for the purpose of examining the accounts and statement in question.

(4) The incumbent or churchwardens shall —

- (a) present to the annual parochial church meeting of the parish —
  - (i) the ... accounts of every ecclesiastical charity administered by them for the year ending on the 31st December immediately preceding the meeting, and
  - (ii) the ... statement of the funds and property of the charity at that date, and
- (b) not later than 7 days before the annual parochial church meeting cause a copy of the examined accounts and statement to be published and affixed for a period of at least 14 days on or near the principal door of every church and other building licensed for public worship in the parish, and
- (c) not later than 14 days after the annual parochial church meeting send a copy of the examined accounts and statement to the diocesan authority.

(5) In relation to a charity to which subsection (1) applies, the references in subsection (4) to the accounts and statement of funds and property of the charity are to the accounts and statement examined in accordance with subsection (3).

(6) In this section "ecclesiastical charity" has the same meaning as in Schedule 3 to the Church Act 1992 (an Act of Tynwald).

(7) Nothing in this section applies to accounts to which section 17 of the Burials Act 1986 (an Act of Tynwald) applies."

.....

*NOTE S.2: subs.(1): word "examined" in new s.5B(4)(a)(i) & (ii) repealed by Churchwardens Measure (Isle of Man) 2013 Sch.2; subs.(2) repealed by ibid.*

### 3. Amendments of Church Representation Rules

(1) In their application to the Island the Church Representation Rules set out in Schedule 3 to the Synodical Government Measure 1969 are further modified as follows.

(2) In rule 9 (business of annual parochial church meeting) —

- (a) for paragraph (1)(d) and (e) substitute —
  - "(d) the examined accounts of the parochial church council, including the accounts of all trusts

- administered by it, for the year ending on the 31st December immediately preceding the meeting;
- (e) an examined statement of the funds and property, if any, remaining in the hands of the parochial church council at the said date;
- (ea) the accounts and statements referred to in section 5B(4) of the Incumbents and Churchwardens (Trusts) Measure 1964;";
- (b) for paragraphs (2) and (3) substitute —
  - "(2) The council shall cause a copy of the said roll to be available for inspection at the meeting.
  - (3) The council shall cause the examined accounts and statement referred to in paragraph (1)(d) and (e) to be published and a copy to be sent to the diocesan board of finance in accordance with section 8(3) of the Parochial Church Councils (Powers) Measure 1956.";
- (c) in paragraph (4), for "auditor to the council" substitute "examiner of the accounts of the council".
- (3) In Appendix I, in section 4 (notice of annual meeting) for paragraphs (d) to (g) substitute —
  - "(d) the examined accounts of the council for the year ending on the 31st December immediately preceding the meeting;
  - (e) an examined statement of the funds and property of the Council;
  - (f) the accounts and statement of funds and property of any ecclesiastical charity administered by the incumbent or churchwardens;
  - (g) a report on the fabric, goods and ornaments of the church or churches of the parish; and
  - (h) a report on the proceedings of the diocesan synod; "
- (4) In Appendix II, in paragraph 1 (officers of council) for sub-paragraph (g) substitute —
  - "(g) If an examiner of the accounts of the council is not appointed by the annual meeting, or if an examiner appointed by the annual meeting is unable or unwilling to act, an examiner (who shall not be a member of the council) shall be appointed by the council. The remuneration (if any) of the examiner shall be paid by the council."



**4. Short title etc.**

(1) This Measure may be cited as the Parochial Church Councils and Accounts Measure (Isle of Man) 2010.

(2) Subject to subsection (3), this Measure shall come into operation on 1st January 2011.

(3) Nothing in this Measure applies to accounts in respect of any period ending before 31st December 2010.

(4) In relation to an interest or fund held or administered by a parochial church council immediately before 1st January 2011, the

council shall comply with the obligation imposed by section 6(2A) of the Parochial Church Councils (Powers) Measure 1956, as modified by section 1(1), before 1st January 2012.

(5) In relation to an interest or fund held or administered by an incumbent or churchwardens immediately before 1st January 2011, the incumbent or churchwardens shall comply with any obligation imposed by section 3(1) or 5A of the Incumbents and Churchwardens (Trusts) Measure 1964, as modified by section 2(1), before 1st January 2012.

**Convocations Measure (Isle of Man) 2010**

SD 959/10

*NOTE COMMENCEMENT: the Measure came into force on 19th October 2010.*

**1. Repeal**

The following enactments are repealed —

- (a) the Convocations Ordinance 1703;
- (b) in the Statute Law Revision Act 1986, paragraph 1 of Schedule 1.

*NOTE The 'Ordinance' comprised constitutions made at a Convocation held on 3rd*

*February 1703 (Statutes vol.1 p.155) and confirmed by Act of Tynwald (ib. p.160). Section 14 alone was continued in force by the Pre-Revestment Written Laws (Ascertainment) Act 1978 Sch., and was given its short title by ib. s.1.*

**2. Short title**

This Measure may be cited as the Convocations Measure (Isle of Man) 2010.

**Church Offices Measure (Isle of Man) 2011**

(SD 624/11)

*NOTE COMMENCEMENT Ss.1-4, 6 & 8 and the Schedule were brought into force on 1st August 2011, and s.5 on 15th October 2011, by the Church Offices Measure (Isle of Man) 2011 (Appointed Day) (No.1) Order 2011 (SD 625/11).*

**1. Dioceses, Pastoral and Mission Measure 2007**

(1) The following provisions of the Dioceses, Pastoral and Mission Measure 2007 ("the 2007 Measure") shall extend to the Isle of Man subject to the modifications specified in subsection (2) —

- (a) section 14 (discharge of certain functions of bishop);
- (b) section 61 (assistant curates);
- (c) section 65 and Schedule 7 (repeals) so far as they relate to —
  - (i) section 8 of the Church of England (Miscellaneous Provisions) Measure 1983 ("the 1983 Measure");
  - (ii) the Bishops (Retirement) Measure 1986;

(iii) the Clergy (Ordination) Measure 1990;

(d) section 66(1) (citation).

(2) Section 14 is modified as follows —

- (a) in subsections (1) and (3), omit "bishop's council and" (in each place);
- (b) in subsection (2), omit "Subject to section 15 below,";
- (c) in subsection (9), for "the Commissioners, the Commission" substitute "the Church Commissioners for England";

(3) Any instrument made under section 8 of the 1983 Measure which is in force immediately before the coming into operation of this section shall have effect as if it had been made under section 14 of the 2007 Measure.

**2. Church of England (Miscellaneous Provisions) Measure 2010**

(1) Section 5 (amendment of Ecclesiastical Jurisdiction Measure 1963) of the Church of England (Miscellaneous Provisions) Measure 2010 shall extend to the Isle of Man subject to

the modifications specified in subsections (2) and (3).

(2) Section 5(1) is modified as follows —

- (a) omit paragraph (a);
  - (b) for paragraph (b) substitute —
    - "(b) in subsection (4), for the words "72 years", in both places where they occur, there shall be substituted the words "70 years"; and"; ...
- (3) Omit section 5(2).

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*NOTE S.2: subs.(2): para.(c) repealed by Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure (Isle of Man) 2016 Sch.2.*

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### **3. Vacancies in Suffragan Sees and other Ecclesiastical Offices Measure 2010**

(1) Section 2 (appointments by Crown during certain vacancies) of the Vacancies in Suffragan Sees and other Ecclesiastical Offices Measure 2010 shall extend to the Isle of Man subject to the modifications specified in subsections (2) and (3).

(2) In section 2(4), for paragraph (a) substitute —

- "(a) "the relevant bishop" means —
  - (i) the bishop to whom the right to institute to the ecclesiastical office has been delegated by an instrument in force under section 14 of the Dioceses, Pastoral and Mission Measure 2007; or
  - (ii) where sub-paragraph (i) does not apply and a new bishop has been appointed to fill the vacancy in the see, that bishop;"

(3) Omit section 2(5).

### **4. Crown Benefices (Parish Representatives) Measure 2010**

(1) The Crown Benefices (Parish Representatives) Measure 2010 shall extend to the Isle of Man subject to the modifications specified in subsections (2) and (3).

(2) In section 1 —

- (a) in subsection (1) —
    - (i) in the inserted section 35(1A), omit the words from ", whether" to "Duke of Cornwall";
    - (iii) in the inserted section 35(1B), omit "registered";
  - (b) in subsection (2), for "coming into force of this Measure" substitute "extension of this Measure to the Isle of Man".
- (3) In section 2, omit subsections (2) and (3).

### **5. Amendment of constitution of Cathedral Chapter**

(1) In section 4 of the Church Act 1895, for subsection (2) substitute —

“(2) The Vicar shall be ex-officio the dean of the cathedral church.”

(2) In the Schedule to that Act, paragraph 8 is repealed.

(3) If on the coming into operation of this section the incumbent of the parish of German is a canon of the cathedral church of St German, the canonry held by him shall thereupon be vacated..

### **6. Diocesan registrar**

(1) There shall continue to be an office of registrar of the diocese of Sodor and Man.

(2) The Schedule shall have effect with respect to that office.

### **7. Relinquishment of Holy Orders**

(1) The recording of the enrolment of a deed of relinquishment in accordance with the Clerical Disabilities Act 1870 (an Act of Parliament), whether before or after the coming into operation of this section, shall have, and be deemed always to have had, in the Island the consequences specified in section 4 of that Act.

(2) The recording of the vacation of the enrolment of such a deed in accordance with the Clerical Disabilities Act 1870 (Amendment) Measure 1934, whether before or after the coming into operation of this section, shall have, and be deemed always to have had, in the Island the consequences specified in sections 1(5) and 2 of that Measure.

(3) For the avoidance of doubt, the enrolment and the vacation of the enrolment of such a deed may be recorded in the registry of the diocese of Sodor and Man; and the references in subsections (1) and (2) to the recording of such enrolment or vacation include references to the recording of such enrolment or vacation by virtue of this subsection.

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*NOTE S.7 is not yet in force.*

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### **8. Short title and commencement**

(1) This Measure may be cited as the Church Offices Measure (Isle of Man) 2011.

(2) This Measure shall come into operation on such day or days as the Bishop may by order appoint.

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*NOTE Orders under subs.(2): Church Offices Measure (Isle of Man) 2011 (Appointed Day) Order 2011 (SD 625/11); see general note above.*

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SCHEDULE  
DIOCESAN REGISTRAR

1. *Interpretation*

In this Schedule —

"the Board" means the Sodor and Man Diocesan Board of Finance;

"the diocese" means the diocese of Sodor and Man

"the Registrar" means the holder for the time being of the office of registrar of the diocese;

"the Synod" means the Sodor and Man Diocesan Synod.

2. *Appointment*

(1) The Registrar shall be appointed by the Bishop after consulting the standing committee of the Synod.

(2) The office of registrar of the diocese may be held by 2 persons jointly, but either of those persons may perform any of the functions mentioned in paragraph 6.

3. *Qualification*

(1) A person is not qualified to be appointed or to be Registrar unless he is an advocate, barrister or solicitor learned in the ecclesiastical laws and the laws of the Island.

(2) Before appointing a person as Registrar the Bishop must satisfy himself that the said person is a communicant.

4. *Oaths of office*

The Registrar, before entering on the execution of his office, must in the presence of the bishop take the oaths and make the declaration prescribed by Canon for the purpose.

5. *Tenure of office*

(1) The Registrar shall vacate his office on the date on which he attains the age of 70 years.

(2) The Registrar may resign his office by notice in writing addressed to and served on the Bishop.

(3) The Registrar may be removed from office by the Bishop, with the consent of the Archbishop of York, by notice in writing addressed to and served on the Registrar.

(4) A notice under sub-paragraph (2) or (3) must specify the date, being not less than 3 months after the date of service of the notice, on which the resignation or removal is to take effect.

6. *Functions*

(1) The Registrar shall perform the functions conferred or imposed by or under any statutory provision or Canon or by custom on the

registrar of the diocese or the registrar of the consistory court of the diocese.

(2) The Registrar shall also be the legal adviser to the Bishop.

7. *Deputy or acting registrar*

(1) The Registrar may, with the consent of the Bishop, appoint a fit and proper person to act as deputy registrar of the diocese for such period and for such purpose as may be specified in the instrument of appointment; and during that period and for that purpose a person so appointed shall have all the powers and duties of the Registrar.

(2) Where the Registrar ceases to hold office as such, a person appointed to act as deputy registrar under sub-paragraph (1) shall cease to hold that office when a new Registrar is appointed.

(3) If —

(a) in the opinion of the Bishop, the Registrar is for any reason unable or unlikely to perform a function of his office or it would be inappropriate for him to perform that function, and

(b) there is no person appointed to act as deputy registrar under sub-paragraph (1) able to perform that function,

the Bishop may request the Vicar General to appoint a fit and proper person to perform that function for such period or in such circumstances as the instrument of appointment may specify; and during that period, or in those circumstances, a person so appointed shall have all the powers and duties of the Registrar in relation to that function.

[8. *Remuneration*

(1) This paragraph applies to the following officers —

(a) the Registrar;

(b) a duly appointed deputy Registrar.

(2) The Board shall pay to an officer to whom this paragraph applies —

(a) such honorarium or annual fee (if any), and

(b) such payments in respect of reasonable expenses incurred by the officer in or relating to the performance of his or her duties (including the holding of court hearings),

as may be agreed between the Board and the officer.

(3) The Board may by order prescribe fees to be payable to an officer to whom this paragraph applies in respect of any duties specified in the order which are performed or to be performed by that officer.

(4) An order under sub-paragraph (3) may specify by whom (subject to any order for the payment of costs in any legal proceedings) a fee prescribed by the order is payable.

(5) Before making an order under sub-paragraph (3) the Board shall consult the Registrar.

(6) An order under sub-paragraph (3) —

(a) shall not have effect unless it is approved by the Synod, and

(b) shall be laid before Tynwald as soon as may be after it is made.]

9. *Transitional provision*

This Schedule applies to the person holding the office of registrar of the diocese on the coming into operation of this Schedule as if he had been appointed under paragraph 2.

*NOTE: Schedule: para.8 substituted by Church Fees Measure (Isle of Man) 2014 Sch.3 para.5.*

**Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012**

(SD 192/12)

*NOTE: COMMENCEMENT: The Measure was brought into force on 1st May 2012 for the purposes of making regulations under the Ecclesiastical Offices (Terms of Service) Measure 2009, and making schemes and giving directions under any such regulations, and on 1st January 2013 for all other purposes, by the Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012 (Appointed Day) Order 2012 (SD 220/12).*

**1. Extension of the Measure to the Isle of Man**

The Ecclesiastical Offices (Terms of Service) Measure 2009 shall extend to the Isle of Man subject to the modifications specified in the Schedule.

**2. Consequential amendments**

...

(2) In section 8(1) of the Church Act 1992, at the end insert —

"(f) any other ecclesiastical office the holder of which is subject to Common Tenure."

*NOTE S.2: subs.(1) repealed by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 Sch.2.*

**3. Short title and commencement**

(1) This Measure may be cited as the Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012.

(2) This Measure shall come into operation on such day or days as the Bishop may by order appoint.

*NOTE S.3: order under subs.(2): Church Offices Measure (Isle of Man) 2011 (Appointed Day) Order 2011 (SD 625/11); see general note above.*

SCHEDULE

MODIFICATIONS

**1. Common tenure**

(1) In section 1(1) —

(a) omit paragraphs (a), (c), (d) and (ii);

(b) in paragraphs (g) and (h), omit "of the diocese in which the office is exercised";

(c) in paragraph (i), omit "(a)".

(2) For section 1(4) substitute —

"(4) As soon as practicable after the coming into force of this section —

(a) the bishop shall notify the archbishop of York whether or not he agrees to the application of this Measure to him and, if so, make a declaration in writing to that effect;

(b) the bishop shall notify, in writing, every person referred to in subsection (1)(e) and (f) above holding office on that date, requesting him or her to indicate whether or not he or she agrees to the application of this Measure to him or her and, if so, to make a declaration in writing to that effect."

**2. Regulations**

(1) In section 2(1), for "The Archbishops' Council" substitute "The Sodor and Man Diocesan Board of Finance (in this Measure referred to as "the Board")".

(2) In section 2(2) —

(a) in paragraph (c), for "providers of housing to them" substitute "Board";

(b) in paragraph (e), for "employment tribunals" substitute "the Employment Tribunal".

(3) After section 2(2) insert —

"(2A) Regulations may provide that regulations made under this section as it has effect in England shall have effect in the Isle of Man subject to such exceptions

- and modifications as may be prescribed by the Regulations."
- (4) In section 2(4)—
- (a) for "employment tribunals, the tribunals" substitute "the Employment Tribunal, that Tribunal";
- (b) omit the words from "and section 2" onwards."
- (5) For section 2(5) substitute —
- "(5) Regulations —
- (a) shall not be made unless they have been approved in draft by the diocesan synod; and
- (b) shall be laid before Tynwald as soon as may be after they are made;
- and if Tynwald, at the sitting at which they are laid or the next following sitting, resolves that they be annulled, they shall cease to have effect."
- (6) Omit section 2(6) to (8).
- 3. Duration of appointments**
- (1) In section 3(1), omit "an archbishop or" and "of the diocese in which the post is held".
- (2) In section 3(2), omit "diocesan".
- (3) In section 3(3) —
- (a) in paragraph (b), for "section 1 of the Ecclesiastical Offices (Age Limit) Measure 1975 (1975 No. 2)" substitute "section 8 of the Church Act 1992 (an Act of Tynwald)", and for "section 2 or 3 of that Measure" substitute "section 9 of that Act";
- (b) in paragraph (c), omit the words from "or reorganisation" onwards.
- (4) In section 3(4) —
- (a) for "of the diocese in which" substitute "may revoke the licence of";
- (b) omit "holds office may revoke the office holder's licence to exercise the office".
- (5) In section 3(5), for "a diocesan bishop" substitute "the bishop".
- (6) In section 3(6), for the words from "the bishop" to "other province," substitute "the bishop or, in the case of the bishop, the archbishop of York".
- (7) Omit section 3(7).
- (8) For section 3(8) substitute —
- "(8) Section 3, and so far as it relates thereto, section 7 of the Bishops (Retirement) Measure 1986 ("the 1986 Measure") shall not have effect in relation to the bishop if he is subject to Common Tenure, but, where the appointment of the bishop is terminated under subsection (6) above, the archbishop of York shall, by written notice, declare the bishopric

- vacant as from a date specified in the notice."
- (9) In section 3(9), omit "(7) or".
- (10) Omit section 3(10).
- 4. Provision of housing for office holders**
- (1) In section 4(1) —
- (a) for "the incumbent of a benefice" substitute "an office designated under subsection (2) below";
- (b) for "relevant housing provider" substitute "Board".
- (2) For section 4(2) substitute —
- "(2) The Board may —
- (a) designate a full-time office as one to which subsection (1) above does not apply; and
- (b) revoke a designation made under paragraph (a) above.
- (2A) A designation relating to an office may not be made or revoked under subsection (2) above without the agreement of the bishop and (unless the office is vacant) the office holder."
- (3) In section 4(4), for "relevant housing provider" substitute "Board".
- (4) Omit section 4(7) and (8).
- 5. Provision of housing by Board**
- (1) In the heading to section 5, omit "and other relevant housing providers".
- (2) For section 5(1) substitute —
- "(1) It shall be the duty of the Board —
- (a) to designate a house of residence as the parsonage house for every benefice in the diocese (other than a benefice designated under section 4(2) above);
- (b) to oversee the provision of housing for all members of the clergy holding office in the diocese (other than an office so designated); and
- (c) to ensure that suitable housing is provided for each such member who occupies a full-time office for which he or she is entitled to receive a stipend (other than an office so designated).
- (1A) Where a benefice is designated under section 4(2) above, any designation of a house of residence for the benefice under subsection (1)(a) above shall cease to have effect."
- (3) In section 5(2), omit "and any other relevant housing provider" and "for whom it is the relevant housing provider".

**6. Powers to acquire and dispose of houses of residence and carrying out of works**

- (1) For section 6(1) substitute —  
 "(1) The Board may —  
 (a) acquire (including by way of gift) any land, or any interest in or over land, or any building, which it considers necessary or appropriate for the provision of a house of residence for an office holder; or  
 (b) dispose of any land, or any interest in or over land, or any building which it considers is no longer required for the provision of such a house of residence.  
 (1A) The Board may raise money by deed of bond and security or, in the case of registered land, a charge on any land, interest or building referred to in subsection (1)(a) above for the purpose of —  
 (a) acquiring the land or building or any interest in the land or building, or  
 (b) defraying the cost of any works to be carried out under subsection (2) in relation to the land or building.  
 (1B) Schedule 2 to the Church Act 1992 (an Act of Tynwald) shall not apply to a transaction made pursuant to subsection (1)(b) or (1A) above; and a statement in a document giving effect to a transaction that it is made pursuant to subsection (1) or (1A) above shall, if the document is sealed with the seal of the Board or is signed on behalf of the Board by a person duly authorised, be conclusive evidence of that fact."  
 (2) In section 6(2), for "Any relevant housing provider" substitute "The Board".  
 (3) In section 6(3), for "relevant housing provider" substitute "Board".  
 (4) Omit section 6(4).

**7. Transactions by Board relating to houses of residence**

- (1) In the heading to section 7, for "relevant housing providers" substitute "Board".  
 (2) In section 7(1) —  
 (a) at the end of paragraph (b) omit "and";  
 (b) in paragraph (c), for "an archbishop or a diocesan bishop" substitute "the bishop", and for "relevant housing provider" substitute "Board; and";  
 (c) after paragraph (c) insert —  
 "(d) in the case of a parsonage house of a benefice, any change in the designation of a house for that

purpose under section 5(1)(a) above."

- (3) In section 7(2) —  
 (a) for "a relevant housing provider" substitute "the Board";  
 (b) in paragraph (b), omit "of the diocese in which the house of residence or other land is situated" and "and";  
 (c) after paragraph (b) insert —  
 "(ba) in the case of a parsonage house, the patron (except where the patron is the bishop) and the parochial church council of each parish in the area of the benefice or, where there is no parochial church council in existence, the churchwardens of the parish; and";  
 (d) in paragraph (c), for "a diocesan bishop, the bishop's council and standing committee" substitute "the bishop, the Governor and the standing committee of the diocesan synod".  
 (4) For section 7(4) substitute —  
 "(4) Before carrying out a regulated transaction to which subsection (5) below applies, the Board must obtain the consent of the Commissioners."  
 (5) In section 7(5)(b), for " a qualified surveyor" substitute "the diocesan surveyor", and for "relevant housing provider" substitute "Board".  
 (6) In section 7(6)(a) —  
 (a) in sub-paragraph (ii), for "relevant housing provider" substitute "Board", and omit "and";  
 (b) after sub-paragraph (ii) insert —  
 "(iia) in the case of the parsonage house of a benefice, the parochial church council or any member, officer, agent or employee thereof or, as the case may be, the churchwardens of the parish; and";  
 (c) in sub-paragraph (iii), omit "civil partner," and for "(i) or (ii) above; and" substitute "(i), (ii) or (iia) above".  
 (7) Omit section 7(6)(b), (7) and (8).  
 (8) After section 7(9) insert —  
 "(10) Where a regulated transaction is proposed to be carried out in relation to a parsonage house in any benefice the patronage or any share of the patronage of which is vested in or exercisable by Her Majesty, the notice required to be served on the patron under subsection (2)(c) above shall be served on the Governor."

**8. Codes of practice**

For section 8 substitute —

"Any person or body carrying out functions under this Measure or Regulations shall have regard to any Code of Practice issued under this section as it has effect in England and for the time being in force, so far as it is applicable to the Isle of Man."

**9. Parsonage houses**

After section 8 insert —

**"8A Vesting of parsonage houses and glebe land etc.**

Schedule 1A has effect with respect to the vesting of parsonage houses and glebe land in the Board, and other matters relating to parsonage houses and glebe land.

**10. Supplementary provisions**

Omit section 9(4), (7), (8) and (9).

**11. Interpretation**

In section 10 —

- (a) at the beginning insert "(1)";
- (b) omit the definitions of "the 1972 Measure" and "relevant housing provider";
- (c) for the definition of "the Board" substitute —  
 ""the Board" means the Sodor and Man Diocesan Board of Finance;"
- (d) for the definition of "the Commissioners" substitute —  
 ""the Commissioners" means the Church Commissioners for the Isle of Man;"
- (e) at the appropriate places in alphabetical order insert —  
 ""the bishop" means the bishop of Sodor and Man;"  
 ""diocesan surveyor" means a person appointed by the Board to be a diocesan surveyor, being —
  - (a) a person registered in the Isle of Man Register of Architects, or
  - (b) a corporate member of the Chartered Institute of Building or the Royal Institution of Chartered Surveyors;"
 ""the diocesan synod" means the Sodor and Man Diocesan Synod;"  
 ""the diocese" means the diocese of Sodor and Man;"  
 ""the Governor" means the Lieutenant Governor of the Isle of Man, and includes a deputy Governor and an Acting Governor;"  
 ""patron", in relation to any benefice, means the person or persons entitled, otherwise than by virtue of section 16 of

the Patronage (Benefices) Measure 1986, to present to that benefice upon a vacancy, including —

- (a) in any case where the right to present is vested in different persons jointly, every person whose concurrence would be required for the exercise of the joint right, and
- (b) in any case where the patronage is vested in different persons by way of alternate or successive right of presentation, every person who would be entitled to present on the next or any subsequent turn.";
- (e) at the end insert —  
 "(2) References in this Measure to any Measure (including this Measure) or to any provision of a Measure shall be construed as references to the Measure or provision as it has effect in the Isle of Man.  
 (3) References in this Measure to the coming into force of any provision of this Measure shall be construed as references to the extension of that provision to the Isle of Man. . . . ."

**12. Amendment of enactments**

- (1) In section 11(1), for "Archbishops' Council" and "Council" substitute "Board".
- (2) For section 11(2) substitute —  
 "(2) Section 2(5) above applies to an Order made under subsection (1) above as it applies to Regulations."
- (3) In section 11(3), for the words from the beginning to "General Synod" substitute "No Order shall be made under subsection (1) above". . . .
- [(5) Omit section 11(5) to (11).]
- . . . .
- (9) Any person who —
  - (a) holds the office of rector in a team ministry for a term of years on the coming into force of section 1,
  - (b) is not subject to Common Tenure, and
  - (c) is appointed after the coming into force of section 1 by virtue of a pastoral scheme or order to a new office which would, but for this Measure, have been a freehold office,
 shall hold the new office for the unexpired portion of his or her term of office on the date on which the appointment takes effect, and at the expiry of that term (unless he or she has previously agreed to the application of

this Measure to him or her) shall become subject to Common Tenure.

(10) The holder of any freehold ecclesiastical office whose office has been terminated by notice given before and taking effect after the coming into force of section 1 shall not be subject to Common Tenure.

(11) Despite its repeal by Schedule 3, section 4 of the Church of England (Miscellaneous Provisions) Measure 1995 shall continue to have effect in relation to the holder of an office referred to in that section who is not subject to Common Tenure."

### 13. *Citation etc.*

Omit section 13(2) and (3).

### 14. *Matters relating to regulated transactions*

(1) Schedule 1 is modified as follows.

(2) In paragraph 1(1) —

(a) after paragraph (d) insert —

"(da) in the case of the parsonage house of a benefice, in or towards the reimbursement to the parochial church council of any parish or part of a parish within the area of the benefice of any expenses incurred by the council in carrying out, or in meeting or contributing to the cost of, any works of improvement of the house carried out with the consent of the Board during the 10 years ending with the completion of the sale or exchange (after deducting the amount of any grant made to the council by the Board for the purpose), reduced by one-tenth for each complete year which has elapsed between the date on which the expenses were incurred and the completion of the sale or exchange;"

(b) omit paragraph (e);

(c) in paragraph (g), for "the capital account of the diocesan stipends fund of the diocese in which the house of residence was situated" substitute "the Diocesan Trust established by the Church Act 1934 (an Act of Tynwald)", and for "Diocesan Board of Finance" substitute "Board".

(3) After paragraph 1(1) insert —

"(1A) Any question under sub-paragraph (1)(da) above whether any works carried out to a parsonage house are works of improvement shall be referred to and determined by the Commissioners, whose decision shall be final."

(4) For paragraph 2(1) and (2) substitute —

"(1) In relation to a transaction purporting to be a regulated transaction, anyone dealing with the Board, or with a person claiming under the Board, —

(a) shall not be concerned to inquire into the purpose or the propriety of the transaction, or the sufficiency of the consideration for it; and

(b) shall be entitled to assume —

(i) that the transaction is within the powers of the Board,

(ii) that any consent to the transaction required by this Measure or Regulations has been given;

(iii) either that no objection to the transaction has been made in accordance with Regulations, or that any objection so made has been withdrawn or otherwise disposed of; and

(iv) that any other requirements of this Measure or Regulations have been complied with.

(2) A statement in a document purporting to give effect to any regulated transaction —

(a) that the transaction is a regulated transaction; and

(b) that either —

(i) any consent to the transaction required by this Measure or Regulations has been given, or

(ii) no such consent is required;

shall, if the document is sealed with the seal of the Board, or signed on behalf of the Board by a person duly authorised, be conclusive evidence of those facts."

(5) Omit paragraph 2(3), (4) and (5).

(6) In paragraph 2(6), for "registry of the diocese concerned" substitute "diocesan registry".

(7) In paragraph 2(7), for "Commissioners" substitute "Board".

### 15. *Parsonage houses and glebe land*

After Schedule 1 insert —

"SCHEDULE 1A

PARSONAGE HOUSES AND GLEBE  
LAND

#### *1 Vesting of parsonage houses and glebe land etc.*

(1) Any parsonage house or glebe land vested in an incumbent of a benefice in right of that benefice on the coming into force of this Schedule shall, in accordance



with sub-paragraph (2) below, without any conveyance or further assurance, and freed and discharged from all previously existing trusts in favour of the benefice or of the incumbent, vest in the Board on the vesting date.

(2) The vesting date for the purposes of sub-paragraph (1) above shall be —

- (a) in the case of a benefice which is vacant on the date of the coming into force of this Schedule, that date,
- (b) in the case of a benefice which is not vacant on that date, the earlier of the following dates —
  - (i) the date on which the benefice first becomes vacant after the coming into force of this section or is deemed to become vacant on the ending of a suspension period declared under section 67 of the Pastoral Measure 1983 or on the date when a restriction imposed by or under section 24 or 69 of that Measure ceases to be in force, or
  - (ii) the date on which this Measure applies to the incumbent by virtue of section 1(1) or 1(5) above.

(3) Subject to paragraph 6, in this Schedule —

- (a) "glebe land" means land vested in the incumbent of a benefice (when the benefice is full) as part of the endowments of the benefice, other than a parsonage house;
  - (b) "parsonage house" means the house or other dwelling which is the official residence of the incumbent of a benefice, and includes any outbuildings or land included in the curtilage of any such house or dwelling and any rights appurtenant thereto; and
  - (c) "the vesting date" means the date specified in sub-paragraph (2) above.
- (4) Any rule of law whereby a parsonage house or glebe land vests or is required to be vested in the incumbent of a benefice shall not apply to an incumbent who holds office under Common Tenure.

## **2 *Rights and obligations attaching to parsonage houses and glebe land***

(1) Any parsonage house or glebe land which vests in the Board under paragraph 1 above shall so vest, without any conveyance or other assurance, —

(a) subject to, and with the benefit of, any other previously existing leases, tenancies or rights of occupation, and any covenants, conditions, agreements, easements and rights to which that parsonage house or glebe land is subject and of which it has the benefit immediately before the vesting date, and

(b) subject to any trust or charge to which the parsonage house or glebe land is subject immediately before that date other than any trust in favour of the benefice or of the incumbent.

(2) If there is any dispute between the Board and an incumbent or sequestrators

(a) as to the parsonage house or glebe land or any right which vests in the Board by virtue of paragraph 1 above or this paragraph, or

(b) as to any covenant, condition, agreement, easement or right or trust or charge to which the parsonage house or glebe land was subject or of which it had the benefit immediately before the vesting date,

it shall be decided by the Commissioners, whose decision shall be final and bind both parties to the dispute and any future incumbent of the benefice.

## **3 *Providing information to Board***

(1) The Board may from time to time require the incumbent or the sequestrators of any benefice —

(a) to provide the Board with such information relating to any parsonage house or glebe land which vests in the Board under paragraph 1 above as the Board requires to enable it to discharge its functions under this or any other Measure; and

(b) to produce to the Board such documents in his, her or their possession, or under his, her or their control, concerning the parsonage house or glebe land as the Board may specify or describe;

and any person to whom a requirement under this sub-paragraph is directed shall comply with the requirement..

(2) The Board shall, as respects any parsonage house or glebe land which vests in the Board under paragraph 1 above and which is subject to a lease or tenancy, have the same right to require the lessee of that land to provide the Board with any information which it needs

relating to that lease as the Board would have if it were the person to whom the rent payable under the lease is for the time being payable.

**4 Parsonage houses and glebe land vested in Board**

(1) Where any parsonage house has vested in the Board under paragraph 1 above, it shall (subject to sections 6 and 7 above) be held for the purpose of providing a house of residence for the benefice in question or such other benefice for which it is for the time being designated under section 5(1)(a) above.

(2) Where any glebe land has vested in the Board under paragraph 1 above, it shall (subject to Schedule 2 to the Church Act 1992 (an Act of Tynwald)) be held for the purpose of applying the income of it towards the payment of stipends of the clergy of the diocese.

(3) Where any parsonage house or glebe land has vested in the Board under paragraph 1 above, the parsonage house or glebe land shall not form part of the corporate property of the Board and shall be excluded from any property of the Board which may, in the event of any insolvency proceedings against the Board, form part of the Board's assets for the purpose of those proceedings.

**5 Land left or given for certain purposes to be transferred to Board**

(1) Where on or after the vesting date any land or building —

(a) is acquired by the incumbent of a benefice in his capacity as such (whether alone or jointly with any other person) by way of devise, bequest or gift, and

(b) is by the terms of the devise, bequest or gift to be —

(i) held on permanent trusts for the provision or augmentation of the stipend of the incumbent; or

(ii) used for, or for the extension of, a house of residence for the incumbent,

the incumbent, or the incumbent and that other person, as the case may be, shall transfer or convey the property to the Board to be held by the Board as if it had vested in the Board under paragraph 1 above.

(2) Where a benefice becomes vacant after the incumbent has acquired any property to which sub-paragraph (1)

above applies and before he has complied with that sub-paragraph, the bishop shall during the vacancy have power and be under a duty to deal with the property in accordance with that sub-paragraph.

(3) Where sub-paragraph (1) above would apply in relation to any property devised, bequeathed or given to an incumbent of a benefice but for the fact that at the relevant date the benefice is vacant, the Board shall during the vacancy have power to acquire the property in place of the incumbent.

**6. Application to house of residence of bishop**

This Schedule applies with any necessary modifications to the house of residence of the bishop as it applies to a parsonage house; and references to a parsonage house and an incumbent shall be construed accordingly."

**16. Amendment of enactments**

(1) Schedule 2 is modified as follows.

(2) In paragraph 3 —

(a) omit "as it has effect by virtue of section 25 of the Dioceses, Pastoral and Mission Measure 2007 (2007 No. 1)";

(b) for sub-paragraph (a) substitute —  
"(a) in subsection (2) for "(3) and (4)" there shall be substituted "(3) and (3A)";".

(3) In paragraph 4, omit sub-paragraphs (c) and (d).

(4) In paragraph 5 —

(a) in sub-paragraph (1), for "and paragraphs (c) and (cc)" substitute ", and paragraph (c),";

(b) omit sub-paragraph (2).

(5) In paragraph 6, omit "and archdeacons" and "archdeacons and".

(6) After paragraph (6) insert —  
"6A. For section 31(1)(c) there shall be substituted the following paragraph —

"(c) the transfer of a parsonage house or part of a parsonage house —

(i) in the case of a benefice the incumbent of which is not subject to Common Tenure, to the incumbent as his official residence, or a site thereof, and

(ii) in the case of a benefice the incumbent of which is subject to Common Tenure or which is vacant, to the diocesan board of finance;".

- (7) In paragraph 7, omit "paragraph (e)(iii) and" and "(iv)".
- (8) After paragraph 7 insert —  
 "7A In section 59(2A), for the words from "vest" to the end there shall be substituted the words "vest without any conveyance or further assurance —
- (a) where the land is situated in a benefice the incumbent of which is not subject to Common Tenure, in the incumbent of that benefice; or
- (b) where the land is situated in a benefice the incumbent of which is subject to Common Tenure or which is vacant, in the diocesan board of finance".
- 7B In section 87(1), in the definition of "parsonage house", for the words from the word "vested" to the words "official residence" there shall be substituted the words "being the official residence of the incumbent".
- (9) In paragraph 8, for the words from "in Proviso (b)" onwards substitute "after the words "new benefice" there shall be added the words "or, in the case of a parsonage house of a benefice the incumbent of which is subject to

Common Tenure or which is vacant, in the diocesan board of finance".

(10) Omit paragraphs 16 to 18 and 21.

(11) In paragraph 22, for "(f)" substitute "(g)".

### 17. Repeals

In Schedule 3 —

(a) omit the entries relating to the Pluralities Act 1838, the Lecturers and Parish Clerks Act 1844, the New Parishes Measure 1943, the Church of England (Miscellaneous Provisions) Measure 1988 and the Church of England (Miscellaneous Provisions) Measure 1995;

(b) for the entry relating to the Pastoral Measure 1983 substitute —

"1983 No.1, The Pastoral Measure 1983	Section 20(6). Section 22(1)(c). In Schedule 4, paragraphs 2 and 3."
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*NOTE Schedule: para.11: words omitted repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10; para.12: sub-paras.(4) and (6)-(8) repealed by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 Sch.2; sub-para.(5) substituted by ib. s.5(2).*

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## Mission and Pastoral Measure (Isle of Man) 2012

SD 654/12

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PART 1

INTRODUCTORY

*Introductory*

**1. Short title**

The short title of this Measure is the Mission and Pastoral Measure (Isle of Man) 2012.

**2. Commencement**

This Measure, except sections 1 to 4 and 47(2), shall come into operation on such day or days as the Bishop may by order appoint.

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*NOTE Commencement: s.46 and Sch.8 para.4 (amendment of GC 3/91) brought into force on 18 October 2012 for the purpose of making and approving schemes, and on 1 January 2013 for all other purposes; and rest of Measure (except ss.1-4 and 47) brought into force on 1 January 2013, by Mission and Pastoral Measure (Isle of Man) 2012 (Appointed Day) Order 2012 (SD 672/12).*

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**3. Interpretation**

- (1) In this Measure —
- "admission" includes institution and induction, collation, licence and any other process by which a person becomes the incumbent of a benefice, and "admit" shall be construed accordingly;
- "the advisory committee" means the diocesan advisory committee for the care of churches;
- "area", in relation to a benefice, means the parish or parishes belonging to the benefice;
- "benefice" means the office of rector or vicar of a parish or parishes, with cure of

souls, but not including (except in section 44) the office of a vicar in a team ministry;

"the Board" means the Sodor and Man Diocesan Board of Finance;

"building closed for regular public worship" means a church, or part of a church, to which a declaration of closure for regular public worship relates;

"church" means a church or chapel which has been consecrated for the purpose of public worship according to the rites and ceremonies of the Church of England, and includes a building used or intended to be used partly for the purpose of such public worship and partly for the purpose of a church hall, whether the whole building is consecrated or only such part of it as is used or intended to be used for the purpose of such public worship, and any reference to the consecration of a church shall, in the case of such a building, be construed as including a reference to the consecration of the part of the building used or intended to be used for the purpose of such public worship;

"the Commissioners" means the Church Commissioners for the Isle of Man;

"conservation area" means an area for the time being designated under section 18(1) of the Town and Country Planning Act 1999;

"demolition", in relation to a building, includes the demolition of part of the building;

"diocesan pastoral account" means the account referred to in section 35;

"the Diocesan Synod" means the Sodor and Man Diocesan Synod;

"disposal scheme" means a scheme made by the Commissioners under Part 2 of Schedule 3;

"endowments" in relation to any benefice, does not include a church, churchyard, parsonage house or right of patronage, and the income of the endowments of a benefice includes money payable to the incumbent under Schedule 2 to the Tithe Act 1985, but otherwise any question as to what constitutes the endowments of a benefice or the income of the endowments shall be conclusively determined by the Commissioners, who may include income arising from a parsonage house;

"functions" includes powers and duties;

"the High Court" means the High Court of Justice of the Isle of Man;

"interested parties" has the meaning given by paragraph 1 of Schedule 2;

"local authority" has the same meaning as in the Local Government Act 1985;

"local newspaper" means a newspaper published and circulating in the Island;

"Manx National Heritage" means the Manx Museum and National Trust;

"mission", in relation to the Church of England, means the whole mission of the Church, pastoral, evangelistic, social and ecumenical;

"parish" means a parish constituted for ecclesiastical purposes;

"parsonage house" means the house or other dwelling being the official residence of the incumbent of a benefice (when the benefice is full), and includes any outbuildings or land included in the curtilage of any such house or dwelling and any rights appurtenant thereto;

"pastoral scheme" means a scheme made by the Commissioners under Schedule 2;

"patron", in relation to any benefice, means the person or persons for the time being entitled, otherwise than by lapse, to present to that benefice upon a vacancy, including—

(a) in any case where the right to present is vested in different persons jointly, every person whose concurrence would be required for the exercise of the joint right, and

(b) in any case where the patronage is vested in different persons by way of alternate or successive right of presentation, every person who is for the time being the person who would be entitled to present on the next or any subsequent turn,

and "right of patronage" shall be construed accordingly, but in the application of these definitions the fact that any person is a Roman Catholic shall be disregarded;

"provision" in relation to a building, includes, in addition to construction or erection, the acquisition of a site and the provision of necessary fittings, installations, outbuildings, fences, paths and drives, and "provided" shall be construed accordingly;

"registered building" has the meaning given by section 45(1) of the Town and Country Planning Act 1999;

"registered building consent" means the consent of the Department of

Infrastructure under section 15(2) or 19(3) of that Act;

"restoration" includes rebuilding or partial rebuilding;

"sharing agreement" has the same meaning as in the Sharing of Church Buildings Act 1969 ;

"suspension period" has the meaning given by section 29.

(2) In this Measure references to —

- (a) the Sharing of Church Buildings Act 1969,
- (b) any Measure (including this Measure), or
- (c) any provision of that Act or any Measure (including the Church Representation Rules),

are to that Act, Measure or provision as it has effect in the Island.

(3) In determining the net proceeds of the sale or exchange of any property by Board, or the net premium or net rent of any property let by the Board, the deductions to be made include the deduction of any money expended by the Board on the property or for the purpose of furthering the disposal of the property or on the demolition of any building on the property; and if any question arises as to what are the net proceeds, net premium or net rent aforesaid, the decision of the Commissioners shall be conclusive.

(4) If any question arises under this Measure as to whether —

- (a) an ecclesiastical office is a benefice, or
- (b) any area or place is or is within a parish or the area of a benefice [or an extra-parochial place],

it shall be determined by the Commissioners after consultation with the Bishop, and that determination shall be conclusive for the purposes of this Measure.

(5) If any question arises whether any benefice or parish is to be treated, for the purposes of any pastoral scheme or any provisions of this Measure relating to it, as a new benefice or parish or as an existing benefice or parish with altered area or boundaries, any provision of the scheme expressly stating or necessarily implying (whether by a change of name or retention of an existing name or otherwise) that the benefice or parish is to be treated as new or existing shall be conclusive of that question.

(6) Nothing in this Measure or in any scheme made under it applies to or in any way affects any parish or other district constituted otherwise than for ecclesiastical purposes.

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*NOTE S.3: subs.(4)(b): words in square brackets inserted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 s.4(2).*

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*General duty*

**4. General duty**

Any person or body carrying out functions under this Measure must have due regard to the furtherance of the mission of the Church of England.

*Functions of Church Commissioners*

**5. General functions of Commissioners**

(1) In carrying out any of their functions the Commissioners must, without prejudice to section 4, have regard to worship, mission and community as central to the life and work of the Church of England.

(2) In carrying out any of its functions the Commissioners must also have regard to—

- (a) the financial implications for the diocese and the Church of England as a whole;
- (b) subject to subsection (5), the need to allocate appropriate spheres of work and to ensure that appropriate conditions of service are enjoyed by those employed or holding office in the diocese and, where relevant, that reasonable remuneration is provided for all those engaged in the cure of souls;
- (c) the traditions, needs and characteristics of particular parishes; and
- (d) any other aspects of the policies of the Diocesan Synod to which the Synod has requested the Commissioners to have regard in discharging its responsibilities.

(3) The Commissioners must —

- (a) make or assist in making better provision for the cure of souls in the diocese as a whole and, to the extent that the Commissioners think appropriate, in particular parts of the diocese or in particular parishes;
- (b) from time to time, as the Bishop may direct, or as the Commissioners think fit, review arrangements for pastoral supervision and care —
  - (i) in the diocese as a whole, and
  - (ii) to the extent that the Commissioners think appropriate, in particular parts of the diocese or in particular parishes,

including sharing agreements in respect of a church or parsonage house and any proposals for sharing agreements;

- (c) from time to time, as the Bishop may direct, or as the Commissioners think fit,

prepare strategies or proposals for carrying out the Commissioners' functions under paragraphs (a) and (b) for submission to the Bishop and the Diocesan Synod for their approval;

- (d) to maintain an overview of matters relating to church buildings in the diocese and their use, other than matters which are within the jurisdiction of the consistory court or within the functions of the advisory committee;
  - (e) where it considers it desirable, make recommendations to the Bishop in accordance with paragraph 2 of Schedule 2 for any of the matters for which provision may be made under this Measure by a pastoral scheme; and
  - (f) carry out any other functions conferred upon the Commissioners by any statutory provision.
- (4) The Commissioners must, in carrying out any of their functions, to the extent that they think appropriate, consult any other persons or bodies, whether within the Church of England or not, which exercise functions or carry out activities relevant to the functions of the Commissioners.
- (5) Nothing in this section enables the Commissioners—
- (a) to exercise functions conferred on any other person or body by or under any statutory provision, or
  - (b) to fix or alter the terms of service of any person employed or holding office in the diocese.

#### **6. Functions of Commissioners in respect of closed churches**

- (1) The Commissioners must, in respect of each church proposed to be closed or building closed for regular public worship (except where it is proposed to close a church and make provision for the future of the building under paragraph 1 of Schedule 3) —
- (a) in the case of a registered building or a building situated in a conservation area, make every endeavour to find a suitable alternative use or suitable alternative uses for the building, and
  - (b) in the case of any other building, develop proposals for the suitable alternative use or uses of the building or for the demolition of the building and disposal of its site.
- (2) In carrying out its functions under this section the Commissioners must obtain advice from persons having expertise in the management, development and disposal of

property and such other professional advisers as it thinks fit.

## **PART 2**

### **CONTENTS AND EFFECT OF PASTORAL SCHEMES**

#### *Changes in benefices and parishes*

#### **7. Creation, alteration or dissolution of benefices and parishes**

- (1) A pastoral scheme may provide for —
- (a) the creation, whether by union or otherwise, of new benefices or parishes;
  - (b) the dissolution of existing benefices or parishes;
  - (c) the alteration of the areas of existing benefices or parishes (including the transfer of a parish from one benefice to another) or the definition of their boundaries;

[ (d) the incorporation in parishes of extra-parochial places.]

(2) A pastoral scheme must name every new benefice and new parish created by the scheme, and may alter the name of any benefice or parish.

(3) A pastoral scheme providing for the union of 2 or more benefices may provide for uniting all the parishes within a new benefice, or for uniting some but not all those parishes, or may leave them as separate parishes.

(4) A pastoral scheme may provide for the creation of a new parish with full parochial status, even though the parish will have no parish church when the provision comes into operation.

(5) A pastoral scheme may also authorise the making of sharing agreements on behalf of the Church of England in respect of a church or parsonage house which under the agreement will be in the joint ownership of that Church and any other Church.

(6) A pastoral scheme authorising the making of any sharing agreement must specify the church or parsonage house to which it relates, and may specify terms and conditions subject to which the authorisation is given.

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*NOTE S.7: subs.(1): para.(d) inserted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 s.4(3).*

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#### **8. Holding of benefices in plurality**

(1) A pastoral scheme may provide for the holding in plurality of any 2 or more benefices subject to such conditions, if any, as may be specified in the scheme.

(2) Subject to subsection (3), the provisions of a pastoral scheme for the holding of benefices in plurality shall, unless the scheme otherwise provides, continue in force even after a vacancy occurs.

(3) When the Bishop gives notice of any vacancy or impending vacancy under section 7 of the Patronage (Benefices) Measure 1986, those provisions may be terminated either by the Bishop or by one of the interested parochial church councils, in accordance with subsection (4) or (5).

(4) The Bishop may state in the notice that the provisions are to be terminated and in that case —

(a) he must serve the notice on all the persons who are or, on the termination, become the patrons of the benefices concerned and on the Commissioners; and

(b) those provisions shall cease to have effect on the vacancy or the service of the notice, whichever is the later.

(5) Any interested parochial church council may, within 28 days after the service of the notice, pass a resolution that the provisions are to be terminated, and in that case —

(a) it must forthwith notify the Bishop of the resolution;

(b) the Bishop must notify —

- (i) the other interested parochial church councils,
- (ii) the Commissioners, and
- (iii) all the persons who are, or on the termination become, the patrons of the benefices concerned;

(c) the provisions shall cease to have effect on the vacancy or the service of the notice, whichever is the later, and

(d) the Bishop shall serve a fresh notice under section 7 of that Measure on all the councils and patrons concerned, which shall have effect in substitution for the previous notice.

(6) The termination of the provisions under subsection (3) shall be without prejudice to any provisions relating to the future exercise of the rights of patronage of the benefices concerned in the event of a renewal of the plurality.

(7) Except with the permission of the Bishop, an incumbent of 2 or more benefices held in plurality may not resign any of those benefices without resigning the other or others.

(8) If permission under subsection (7) is granted for the resignation and there are at least 2 other benefices —

(a) the resignation shall not affect the holding in plurality of those other benefices, but

(b) the Commissioners may by instrument make such consequential amendments of the pastoral scheme which provided for the holding of the benefices in plurality as they think necessary.

*Team and group ministries*

**9. Establishment of team ministries**

(1) A pastoral scheme may make provision for the establishment of a team ministry for the area of any benefice, and in that case shall provide—

(a) for the sharing of the cure of souls in that area by —

- (i) the incumbent of the benefice, and
- (ii) one or more other ministers, who shall have the title of vicar and a status equal to that of an incumbent of a benefice; and

(b) for the pastoral care of persons in that area by —

- (i) those who are to share the cure of souls there under paragraph (a), and
- (ii) all other persons who are from time to time authorised by a licence or permission of the Bishop to serve in that area as members of the team.

(2) The team shall consist of —

(a) the persons who are to share the cure of souls in the area under subsection (1)(a), who shall constitute the team chapter, and

(b) the other persons referred to in subsection (1)(b)(ii).

(3) The benefice to which the scheme relates, if it is not or would not otherwise be a rectory, shall be a rectory.

(4) A rector in a team ministry who is not subject to Common Tenure shall hold his or her office for the specified term of years, but —

(a) that does not affect the other attributes of the office as a benefice, and

(b) in particular, the rector shall be a corporation sole and as such hold the property of the benefice during his or her term of office.

[(4A) A person ordained to the office of deacon may be authorised under subsection (1)

(b) by licence of the Bishop —

(a) to serve in a team ministry as a member of the team; and

(b) for the purposes of the team ministry to perform, so far as consistent with the office of deacon, all such offices and services as may be performed by an incumbent.]



(5) Subject to subsection (6), no person may be authorised under subsection (1)(b) by licence of the Bishop to serve in a team ministry as a member of the team unless he or she has been nominated for that purpose by the rector with the consent of —

- (a) a majority of the other members of the team, and
- (b) each parochial church council concerned.

(6) It is not necessary for a person referred to in subsection (5) to be nominated by the rector where that person is authorised to serve in a team ministry for a period immediately following a period of service in the team ministry.

(7) A pastoral scheme establishing a team ministry may provide for the designation or selection of the first rector (who may be the existing incumbent) or the first holder of any office of vicar.

(8) Subject to any provision under subsection (7) —

- (a) the rector shall be presented or collated to the benefice in accordance with paragraph 1 of Schedule 1 and the provisions of the scheme made under that paragraph;
- (b) the vicar or vicars shall be —
  - (i) chosen in accordance with paragraph 2 of that Schedule,
  - (ii) appointed to the office by licence of the Bishop under seal, and
  - (iii) unless the Bishop otherwise directs, shall be publicly admitted in a church in the area.

(9) Where a pastoral scheme designates a person as the first holder of the office of vicar in a team ministry —

- (a) the Bishop must offer to issue a licence appointing him or her to the office, and
- (b) if that person does not accept the offer within one month after it is made to him or her, the designation shall cease to have effect.

(10) Where —

- (a) 2 or more benefices are, or are to be, held in plurality, and
- (b) a team ministry is established or is to be established for the area of one of those benefices,

a pastoral scheme may provide for extending the operation of the team ministry, so long as the plurality continues, to the area of any other benefice so held.

(11) In this section "specified term of years", in relation to a team ministry, means —

- (a) the term of years specified for the team ministry for the purposes of subsection (4) by a pastoral scheme; or
- (b) where no such term of years is so specified, 7 years.

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*NOTE: S.9: subs.(4A) inserted by Mission and Pastoral Measure (Isle of Man) (Amendment) Order 2013 (SD 89/13) art.3(2).*

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#### **10. Status and functions of members of team ministry**

- (1) The rector in a team ministry —
  - (a) has a general responsibility for the cure of souls in the area of the benefice, which may be subject to any special cure or special responsibility given to a vicar as provided in this section, and
  - (b) is responsible for the leadership of the team;

and the scheme establishing the team ministry may make further provision as to the relationship of the rector and other members of the team ministry.

(2) A vicar in a team ministry by virtue of his office, but subject to his licence, has authority to perform in the area of the benefice all such offices and services as may be performed by an incumbent.

(3) The scheme or, subject to the scheme, the Bishop's licence may—

- (a) assign to a vicar a special cure of souls in respect of a part of the area of the benefice and, if appropriate, the name of vicar of a church in that part;
- (b) assign to a vicar a special responsibility for a particular pastoral function;
- (c) provide that any such special cure or responsibility shall be independent of the rector's general responsibility;
- (d) assign to a vicar a general responsibility to be shared with the rector for a cure of souls in the area as a whole.

(4) . . . any provision mentioned in subsection (3) made by the Bishop's licence may (subject to the scheme) be varied or revoked, with the consent of the rector and the vicar concerned, by a subsequent licence under seal.

. . . . .

(6) A pastoral scheme establishing a team ministry or, subject to the scheme, the Bishop's licence may assign to any member of the team who is not a member of the team chapter a special responsibility for pastoral care in respect of a part of the area of the benefice, so far as consistent with that member's office.

(7) Any provision mentioned in subsection (6) made by the Bishop's licence may (subject to the scheme) be varied or revoked by a subsequent licence under seal.

(8) The Ecclesiastical Jurisdiction Measures 1963 and 1974 apply to vicars in a team ministry and deacons in a team ministry [to whom section 9(4A) applies] as if they were incumbents of the benefice for the area of which the team ministry is established.

(9) Sections 8 and 9 (age limit) of the Church Act 1992 apply to deacons in a team ministry [to whom section 9(4A) applies] as if they were vicars in the team ministry, and accordingly no person shall be capable of being authorised by licence of the Bishop to serve in a team ministry as such a deacon if at the time of the issue of the licence he has attained the age of 70 years.

(10) Where the rector in a team ministry established for any benefice receives a statutory notice concerning ecclesiastical property in the benefice, he must —

- (a) keep every member of the team informed of matters arising from the notice;
- (b) afford every member of the team an opportunity to express views on it before taking any action in response to the notice; and
- (c) have regard to those views before taking any such action.

In this subsection—

"ecclesiastical property" has the same meaning as in section 33(4) of the Acquisition of Land Act 1984 ;

"statutory notice" means a notice given in pursuance of any statutory provision or of any instrument made under a statutory provision.

(11) Where a pastoral scheme makes provision under section 9(11), [subsections (1) to (4)] have effect as if the references to the area of the benefice were references to the combined area of the benefices concerned.

(12) Where a benefice for which a team ministry is established becomes vacant the Bishop may appoint a person holding the office of vicar in the team ministry to act as rector in the team ministry for the purposes of section 9(6), subsection (1) and paragraph 3 of Schedule 1, and while the benefice remains vacant, any person so appointed shall be treated as holding the office of rector in the team ministry for the purposes of those provisions.

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*NOTE S.10: subs.(4): words omitted repealed by Bishops and Priests (Consecration and Ordination of Women) Measure (Isle of Man)*

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*2015 s.3(1)(a); subs.(5) repealed by ib. s.3(1)(b); subss.(8) & (9): words in square brackets inserted by Mission and Pastoral Measure (Isle of Man) (Amendment) Order 2013 (SD 89/13) art.3(3); subs.(11): words in square brackets substituted by Bishops and Priests (Consecration and Ordination of Women) Measure (Isle of Man) 2015 s.3(2).*

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## **11. Establishment of group ministries**

(1) A pastoral scheme may provide for establishing a group ministry for a group of benefices specified in the scheme.

(2) The following provisions apply to a group ministry —

- (a) . . . . . each of the incumbents of the benefices in the group has authority to perform in the area of every such benefice all such offices and services as may be performed by the incumbent of that benefice;
- (b) the incumbent of any such benefice must, in performing such offices and services in the area of another benefice, act in accordance with the directions of the incumbent of that other benefice;
- (c) all the incumbents must assist one another so far as to make the best possible provision for the cure of souls throughout the area of the group ministry.

. . . . .

(4) Where a group ministry is established, the rights and duties aforesaid of each incumbent attach to his or her office, and accordingly, so long as the group ministry continues and the benefice is included in it, —

- (a) the incumbent is not entitled to resign or withdraw from those rights and duties, except by resigning the benefice; and
- (b) on a vacancy the new incumbent shall be admitted to the benefice as an office in the group ministry, with the rights and subject to the duties of the office.

(5) A pastoral scheme establishing a group ministry may provide for the designation or selection of the first person (who may be the existing incumbent) to hold any benefice as a benefice in the group.

(6) Where subsection (5) does not apply, the incumbent of any benefice in the group shall be presented or collated to the benefice by the patron of it, with the approval of the Bishop (in the case of presentation) given in accordance with paragraph 4 of Schedule 1.

(7) The incumbents in a group ministry shall meet as a chapter for the purpose of discussing and reaching a common mind on all matters of

general concern or special interest to the group ministry.

(8) A pastoral scheme may provide for the chairmanship of the chapter and, in default of such provision —

- (a) the members shall elect a chairman, normally for a term of 3 years;
- (b) the chairman shall convene meetings of the chapter at regular intervals and shall preside when present, and
- (c) in his absence a deputy chairman appointed by the meeting shall preside.

(9) A pastoral scheme may include in a group ministry a benefice for which a team ministry is established, and in that case this section applies to all the vicars in the team ministry, as well as to the rector, in like manner as it applies to the incumbents of the other benefices in the group, except that directions to those incumbents in respect of their ministry in the area of the benefice for which the team ministry is established may only be given by the rector.

(10) In this section, except subsections (4) to (6), "incumbent" includes a priest in charge.

*NOTE S.11: subs.(2): words omitted repealed by Bishops and Priests (Consecration and Ordination of Women) Measure (Isle of Man) 2015 s.3(1)(c); subs.(3) repealed by ib. s.3(1)(d).*

## 12. Termination and alteration of team ministries and group ministries

(1) Without prejudice to the generality of the powers of revocation and amendment of pastoral schemes, a pastoral scheme may—

- (a) terminate a team ministry by abolishing the offices of the vicars;
- (b) alter a team ministry by abolishing one or more of the offices of the vicars or increasing the number of such offices;
- (c) alter a team ministry by providing for the right of presentation of the rector to be transferred to a patronage board constituted by the scheme;
- (d) alter a team ministry by providing for the vicars of the team to be chosen by the body entitled to present the rector, in accordance with paragraph 2(1) of Schedule 1;
- (e) terminate a group ministry by abolishing the rights and duties attaching to the benefices in the group under section 11;
- (f) alter a group ministry by reducing or increasing or changing the benefices in the group;

(g) provide for such supplementary, consequential or transitional provisions as the Commissioners think necessary or expedient, including in particular the provision relating to patronage required by paragraph 1(4) of Schedule 1 and provisions relating to the matters mentioned in paragraph 6 of that Schedule.

(2) If a benefice for which a team ministry is established is dissolved by a pastoral scheme, the offices of the vicars in the team ministry (as well as the office of rector) cease to exist, without prejudice to the creation of such offices for any benefice created or altered by the scheme.

### *Other provisions as to clergy and ministry*

## 13. Status and duties of new benefices

(1) Where a pastoral scheme provides for the union of 2 or more benefices one of which is a rectory, the new benefice created by the union is a rectory.

(2) Where a pastoral scheme provides for the dissolution of a rectory, otherwise than as a result of a union of benefices, any new benefice created in consequence of the dissolution is, if the scheme so provides, a rectory.

(3) Subject to subsections (1) and (2), and except in the case of a benefice for which a team ministry is established, every new benefice created by a pastoral scheme is a vicarage.

(4) The rector or vicar of a new benefice created by a pastoral scheme has the exclusive cure of souls in the area of the benefice, subject to —

- (a) the rights of the Bishop, and
- (b) if there is a team or group ministry established for the benefice, to the rights and duties of the other members of the team or group,

and accordingly has all the rights and duties appertaining to a benefice with cure of souls, and is a corporation sole.

(5) Where any office attaches to a benefice which is united with any other benefice or benefices by a pastoral scheme, that office attaches to the new benefice created by the union unless the scheme otherwise provides.

## 14. Designation, selection and admission of certain incumbents

(1) A pastoral scheme providing for the creation of a new benefice may provide for —

- (a) the designation or selection of the first incumbent of the new benefice,

- (b) the designation or selection of the incumbent of any benefice concerned which falls vacant before the new benefice comes into being, and
  - (c) restricting rights of presentation on any such vacancy.
- (2) A pastoral scheme providing for the transfer under section 7(1)(c) of a parish from one benefice to another may, if there is a vacancy in the office of incumbent in the benefice to which the parish is transferred at the time when the transfer takes effect, provide for —
- (a) the designation or selection of the incumbent of that benefice, and
  - (b) restricting rights of presentation on the vacancy.
- (3) A pastoral scheme providing for the holding of 2 or more benefices in plurality may provide for —
- (a) the designation or selection of the incumbent who is to hold all the benefices concerned,
  - (b) the designation or selection of the incumbent of any such benefice falling vacant before all the said benefices come to be held in plurality, and
  - (c) restricting rights of presentation on any such vacancy.
- (4) Subsections (1), (2) and (3) do not apply to —
- (a) the first rector of a team ministry to whom section 9(8) applies, or
  - (b) the first incumbent of a benefice in a group ministry to whom section 11(5) applies.

**15. Operation of schemes dispossessing clergy**

- (1) A provision of a pastoral scheme which dissolves any benefice or abolishes or results in the abolition of any office of vicar in a team ministry [or any other ecclesiastical office held under Common Tenure] may be brought into operation without the assent of the incumbent or vicar [or other office holder] and without waiting for a vacancy in the benefice or office.
- (2) If —
- (a) on the date of the coming into operation of any provision of a pastoral scheme for—
    - (i) the holding of benefices in plurality, or
    - (ii) the establishment of a team ministry for the area of a benefice, or
    - (iii) the establishment of a group ministry for a group of benefices,

- any of the benefices concerned, or the benefice concerned, is not vacant, and
  - (b) the existing incumbent is not to hold the benefice by virtue of a designation by the scheme or any appointment under the scheme or this Measure,
    - the benefice shall be vacated on that date.
- (3) A pastoral scheme to which this subsection applies must provide that the provision is not to come into operation until —
- (a) a date at least 6 months after the date on which the scheme is made, or
  - (b) if its operation is dependent on the happening of any event or contingency (other than a vacancy in the office concerned), until a date at least 6 months after that happens.
- (4) Subject to subsection (5), subsection (3) applies to a pastoral scheme any provision of which will or may have the effect of —
- (a) vacating a benefice under subsection (2),
  - (b) dissolving a benefice which is not already vacant, or
  - (c) abolishing the office of a vicar in a team ministry [or any other ecclesiastical office held under Common Tenure] which is not already vacant[, where the holder of the office is entitled to receive a stipend or other emoluments of office including the provision of accommodation].
- (5) Subsection (3) does not apply to —
- (a) a benefice which is dissolved, if the incumbent of that benefice is designated by the scheme as —
    - (i) the first incumbent of any benefice created or affected by the scheme, or
    - (ii) the first holder of any office of vicar in a team ministry established by the scheme,
  - (b) an office of vicar in a team ministry [or any other ecclesiastical office held under Common Tenure] which is abolished, if the holder of that office is designated as mentioned in paragraph (a)(i) or (ii).
- (6) A pastoral scheme to which subsection (3) applies may provide that if, owing to a subsequent vacancy, any such provision will not have the effect mentioned in subsection (4), it shall come into operation on the happening of the event or contingency referred to in subsection (4)(b) or on the vacancy, whichever last occurs.
- (7) If, on the coming into operation of any provision referred to in subsection (4), the official residence of the incumbent or vicar [or other office holder] concerned, being the parsonage house or the house held on trust for

use as such a residence, is not vested in the Board, the Board has a right to take proceedings to recover possession of the residence.

*NOTE S.15: subs.(1): words in square brackets inserted by Mission and Pastoral Measure (Isle of Man) (Amendment) Order 2013 (SD 89/13) art.3(4); subs.(4)(c): first words in square brackets inserted by 2013 Order art.3(5); second words in square brackets inserted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 s.4(2); subss.(5)(c) & (7): words in square brackets inserted by 2013 Order art.3(5) & (6).*

*Designation etc. of parish churches and places of worship*

## 16. Provisions as to parish churches

(1) A pastoral scheme may, in relation to any parish, including a new parish to be created by the scheme or a parish the area of which is to be altered by the scheme —

- (a) designate as the parish church or as an additional parish church, or as parish churches or additional parish churches, any church or churches in the parish;
- (b) provide for a church in the parish which immediately before the scheme comes into operation is a parish church to cease to be a parish church;
- (c) provide for a new church and for it to become, after its approval by the Bishop, after consultation with the advisory committee and the Commissioners as suitable to be a parish church and its consecration, the parish church, or an additional parish church, of the parish either in substitution for an existing parish church or otherwise;
- (d) require the Bishop to notify the Commissioners of his approval of a building or church as suitable to be a parish church and of its consecration.

(2) The designation by a pastoral scheme as a parish church of a building which immediately before the scheme comes into operation is not a parish church does not take effect unless and until it has been approved by the Bishop, after consultation with the advisory committee and the Commissioners, as suitable to be a parish church and, if necessary, the building has been consecrated.

(3) If the area of a parish is altered by a pastoral scheme but no provision with respect to the churches in that area is made by the scheme, every church in that area has the same status on and after the date on which the

scheme comes into operation as it had immediately before that date.

(4) Where, in a parish which has no parish church, a church is approved by the Bishop, after consultation with the advisory committee and the Commissioners as suitable to be a parish church and is consecrated, it shall become the parish church of that parish.

(5) Where by virtue of a designation made by a pastoral scheme or otherwise a parish has more than one parish church, the following provisions apply—

- (a) the parishioners of the parish have the same rights of worship in each of the parish churches;
- (b) marriages may be solemnized in any of the parish churches, and the Bishop may give directions under paragraph 15(4) of Schedule 1, with respect to the publication of banns and solemnization of marriages in the parish churches;
- (c) burial rights shall not be affected by the designation, but shall be governed by paragraph 16 of Schedule 1;
- (d) the powers, duties and liabilities of the parochial church council of the parish shall extend to each of the parish churches;

and the pastoral scheme may make such other adaptations or modifications of statutory provisions relating to parish churches or churchwardens (including this section) as the Commissioners think necessary or expedient.

(6) It is lawful, in any church designated by a pastoral scheme as a parish church or becoming a parish church under this section, to publish banns of matrimony, solemnize marriages and perform all other such ecclesiastical offices as may be performed in a parish church.

(7) A pastoral scheme may provide for determining claims to sittings and other claims in respect of a church designated by a pastoral scheme as a parish church or becoming a parish church under this section.

(8) A pastoral scheme may provide for —

- (a) transferring to a church designated by such a scheme as a parish church or becoming a parish church under this section register books or records from any other church ceasing to be a parish church or otherwise affected by or in pursuance of that or any other pastoral scheme, or
- (b) those books or records to be dealt with as the Bishop may direct under section 25 of the Church Records Measure (Isle of Man) 2000.

In this subsection "register books" and "records" have the same meanings as in that Measure.

### 17. Places of worship

(1) Where a parish has no church, the Bishop shall make provision for public worship according to the rites and ceremonies of the Church of England by licensing one or more buildings or parts of buildings for public worship.

(2) The Bishop may designate as a parish centre of worship —

- (a) any church in a parish, other than a parish church, or
- (b) any building or part of a building licensed for public worship in a parish.

(3) Subject to subsections (4) and (5), a church, building or part of a building designated under subsection (2) shall be treated, while the designation is in force, to be a parish church for the purposes of —

- (a) the Marriage Act 1984,
- (b) paragraph 15 of Schedule 1, and
- (c) any other statutory provision (including this Measure) or rule of law requiring or authorising any service or ceremony to be held or notices to be affixed or other thing done in or at the parish church or a parish church.

(4) A building or part of a building designated under subsection (2) shall not by virtue only of the designation be subject to the faculty jurisdiction, but without prejudice to the power of the Bishop under section 6 of the Faculty Jurisdiction Measure 1964 to direct that it shall be so subject.

(5) A designation under subsection (2) may be revoked by the Bishop, but without prejudice to the continuation in force of any licence under subsection (1), if the Bishop thinks fit.

(6) Any such designation or revocation shall be under seal and shall be registered in the diocesan registry, and the diocesan registrar shall give public notice of the designation or revocation in one or more local newspapers.

*Closure of churches for regular public worship*

### 18. Closure of churches for regular public worship

(1) A pastoral scheme may make a declaration of closure for regular public worship in respect of—

- (a) a church which is not required as a parish church or chapel of ease or will cease to be so required as a result of any provision of the scheme; or

- (b) any part of a church (being a parish church or chapel of ease) which is no longer required for use as a part of the church or will cease to be so required as a result of any provision of the scheme.

(2) Where a pastoral scheme makes such a declaration, provision may be made in accordance with Schedule 3, either by the scheme in the circumstances specified in Part 1 of that Schedule or by a disposal scheme under Part 2 of that Schedule, for —

- (a) the use, the care and maintenance, the vesting in the Board or the demolition of the church or part of the church to which the declaration relates (the "building closed for regular public worship"), and
- (b) for dealing with a churchyard or other land annexed or belonging to the church.

(2) A declaration of closure for regular public worship may be made in respect of a parish church even though the parish will have no parish church when the declaration takes effect, and the status of the parish shall not be affected by the lack of a parish church.

(3) As from the date when a declaration of closure for regular public worship takes effect in respect of the whole of a church, the church is closed for public worship except as may be provided under Schedule 3.

(4) Except in the cases specified in paragraphs 1 and 2 of Schedule 3, and without prejudice to paragraph 9 (restoration) of that Schedule, no further provision beyond the declaration of closure for regular public worship itself shall be made by a pastoral scheme with respect to a building closed for regular public worship.

(5) Any such provision shall be made by a disposal scheme under Part 2 of Schedule 3.

### 19. Churches not to be closed or disposed of otherwise than under this Measure

(1) It is not lawful to make any order or give any direction for closing a church on the ground that it is no longer required for use as a church, and the only procedure for closing a church on that ground shall be by way of a declaration of closure for regular public worship.

(2) It is not lawful to sell, lease or otherwise dispose of —

- (a) any church or part of a church,
- (b) the site or part of the site of any church, or
- (c) any consecrated land belonging or annexed to a church,

except in pursuance of powers under section 20 or Schedule 3.

- (3) Subsections (1) and (2) do not —
- (a) prevent the grant of a faculty authorising a suitable use of part of a church or the grant of any faculty in respect of any consecrated land belonging or annexed to a church; or
  - (b) affect any powers under any Act of Tynwald (except as provided by paragraph 8 of Schedule 2 to the Church Act 1992);
  - (c) affect the power of the Bishop under section 22 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 to make an order directing that a building or land shall not be subject to the legal effects of consecration.

*Churchyards and burial grounds*

**20. Use of certain churchyards and burial grounds**

- (1) Subject to the following provisions of this section, a pastoral scheme may provide for —
- (a) the appropriation of the whole or any part of a churchyard or other land annexed or belonging to a church to such use or uses as may be specified or generally described in the scheme, and
  - (b) the disposal of any such property for any such use or uses or without limitation of use.
- (2) Subsection (1) does not apply to a churchyard or other land annexed or belonging to a church to which a declaration of closure for regular public worship relates unless the scheme by which provision was made for the use, the care and maintenance, the vesting in the Board or the demolition of the church contained no provision for dealing with the land which is to be the subject of the proposed scheme.
- (3) In the case of a churchyard or other land annexed or belonging to a church or a burial ground adjacent to a church, the pastoral scheme must make such provision as appears to the Bishop and the Commissioners to be —
- (a) desirable for safeguarding the use and amenities of the church, or
  - (b) necessary for preserving a right of access to any grave in that land or burial ground.
- (4) Any scheme providing for the matters referred to in this section may also make provision for —
- (a) the vesting of the property, and
  - (b) applying in relation to it, with such modifications as may be specified in the scheme, any of the provisions of Schedule 3 relating to —

- (i) the appropriation, disposal and vesting of property, rights of way and other easements,
- (ii) the removal of the legal effects of consecration, and
- (iii) the imposing of covenants,

and where the scheme makes any such provision, section 21 and Schedule 4 apply to the property.

(5) In this section "burial ground" means any land set apart and consecrated for the purpose of burials, whether or not burials have taken place in the land.

**21. Disposal of human remains**

(1) Where any human remains are believed to be buried in or beneath a building closed for regular public worship or in any land to which a disposal scheme applies, the body or person in whom the property is vested or to whom it is leased or licensed shall not, subject to this section, demolish, sell, lease or otherwise dispose of it or any part of it, or use it or any part of it, or carry out any development of it or any part of it, unless—

- (a) as respects the human remains, either —
  - (i) the Department of Environment, Food and Agriculture has made an order under subsection (4) in relation to such demolition, use or development, or
  - (ii) the remains have been removed and reinterred or cremated in accordance with Schedule 4; and
- (b) any tombstones, monuments or memorials commemorating the deceased persons have been disposed of in accordance with those provisions,

and (in either case) the other requirements of that Schedule have been complied with.

(2) The requirements of subsection (1) and Schedule 4 do not apply—

- (a) to a building closed for regular public worship the whole of which is to be used, without any structural alteration, —
  - (i) as a place of religious worship for a university, college, school or other institution,
  - (ii) as a private chapel or monument, or for religious worship by a Church other than the Church of England,

so long as the whole of it continues to be so used without any structural alteration involving the disturbance of human remains or the removal of any tombstones, monuments or memorials commemorating deceased persons;

- (b) to any land which remains annexed or belonging to a building closed for regular public worship used as mentioned in paragraph (a);
  - (c) to any land which is to be used as part of a churchyard or burial ground and is vested under paragraph 10 of Schedule 3 in the person in whom the churchyard or burial ground is vested;
  - (d) to any land which is to be used as part of a burial ground and has been conveyed to a burial authority constituted by or under an enactment.
- (3) Subsection (4) applies where it appears to the Department of Environment, Food and Agriculture that —
- (a) the demolition of a building closed for regular public worship or part of it, or
  - (b) the intended use or development of any property to which a disposal scheme applies or any part of such property,
- will not involve the disturbance of human remains.
- (4) That Department may, after consultation with the Bishop and the Commonwealth War Graves Commission, by order provide for dispensing with the requirements (so far as they concern human remains) of subsection (1) and Schedule 4 in relation to —
- (a) the demolition of the building or part of it, or
  - (b) such use or development of the property or part, as may be prescribed by or under the order, subject to such conditions, restrictions, and requirements as may be so prescribed, and
  - (c) in relation to any sale, lease or other disposal of the property for the purpose of such use or development.
- (5) Any order under sub-paragraph (4) may be amended or revoked by a subsequent order made in like manner and subject to the like conditions, and, if at any time the requirements of subsection (1) and Schedule 4 are complied with in respect of the property, the order shall cease to have effect.
- (6) Where, by virtue of any such order, human remains are not removed and reinterred or cremated, the requirements of subsection (1) and Schedule 4, so far as they relate to the disposal of tombstones, monuments and memorials, shall nonetheless apply.
- (7) Where there is situated in any building or part of a building closed for regular public worship or any land to which a disposal scheme applies any monument or memorial commemorating a deceased person whose remains are not buried in the building or part

of it or land, the body or person in whom the building or part or land is vested or to whom it is leased or licensed shall not demolish, sell, lease or otherwise dispose of it or use it for any use or carry out any development of it, unless —

- (a) the monument or memorial has been disposed of in such manner as the Bishop after consultation with the advisory committee has directed, or
  - (b) the Bishop has after such consultation dispensed with this requirement.
- (8) No faculty shall be required for anything done in pursuance of this section or Schedule 4.
- (9) In this section any reference to a disposal scheme includes a reference to the provisions of a pastoral scheme providing for the matters referred to in section 20 or paragraph 1 or 2 of Schedule 3.

#### *Parsonage houses*

### **22. Parsonage houses**

- (1) A pastoral scheme may provide for any of the following matters—
- (a) the designation of any house belonging to a benefice as the place of residence of —
    - (i) the incumbent of any benefice created or affected by the scheme, or
    - (ii) the incumbent of any benefices to be held in plurality, by or by virtue of the scheme;
  - (b) the designation of any house as the place of residence of any vicar in a team ministry established for the area of any benefice by or by virtue of the scheme;
  - (c) the transfer of a parsonage house or part of a parsonage house —
    - (i) in the case of a benefice the incumbent of which is not subject to Common Tenure, to the incumbent as his official residence, or a site for it, and
    - (ii) in the case of a benefice the incumbent of which is subject to Common Tenure or which is vacant, to the Board;
  - (d) the transfer of a parsonage house, part of a parsonage house or any parsonage land to the Board to be held by the Board for disposal in accordance with paragraph 12 of Schedule 1 or for use for parochial or diocesan purposes.
  - [(e) the transfer of a parsonage house, part of a parsonage house or any parsonage land to the Board for the purposes of its functions under the Ecclesiastical Offices (Terms of Service) Measure 2009.]



(2) The power under subsection (1)(a) or (b) to designate a house as the place of residence of an incumbent or a vicar in a team ministry is without prejudice to —

- (a) the subsequent exercise of any power to dispose of the house, or
- (b) the subsequent exercise by the Bishop of any power he may have to give directions as to the place where the incumbent or vicar is to reside.

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*NOTE S.22: subs.(1): para.(e) inserted by Mission and Pastoral Measure (Isle of Man) (Amendment) Order 2013 (SD 89/13) art.3(7).*

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### *Patronage*

#### **23. Patronage**

(1) A pastoral scheme may, with the consent of —

- (a) the patron or patrons concerned, and
- (b) the person to whom the rights of patronage are to be transferred,

provide for the exchange or transfer of rights of patronage of any benefice or church, whether or not that benefice or church is otherwise affected by the scheme.

(2) A pastoral scheme creating any new benefice may provide for vesting the patronage of the benefice in a patron or patrons and, where necessary, for determining the manner in which the rights of patronage are to be exercised.

(3) Without prejudice to the generality of subsections (1) and (2), a pastoral scheme (whether it relates only to an existing benefice or provides for the creation of a new benefice) may, with the consent of the patron or patrons of any benefice affected by the scheme, provide for the transfer of existing rights of patronage to, or for the vesting of new rights of patronage in, a patronage board constituted by the scheme.

(4) A pastoral scheme providing for the holding of 2 or more benefices in plurality may provide for the exercise of the rights of patronage of those benefices, including their exercise on a renewal of the provision for plurality.

(5) Where any benefice is dissolved by a pastoral scheme, or a chapel of ease becomes a parish church by virtue of a pastoral scheme, the rights of patronage of the benefice and any rights of patronage of the chapel of ease shall cease to exist.

(6) In the exercise of the powers conferred by this section and paragraph 5 of Schedule 1, regard shall be had to the interests of persons whose rights of patronage cease to exist by virtue of a pastoral scheme and to the interests

of patrons of benefices to be held in plurality, but it shall not be necessary for the scheme to provide, in cases where there are pastoral or practical objections, for conferring new patronage rights on all or any of those persons or sharing the exercise of the patronage rights of the benefices to be held in plurality among the patrons of those benefices or all of them.

(7) Any provision with respect to rights of patronage made by or by virtue of this section shall have effect subject to any provisions made by virtue of section 14 with respect to the incumbents and vacancies mentioned in it.

(8) A pastoral scheme providing for the vesting or exercise of rights of patronage under subsection (2) or (5) may also, in appropriate cases, provide for applying to those rights any trusts formerly applicable to rights extinguished or altered by or by virtue of the scheme.

(9) Nothing in the provisions of this section affects the provisions of sections 9(8) and 11(5) and paragraphs 1, 4 and 5 of Schedule 1, and accordingly any rights of patronage exchanged or transferred or created by or under this section shall, on the establishment of a team or group ministry for the benefices concerned, have effect subject to those provisions.

### *Endowments, income etc,*

#### **24. Endowments, income, etc.**

(1) A pastoral scheme may provide, on such terms and conditions as may be specified, that the whole of the income of the endowments of a benefice, or a specified annual amount of it, or the excess over a specified amount of it, shall be paid to the income account of the diocesan stipends fund.

For the purposes of this subsection, 2 or more benefices which are held in plurality or are to be held in plurality by virtue of the scheme may be treated as if —

- (a) they constituted one benefice, and
- (b) the aggregate of the income of their endowments were the income of the endowments of that one benefice.

(2) The powers conferred by subsection (1) shall only be exercised with respect to the income of the endowments of any benefice (not being a benefice which ceases to exist by virtue of the scheme) in the following cases—

- (a) where the provision is to take effect during a vacancy or on the occurrence of a vacancy in the benefice;
- (b) where the incumbent of the benefice consents; or

- (c) where the benefice is to be held in plurality and the provision will only operate during the continuance of the plurality.
- (3) Any provision made under subsection (1) may be revoked, or may be varied so as to reduce the amount of the income payable under that subsection, by the Commissioners with the consent of the Bishop and the Board.
- (4) Subsection (5) applies where —
- (a) a benefice is dissolved by a pastoral scheme in consequence of a union of benefices, and
- (b) the Board holds —
- (i) money for expenditure on capital purposes in connection with a parsonage house for the benefice or
- (ii) money arising from or in connection with the disposal of a parsonage house of the benefice.
- (5) Paragraph 1 of Schedule 1 to the Ecclesiastical Offices (Terms of Service) Measure 2009 applies to all such money as it applies to money arising from the sale of a house of residence under that Schedule, with the modification that references to the benefice for which the money was held or to which the property belonged shall be construed as references to the new benefice created by the union.
- (6) Despite anything in that Schedule, a pastoral scheme may provide that any money arising from any sale or exchange of any part of the property of a benefice specified in the scheme, or so much of that money as may be so specified, shall be—
- (a) held by the Board for the benefit of any other benefice so specified; or
- (b) applied towards the payment of stipends of the clergy of the diocese; or
- (c) paid into the diocesan pastoral account; or
- (d) applied towards the provision, restoration, improvement or repair of —
- (i) a church,
- (ii) a place of worship within the meaning of paragraph 1 of Schedule 3,
- (iii) a parsonage house, or
- (iv) a house for a vicar in a team ministry, assistant curate or other person holding office under Common Tenure.

*Supplementary*

**25. Supplementary provisions of pastoral schemes**

(1) A pastoral scheme may contain such supplementary or consequential provisions as the Commissioners, with the agreement of the Bishop, think necessary or expedient for giving effect to the purposes of the scheme.

(2) A pastoral scheme shall, where the Commissioners consider it appropriate, have annexed to it a map or plan showing the changes made by the scheme.

(3) A pastoral scheme may provide that the scheme, or any provisions of it, comes into operation on a specified date, or on the happening of a specified event or contingency, and different dates, events or contingencies may be specified for different provisions.

**26. Amendment and revocation of pastoral schemes**

(1) A pastoral scheme may be amended or revoked by a subsequent pastoral scheme.

(2) An amending pastoral scheme may provide for any matters for which provision could have been made by the scheme to be amended.

(3) A pastoral scheme, or any provision of it, may be revoked or amended under this section before it comes into operation.

**27. Further provisions as to contents and effect of pastoral schemes**

Schedule 1 shall have effect, but without prejudice to the powers conferred by section 25(1).

**28. Procedure for making pastoral schemes**

Schedule 2 shall have effect with respect to the procedure for making pastoral schemes.

PART 3

MISCELLANEOUS AND GENERAL

*Vacancies in benefices*

**29. Suspension of presentation for up to 5 years**

(1) Where a benefice is vacant or is shortly to become vacant, the Bishop may, subject to the following provisions of this Measure, with the consent of the Commissioners, and after consultation with—

- (a) the patron of the benefice, and
- (b) the parochial church council of the parish or each of the parishes concerned,

give notice that during such period not exceeding 5 years as may be specified in the notice (the "suspension period"), the patron shall not exercise his right of presentation without the consent of the Commissioners and

(if he is not the ... patron) of the Bishop; and thereupon that right shall only be exercised in accordance with the notice during the suspension period.

(2) When consulting any person or body in accordance with subsection (1) the Bishop shall inform him or her or it of the reasons why he is considering whether he should exercise the power conferred by this subsection.

(3) The power conferred by subsection (1) may be exercised in relation to a benefice at any time within 3 months before the benefice is due to become vacant or at any time during the vacancy.

(4) Except where any consultation required by subsection (1) takes place at a meeting between the Bishop or his representative and the person or body to be consulted or his or its representative, that person must be advised that he may, within 28 days after receiving a request from the Bishop for his views about the giving of the notice under that subsection, request a meeting with the Bishop or his representative.

(5) Where such a request is made, the Bishop shall convene a meeting which all the persons whom he is required by that subsection to consult shall be invited to attend, either in person or by representatives, for the purposes of enabling those present to consult with the Bishop or his representative about the giving of the notice.

(6) The suspension period shall come to an end before the date on which it would otherwise expire —

- (a) if notice is given by the Bishop that the necessary consent or consents have been given to the exercise of the patron's right of presentation;
- (b) if notice is given by the Bishop with the consent of the Commissioners, terminating the suspension period; or
- (c) if a pastoral scheme provides for the holding of the benefice in plurality with another benefice or other benefices, or
- (d) if a pastoral scheme otherwise affecting the benefice expressly provides for the termination of the period.

(7) The termination shall take effect —

- (a) in the cases mentioned in subsection (6)(a) and (b), on such day, not being less than 14 days after the date of the notice, as may be specified in the notice, and
- (b) in the cases mentioned in subsection (6)(c) and (d), when the relevant provisions of the pastoral scheme come into operation.

(8) The Bishop may, before the expiration of a suspension period, by a further notice given with the same consent and after the same consultation as were required for the original notice given under subsection (1), extend the period for a further period not exceeding 5 years; and that power may be exercised from time to time before the expiration of any extension of a suspension period.

(9) After the expiration of a suspension period, the Bishop may, by a further notice given with the same consent and after the same consultation as were required for the original notice given under subsection (1), declare a new suspension period in relation to the vacancy.

(10) If the Bishop gives a notice under subsection (9), subsections (1), (2), and (4) to (8) apply in relation to any notice given and any suspension period declared under subsection (9) as they apply to a notice given and a suspension period declared under subsection (1).

(11) A notice given by the Bishop under this section must be given to—

- (a) the diocesan registrar,
- (b) the Commissioners,
- (c) the patron of the benefice, unless the only patron is the Bishop,
- (d) the parochial church council of the parish or each of the parishes concerned, and
- (e) the sequestrators;

and a copy of the notice shall be filed in the diocesan registry.

(12) The diocesan registrar must, not earlier than 6 months and not later than 3 months before any suspension period declared under this section is due to expire, other than a suspension period which comes to an end before the date on which it would otherwise expire under subsection (7), give notice to the Bishop and to Commissioners of the date on which the suspension period is due to expire.

(13) The secretary of the parochial church council to which any such notice is given must forthwith cause a copy of it to be affixed at or near to the door of a parish church or, if there is no parish church, of the principal place of worship in the parish.

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*NOTE S.29: subs.(1): word omitted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.14.*

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### **30. Sequestration of profits, appointment of priest in charge and management of property**

(1) Where the Bishop has declared a suspension period in respect of any benefice

under section 29, he shall during that period sequester the profits of the benefice.

(2) The sequestrators shall, subject to and in accordance with the directions of the Bishop, make provision for the performance during the suspension period of the ecclesiastical duties of the benefice, and before giving any such directions the Bishop shall consult the parochial church council of the parish or each of the parishes concerned and, so far as is reasonably practicable, the patron of the benefice.

(3) Where the Bishop proposes to appoint a priest in charge for any benefice to which a suspension period applies, he shall before making the appointment consult the parochial church council of the parish or each of the parishes concerned and, so far as is reasonably practicable, the patron of the benefice.

(4) Where the Bishop appoints a priest in charge for any benefice to which a suspension period applies, the Bishop may require the priest to reside in the parsonage house of the benefice.

(5) Schedule 5 shall have effect with respect to the management of the benefice property and the application of the profits of the property during any suspension period.

*NOTE Provision is also made by the Church Act 1969 s.5 for the appointment of sequestrators during a vacancy.*

### **31. Restrictions on presentation pending the making of pastoral schemes**

(1) Where —

- (a) any proposals are approved under section 3(1),
- (b) the proposals contain recommendations for any of the matters specified in sections 7 to 12, and
- (c) any benefice which would be affected if the recommendations were implemented —
  - (i) is vacant on the date on which the patron of it is sent a copy of the proposals under section 3(3), or
  - (ii) becomes vacant thereafter,

the patron is not entitled after that date or after the occurrence of the vacancy, as the case may be, to exercise his right of presentation to the benefice without the consent of the Commissioners and (if he is not the patron) of the Bishop, until the first of the events mentioned in subsection (5) occurs.

(2) Where the Bishop has given directions to the Commissioners under section 5(3) to consider in relation to any benefices any of the matters specified in sections 7 to 12, he may,

upon a vacancy or impending vacancy in any of those benefices, notify—

- (a) the patron, unless the only patron is the Bishop, and
- (b) the parochial church council,

that those matters are being considered, and thereupon the patron shall not be entitled to exercise his right of presentation to that benefice without such consent or consents as are specified in subsection (1); and section 7 of the Patronage (Benefices) Measure 1986 applies subject to the modifications made by section 32.

(3) Subject to subsection (4), a restriction imposed by subsection (2) shall cease to operate at the expiration of one year from the date of the notice.

(4) If within that period proposals are approved under paragraph 3(1) of Schedule 2 containing recommendations for any of the matters specified in subsection (1) or (3) which would affect the benefice concerned, the restriction shall continue until the first of the events mentioned in subsection (5) occurs.

(5) The events referred to in subsections (1) and (4) are —

- (a) the relevant recommendations are implemented by a pastoral scheme and come into operation, in which case the right of presentation shall be subject to the provisions of the scheme;
- (b) the proposals are withdrawn or the draft scheme prepared in pursuance of them is withdrawn, or the scheme made in pursuance of them is withdrawn or quashed;
- (c) the relevant recommendations are omitted from the proposals, draft scheme or scheme; or
- (d) the expiry of the period of 3 years from the date referred to in subsection (1)(c)(i) or subsection (3), as the case may be.

(6) Where —

- (a) an application is made under paragraph 7(2) of Schedule 2 with respect to a scheme which implements the relevant recommendations, and
- (b) the application has not been determined or withdrawn within the period referred to in paragraph (d) of subsection (5),

that paragraph shall have effect as if that period had been extended to the date on which the application is determined or withdrawn.

(7) The fact that restrictions are in force under this section with respect to any benefice shall not be taken as preventing the Bishop from exercising his powers under sections 29 and 30 with respect to the benefice, and, if he

does so, those sections and Schedule 5 shall apply to the benefice instead of this section.

**32. Modification of 1986 Measure where presentation is suspended or restricted**

(1) The following provisions of this section apply where, in respect of any benefice —

- (a) the Bishop declares a suspension period, or
- (b) any restriction imposed by or under any provision of section 14 or 31 comes into force.

(2) Except as provided in this section, no notice under section 7 of the Patronage (Benefices) Measure 1986 of a vacancy or impending vacancy in that benefice shall be given during the suspension period or while the restriction is in force, as the case may be.

(3) Any such notice relating to that benefice given before the suspension period began or the restriction came into force, as the case may be, shall be treated as having been revoked and any act done under that Measure consequent upon that notice shall be of no effect.

(4) That benefice shall be treated for the purposes of that Measure as becoming vacant immediately after the day on which the suspension period comes to an end or the restriction ceases to be in force, as the case may be, but if a further suspension period is declared, the benefice shall no longer be treated as vacant.

(5) As soon as practicable after he becomes aware of the vacancy, the Bishop shall give notice of that fact to the diocesan registrar, and section 7(4) of that Measure shall apply as it applies to a notice under section 7(1) or (2), except that —

- (a) if the suspension period will come to an end as a result of a notice given by the Bishop under section 29(6), the notice referred to in this section may be given by the Bishop at the same time as the notice under section 29(6); and
- (b) in any other case the notice may be given not more than 14 days before the suspension period will end or the restriction will cease to be in force, as the case may be.

**33. Suspension of new rights of patronage**

Where —

- (a) any proposals approved under section 3(1) contain recommendations for the creation of a new benefice for a new parish, and
- (b) any church in the area which is to form the new parish is consecrated after the proposals are so approved but before any

of the events mentioned in section 31(5) have occurred in relation to those recommendations,

no person shall become the patron of that church by virtue of any rule of law or any provision of or instrument under any Act or Measure other than this Measure during the period between the approval of the recommendations and such one of those events as first occurs.

**34. Trusteeship of certain charities during vacancy or suspension**

(1) Where —

- (a) any property of a charity established for ecclesiastical purposes of the Church of England is vested in or under the management or control of the incumbent of a benefice (with or without other persons) or a corporation of which the incumbent of a benefice is a member, and
- (b) the benefice becomes vacant or the Bishop declares a suspension period in respect of the benefice,

during the period of the vacancy or the suspension period, as the case may be, the trusts of the charity or the constitution of the corporation has effect with the substitution for the incumbent of that benefice of the priest in charge of that benefice.

(2) Subsection (1) does not apply to any fund or property for which provision is made under paragraph 17 of Schedule 3.

*Financial provisions*

**35. Pastoral account**

(1) The Board shall hold an account to be called the diocesan pastoral account and shall transfer to the account—

- (a) any money which is payable to the account under any provisions of this Measure or any scheme made under it;
- (b) such other money as the Board determine should be credited to the account, not being money for the application or disposal of which provision is made by or under any other statutory provision.

(2) The Board must —

- (a) as soon as practicable after the end of each financial year of the Board prepare an account of the money paid into or out of the diocesan pastoral account during that year;
- (b) include in it a statement of the amount by which the diocesan pastoral account was in debit or credit, as the case may be, at the beginning and end of that year; and

- (c) lay a copy of the account before the Diocesan Synod.

**36. Payment of expenses from diocesan pastoral account and application of money**

(1) Expenses incurred by or on behalf of, or under the authority or direction of, the Bishop or the Commissioners for the purposes of this Measure or any scheme made must be paid out of the money standing to the credit of the diocesan pastoral account so far as that money suffices, but any such expenses may not include the salaries or wages of persons in the regular employment of the Bishop, any board or committee of the diocese, or the Commissioners, or any part of any such salaries or wages.

(2) The Board shall be entitled to be repaid out of the diocesan pastoral account any money expended by the Board on any property vested by or under this Measure in the Board for the purpose of furthering the disposal or use of the property.

(3) Where the Board is satisfied that any money standing to the credit of the diocesan pastoral account is not required or likely to be required for meeting the expenses or expenditure referred to in this section, it may—

- (a) apply that money by way of grant or loan to the provision, restoration, improvement or repair of churches and parsonage houses in the diocese, including the repair of any building closed for regular public worship vested in the Board pending the coming into operation of arrangements under a disposal scheme, or to other purposes of the diocese or any benefice or parish in the diocese;
- (b) apply that money towards the payment of stipends of the clergy of the diocese; or
- (c) transfer that money to one or more other accounts or funds held by the Board, or apply or transfer it partly to such other accounts or funds and partly as provided in paragraphs (a) and (b).

**37. Compensation of clergy**

(1) The provisions of Schedule 6 have effect for the purpose of—

- (a) conferring rights to compensation on incumbents of benefices and [vicars in team ministries] whose benefices or offices are dissolved, abolished, vacated or resigned in the circumstances specified in that Schedule, and
- (b) determining claims to such compensation;

and for other matters relating such rights and claims.

(2) Subsection (1) and Schedule 6 have effect in relation to a deacon [to whom section 9(4A) applies] as they have effect in relation to a vicar in a team ministry.

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*NOTE S.37: subs.(1): words in square brackets in para.(a) substituted by Mission and Pastoral Measure (Isle of Man) (Amendment) Order 2013 (SD 89/13) art.3(8); subs.(2): words in square brackets inserted by ib. art.3(9).*

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*General*

**38. Vesting of property**

Where any land or other property becomes vested by or by virtue of this Measure in the Board or any other person, alone or jointly with any other person, it shall so vest—

- (a) without any conveyance or other assurance, and
- (b) unless otherwise provided by or under this Measure, free of any trust or burial rights.

**39. Power of Commissioners to determine boundaries**

(1) Where by virtue of this Measure or any scheme made under it any land is vested in the Board, Manx National Heritage or an incumbent of a benefice (with or without the churchwardens of a parish), the Commissioners may determine the boundaries of the land by an instrument under their seal.

(2) The determination shall for all purposes be binding on any of the bodies and any incumbent or incumbent and churchwardens, whether as the body or person in whom the land is vested or the body or person from whom it is transferred, but shall bind no other person.

(3) Any such instrument shall be registered in the General Registry under the Registration of Deeds Act 1961 .

(4) A copy of any such instrument purporting to be certified by an officer of the Commissioners as a true copy shall be sufficient evidence in any proceedings of the contents of the instrument.

**40. Application to benefices in the patronage of the Crown**

(1) This section applies to any benefice the patronage or any share in the patronage of which is vested in or exercisable by Her Majesty.

(2) Nothing in this Measure or in any scheme made under this Measure shall apply in relation to a benefice to which this section

applies without the consent of Her Majesty, which may be given either generally or in respect of a particular benefice.

(3) Any notice required by this Measure to be given to the patron of a benefice may, in the case of a benefice to which this section applies, be given to the Chief Secretary.

(4) Without prejudice to subsection (3), any of the following may, in the case of a benefice to which this section applies, be given or done by or to the Governor —

- (a) any consent under subsection (2);
- (b) any other consent, approval or other thing required by any provision of this Measure or any scheme made under it to be given or done by or to the patron of a benefice.

#### **41. Notices and other documents**

(1) All notices, consents, directions, determinations and requests required or authorised by this Measure shall be in writing.

(2) Where any document is required to be sent to the Commissioners it shall be addressed to the secretary of the Commissioners.

(3) If any question arises as to the person on or to whom, or the manner in which, any notice or other document is to be served, sent or given, the Commissioners may decide the question and their decision shall be conclusive.

[4] Any reference in this section to serving, sending or giving a notice includes a reference to sending it by electronic means.]

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*NOTE: S.41: subs.(4) inserted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 s.4(5).*

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#### **42. Churches etc. affected by Acts of Tynwald**

(1) Subject to subsection (4), the provisions of this Measure, and in particular those relating to churches closed for regular public worship, shall apply to—

- (a) churches affected by any Act of Tynwald passed before 1st January 1991;
- (b) land comprising the sites of any such churches or annexed or belonging to any such churches; and
- (c) any burial ground which is affected by any such Act and is vested in the incumbent of a benefice or is subject to the jurisdiction of the Bishop;

and a scheme made under this Measure may amend or revoke any provision of such an Act, if it appears to the Commissioners that the provision of the Act is inconsistent with or rendered unnecessary by the provisions of the scheme or the provisions of this Measure applicable to it.

(3) If it appears to the Commissioners that a proposed pastoral scheme or disposal scheme will affect the rights (other than the patronage rights) of any person under an Act of Tynwald passed before 1st January 1991 —

- (a) in the case of a pastoral scheme, they must serve a copy of the draft scheme on that person together with such a notice as is mentioned in paragraph 4(1) of Schedule 2, and he or she shall thereafter be treated as an interested party in relation to that scheme;
  - (b) in the case of a disposal scheme, they must serve a copy of the draft scheme on that person under paragraph 5(4) of Schedule 3.
- (4) A scheme containing any provision made by virtue of this section shall be laid before Tynwald as soon as may be after it is made.

#### **43. Provisions where there is no parochial church council, incumbent, etc.**

(1) Where at the material time a parish has no parochial church council, the provisions of this Measure with respect to notices, consents and other things required or authorised to be given or done by or to such councils shall have effect —

- (a) if the parish has churchwardens, as if the churchwardens were the parochial church council;
- (b) if there are no churchwardens, shall have no effect with respect to that parish.

(2) Where at the material time a benefice has no incumbent, or the office of vicar in a team ministry is vacant, the provisions of this Measure with respect to notices, consents and other things required or authorised to be given or done by or to incumbents or vicars in team ministries shall have no effect with respect to that benefice or office.

(3) For the purposes of this section a certificate signed by the Bishop stating that at any time specified in it a particular benefice or office of vicar in a team ministry, had no incumbent or vicar, as the case may be, or a particular parish had no parochial church council or no churchwardens, shall be conclusive.

#### **44. Pluralities not to be authorised except under this Measure**

(1) Subject to the provisions of this Measure, no person shall hold benefices in plurality except in pursuance of a pastoral scheme.

- (2) If —
  - (a) any person accepts any benefice, and

(b) the acceptance would, but for this subsection, result in him or her holding offices in contravention of subsection (1), he or she shall, on his or her admission to the benefice, vacate the office or offices previously held by him or her.

(3) In this section "benefice" includes the office of a vicar in a team ministry.

#### **45. Saving for planning legislation**

Even though the development of any land or the demolition of any building is or may be authorised or regulated by or under this Measure, the provisions of the enactments relating to town and country planning, and any restrictions or powers imposed or conferred by them in relation to land and buildings, shall apply to, and may be exercised in relation to, any such development or demolition.

#### *Mission partnerships, deaneries and chapelries*

#### **46. Mission partnerships and deaneries**

(1) The Commissioners shall make one or more schemes —

- (a) establishing districts, each comprising 2 or more parishes, to be known as "mission partnerships";
- (b) constituting a mission council for each such district;
- (c) making provision with respect to the officers, meetings and proceedings of mission councils; and
- (d) making provision for the exercise in each such district of the functions of a rural dean.

(2) A scheme under subsection (1) shall not have effect unless it is approved by the Diocesan Synod.

(3) A mission council shall consist of —

- (a) every clerk in Holy Orders beneficed or licensed to officiate in the district of the council;
- (b) such, if any, of the readers who are licensed to that district, and whose names are on the roll of the parish, as the annual parochial church meeting of the parish may determine;
- (c) such number of parochial representatives of the laity as are specified in the scheme by which the district is established.

(4) Subject to subsection (5), representatives of the laity on a mission council shall —

- (a) be elected to the council in accordance with the Church Representation Rules; and
- (b) hold office from the conclusion of the annual meeting at which they were

elected until the conclusion of the annual meeting next following their election.

(5) A casual vacancy in the representatives of the laity elected to a mission council shall be filled in like manner, and for the like term, as a casual vacancy in the representatives of the laity elected to a parochial church council.

(6) The functions of a mission council shall be —

- (a) to promote in its district the mission of the Church;
- (b) to bring together the views of the parishes in the district on common problems;
- (c) to discuss and formulate common policies on those problems; and
- (d) to promote community and co-operation among those parishes.

(7) The office of rural dean is abolished, and the rural deaneries shall cease to exist.

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*NOTE: S.46: scheme under subs.(1): Mission Partnerships Scheme 2012 (SD 699/12) q.v.*

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#### **47. Chapelries**

(1) Every chapelry shall cease to exist, and the parochial church council of any chapelry shall be dissolved.

(2) An order under section 2 bringing subsection (1) into operation —

- (a) may bring that subsection into operation on different days in relation to different chapelries; and
- (b) may make such transitional provisions as appear to the Bishop to be necessary for the purposes of that subsection, including provisions —
  - (i) for the vesting of any property, rights and liabilities of the parochial church council of any chapelry; and
  - (ii) further modifying the Church Representation Rules.

(3) In this section "chapelry" means a separate electoral district assigned to a chapel under the Church Representation Rules.

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*NOTE This section is not in force: see note on s.2 above. All remaining chapelries had ceased to exist by 1st January 2013 by virtue of the Northern Pastoral Scheme 2011 (SD 877/11 as am. by SD 185/12), Maughold and South Ramsey Pastoral Scheme 2012 (SD 191/12) and Marown, Foxdale and Baldwin Pastoral Scheme 2012 (SD 244/12).*

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#### *Supplemental*

#### **48. Transitional provisions, amendments and repeals**

(1) The transitional provisions in Schedule 7 have effect.



- (2) The enactments specified in Schedule 8 are amended in accordance with that Schedule.
- (3) The Church Representation Rules are further modified in accordance with Schedule 9.
- (4) Subject to the provisions of Schedule 8, the enactments specified in Schedule 10 are repealed to the extent specified in column 2 of that Schedule.
- (5) The following provisions of the Mission and Pastoral Measure 2011 shall extend to the Island —
  - (a) section 111 (with the omission of the words "Subject to the provisions of Schedule 8,"), so far as it relates to provisions which extend to the Island,
  - (b) Schedule 9 (repeals), so far as aforesaid (but not so as to affect section 61 of the Dioceses, Pastoral and Mission Measure 2007), and
  - (c) section 112(4) (short title).

#### SCHEDULE 1

#### FURTHER PROVISIONS AS TO CONTENT AND EFFECT OF PASTORAL SCHEMES

##### ***1. Team ministries: patronage***

- (1) A pastoral scheme establishing a team ministry must provide for the presentation of the rector of the team ministry, other than the first rector if designated by the scheme, by a patronage board constituted by the scheme.
- (2) Sub-paragraph (1) shall not apply in relation to a benefice of which the Bishop is the sole patron, but in that case —
  - (a) the scheme may provide as mentioned in sub-paragraph (1), and
  - (b) if the scheme does not so provide, the Bishop shall choose the rector, other than the first rector if designated by the scheme, and shall collate him to the benefice.
- (3) Any enactment (including this Measure) or rule of law relating to the presentation or collation of incumbents shall apply to any presentation or collation under this paragraph, and before the patronage board exercise their right of presentation or the Bishop exercises his right of collation under it they or he, as the case may be, must consult the other members of the team.
- (4) Where a pastoral scheme terminates a team ministry, the scheme shall —
  - (a) so far as practicable and having regard to pastoral considerations and to sub-paragraph (3), provide for restoring rights of patronage in respect of the benefice concerned to the persons who would have

possessed them if the team ministry had never been established, and

- (b) if and so far as it is not practicable to make such provision, shall make other provision for the vesting and exercise of rights of patronage in respect of the benefice.
- (5) Sub-paragraph (3) shall apply in relation to a pastoral scheme altering a team ministry under section 12(1)(e) as it applies in relation to a pastoral scheme establishing a team ministry.

##### ***2. Team ministries: appointment of vicars***

- (1) A pastoral scheme establishing a team ministry which provides for the presentation of the rector by a patronage board constituted by the scheme may provide for the vicars in that ministry, other than the first holder of any office of vicar, if designated by the scheme, to be chosen by that board.
- (2) Where the scheme makes such a provision, the rector of the team ministry shall be a member of the patronage board for the purpose only of meetings at which the person to be appointed a vicar in that ministry is considered and chosen.
- (3) Every vicar in a team ministry, any deacon authorised to serve in a team ministry and any person having a special responsibility for pastoral care under section 10(6) shall be entitled between them to one vote, which shall be exercised by such one of them or such 2 or more of them (acting unanimously or by majority) as may be present at the meeting in question.
- (4) Where the scheme does not provide as mentioned in sub-paragraph (1), the vicar or vicars in the team ministry, other than the first holder of any office of vicar in it, if designated by the scheme, shall be chosen by the Bishop and the rector jointly.
- (5) Before the body or other persons who are entitled to choose a person to be a vicar in a team ministry make their choice, they shall consult—
  - (a) the other members of the team; and
  - (b) the parochial church council of every parish belonging to the benefice for the area of which the team ministry was established.
- (6) The following rules apply to the making of an offer of appointment as vicar in a team ministry —
  - (a) The body or other persons who are entitled to choose a person to be a vicar in a team ministry shall not make any person an offer of appointment as such until the making of the offer to the person in

question has been approved by the parish representatives.

- (b) If, before the expiration of the period of 2 weeks beginning with the date on which the body or other persons sent to the parish representatives a request for them to approve under this sub-paragraph the making of the offer to the person named in the request, no notice is received from any representative of his or her refusal to approve the making of the offer, the representatives shall be treated as having to have given their approval under this sub-paragraph.
- (c) If any parish representative refuses to approve under this sub-paragraph the making of the offer to the person named in the request, the representative shall notify in writing the body or other persons of the grounds on which the refusal is made.
- (d) Where approval of an offer is refused under (c) above, the body or other persons may request the archbishop of York to review the matter and if, after review, the archbishop authorises the body or other persons to make the offer in question, that offer may be made accordingly.
- (7) In sub-paragraph (6) "parish representatives" means —
  - (a) 2 lay members of the parochial church council concerned, or
  - (b) where a team council has been established by a pastoral scheme or by a scheme made under the Church Representation Rules in respect of a benefice comprising more than one parish, 2 lay members of the team council,

appointed by that council to act as representatives of the council in connection with the selection of vicars in the team ministry.

(8) Sub-paragraphs (2), (3) and (5) to (7) shall apply in relation to a pastoral scheme altering a team ministry under section 12(1)(e) as they apply in relation to a pastoral scheme establishing a team ministry.

### **3. Team meetings**

(1) The rector in a team ministry shall convene meetings of the team at regular intervals for the purpose of discussing and reaching a common mind on all matters of general concern or special interest to the team ministry.

(2) Unless the scheme otherwise provides, the rector shall preside at any meeting under this paragraph, except that if he requests

otherwise or is absent another member of the team appointed by the meeting shall preside.

(3) Any member of the team may, by notice in writing, request the rector to convene a team meeting under this paragraph to be held within the period of 28 days following the service of the notice; and, if the rector fails to comply with such a request, that member may himself convene the meeting.

### **4. Group ministries: patronage**

(1) This paragraph applies where a group ministry is established by a pastoral scheme for a group of benefices.

(2) Before the patron of a benefice in the group makes a request under section 13 of the Patronage (Benefices) Measure 1986 for the approval of —

- (a) the parish representatives (as defined in section 11(7) of that Measure), and
- (b) unless the registered patron is the Bishop, the Bishop,

to the making of a priest of an offer to present him to the benefice, the patron must consult the other incumbents and any priest in charge in the group.

### **5. Patronage boards**

(1) This paragraph applies to a patronage board constituted under section 23(3) or by a pastoral scheme establishing a team ministry.

(2) A patronage board constituted under section 23(3) shall consist of such members as the scheme may provide, and the scheme may designate the member who is to be chairman of the board.

(3) A patronage board constituted by a pastoral scheme establishing a team ministry shall consist of —

- (a) the Bishop, who shall be chairman of the board,
- (b) subject to paragraph 2(2), the rector,
- (c) every vicar in the team ministry;
- (d) any deacon authorised to serve in the team ministry,
- (e) any person having special responsibility for pastoral care under section 10(6), and
- (f) such other member or members as the scheme may provide.

(4) Regard shall be had in making provision under sub-paragraph (3)(f) to the interests of persons who previously had —

- (a) patronage rights in the benefice for which the team ministry is established, or
- (b) if it is a new benefice created by the union of 2 or more benefices, patronage rights in any of the constituent benefices;

but it shall not be necessary, in cases where there are pastoral or practical objections, for those persons or all of them to be members of the patronage board.

(5) Without prejudice to the generality of sub-paragraph (4), the scheme by which a patronage board is established may provide for empowering the Bishop to appoint one or more persons, but not exceeding the number specified in the scheme, to be a member or members of the board for such period as the Bishop may specify when making the appointment.

(6) If Her Majesty is a member of a patronage board —

- (a) her functions as such a member may be exercised on her behalf by the Governor; and
- (b) the Governor may be represented by a person authorised to act and vote on his behalf, being a person who has made the declaration of membership within the meaning of the Patronage (Benefices) Measure 1986.

(7) The Bishop may authorise the Archdeacon to act for him at any meeting of a patronage board and to exercise his voting rights.

(8) Any other member of a patronage board (including any body corporate or unincorporated body of persons) may be represented by a person authorised to act and vote on his or her or their behalf being a person who has made the declaration referred to in sub-paragraph (6)(b).

(9) Subject to sub-paragraph (10) and paragraph 2(3), a scheme by which a patronage board is constituted may provide that —

- (a) any members of the board specified in the scheme shall be entitled to such number of votes as may be so specified, and
- (b) where there is an equal division of votes the Bishop, as chairman, shall have a casting vote;

but except in so far as the scheme so provides, each member of the board shall be entitled to one vote.

(10) In the case of a patronage board constituted by a pastoral scheme establishing a team ministry —

- (a) every vicar in the team ministry,
- (b) any deacon authorised to serve in the team ministry, and
- (c) any person having a special responsibility for pastoral care under section 10(6),

shall be entitled between them to one vote which shall be exercised by such one of them or such 2 or more of them (acting unanimously

or by majority) as may be present at the meeting in question.

(11) A patronage board shall be a body corporate for the purpose of holding the rights of patronage conferred upon it, and shall have a seal, and shall have power to regulate its own procedure.

(12) The rights to be members of a patronage board shall, except where such rights are vested in a person in right of his office or only for life or a term of years, be transferable inter vivos and on death, but in no case shall such rights be saleable and they shall not be treated as rights in land.

(13) Persons having the rights mentioned in sub-paragraph (12) must furnish to the diocesan registrar particulars of their rights, including particulars of any transfer or devolution of the rights, and if they fail to do so their rights may be disregarded for the purposes of this paragraph (including sub-paragraph (13)).

(14) Sub-paragraphs (3) to (13) apply in relation to a pastoral scheme altering a team ministry under section 12(1)(e) as they apply in relation to a pastoral scheme establishing a team ministry.

#### **6. PCCs and team and group councils**

(1) Where a pastoral scheme establishes a team ministry, the scheme, or the Bishop's licence of any vicar in the team ministry, may assign to any such vicar —

- (a) the duties or a share in the duties of the chairmanship of the annual parochial church meeting and the parochial church council of the parish or any of the parishes in the area of the benefice for which the team ministry is established, and
- (b) other duties of the minister of the parish under the Church Representation Rules or a share in such other duties,

and those Rules shall have effect accordingly.

(2) If the duties of chairmanship are to be shared under the scheme or licence, the arrangements shall be such that the chairman on any occasion is determined in advance so that, in his absence, the vice-chairman of the parochial church council shall take the chair in accordance with the Rules.

(3) Where a pastoral scheme establishes a team ministry for the area of a benefice which comprises more than one parish, the scheme may make provision, or authorise the Bishop by instrument under his hand with the concurrence of the rector to make provision—

- (a) for the establishment of a team council,

- (b) for the chairman, meetings and procedure of the team council, and
  - (c) subject to paragraph 19 of Schedule 2 to the Patronage (Benefices) Measure 1986, for the functions of the parochial church council of each parish in the area which must or may be delegated to the team council, being provisions to the same effect as those which may be made by a scheme under the Church Representation Rules in the like case.
- (4) Where a pastoral scheme establishes a group ministry, the scheme may make provision, or authorise the Bishop by instrument under his hand with the concurrence of all the members of the group to make provision —
- (a) for the establishment of a group council,
  - (b) for the chairman, meetings and procedure of the group council, and
  - (c) for the functions of the parochial church council of each parish in the area for which the group ministry is established which must or may be delegated to the group council, being provisions to the same effect as those which may be made by a scheme under the Church Representation Rules in the like case.
- (5) Any provisions which are included in the scheme or the Bishop's instrument by virtue of sub-paragraph (3) or (4) ceases to have effect at the expiration of —
- (a) the period of 5 years from the date of the establishment of the team ministry or group ministry to which the scheme or instrument relates, or
  - (b) such lesser period as may be specified in the scheme or instrument, as the case may be,

and that period may not be extended or renewed by a subsequent scheme or instrument of the Bishop.

(6) Where a pastoral scheme makes provision under section 9(11), sub-paragraphs (1), (2), (3) and (5) have effect as if the references to the area of the benefice were references to the combined area of the benefices concerned.

#### **7. Joint PCCs**

- (1) Sub-paragraph (2) applies where a pastoral scheme provides for —
- (a) 2 or more parishes to be comprised in the area of a single benefice, or
  - (b) 2 or more benefices to be held in plurality.
- (2) The scheme may make provision, or authorise the Bishop by instrument under his

hand with the concurrence of the incumbent of the benefice or benefices to make provision, —

- (a) for establishing a joint parochial church council for all or some of the parishes of the benefice or benefices;
- (b) for the chairmanship, meetings and procedure of the council, and
- (c) subject to paragraph 20 of Schedule 2 to the Patronage (Benefices) Measure 1986, for the functions of the parochial church council of any such parish which must or may be delegated to the joint parochial church council, being provisions to the same effect as those which may be made by a scheme under the Church Representation Rules in the like case.

(3) Subject to sub-paragraph (4), any provisions which are included in a pastoral scheme or the Bishop's instrument by virtue of sub-paragraph (2) shall cease to have effect at the expiration of the period of 5 years from the date on which the scheme, as the case may be, came into operation, or such lesser period as may be specified in the scheme, order or instrument, and that period may not be extended or renewed by a subsequent pastoral scheme or instrument of the Bishop.

(4) Where the provisions of a pastoral scheme for the holding of benefices in plurality are terminated under section 8(2) or (3) —

- (a) any provision of a pastoral scheme or the Bishop's instrument establishing a joint parochial church council for all or some of the parishes of those benefices, and
- (b) the other provisions of it affecting that council,

shall cease to have effect on the date on which the first mentioned provisions cease to have effect.

#### **8. Admission and induction to benefices**

(1) Where, in a case not falling within sub-paragraph (4)(a), any person is appointed an incumbent of a benefice in the area of which 2 or more parish churches are situated —

- (a) the Bishop may direct in which parish church the incumbent is to be inducted;
- (b) after the induction he shall be treated as having been inducted in both or all of the parish churches situated in the area of that benefice and as having been admitted to that benefice; and
- (c) no further fees in respect of the induction shall be payable.

(2) Where, in a case not falling within sub-paragraph (5)(a), any person is appointed an incumbent of benefices which are to be held in plurality —

- (a) the Bishop may direct that the incumbent shall be inducted in such one of the parish churches in the areas of those benefices as he may specify;
  - (b) after the induction the incumbent shall be treated as having been inducted in all of the parish churches in those areas and as having been admitted to each of those benefices; and
  - (c) no further fees in respect of the induction shall be payable.
- (3) Any person who is designated by or selected under a pastoral scheme as the incumbent of a benefice shall not be required to be presented to that benefice nor shall the Bishop be required to nominate that person as the person to whom he collates the benefice.
- (4) Where a pastoral scheme creates a new benefice, transfers a parish from one benefice to another or establishes a team ministry for the area of a benefice, then—
- (a) if the first incumbent of that new benefice or the first rector of that ministry is designated or selected as aforesaid, he or she shall, unless the Bishop otherwise directs, be treated as having been admitted to that new benefice or to the benefice for the area of which the team ministry is established, as the case may be, and no fees in respect of the admission shall be payable;
  - (b) in any other case sub-paragraph (1) applies.
- (5) Where a pastoral scheme provides for the holding in plurality of 2 or more benefices, then—
- (a) if the first incumbent who is to hold all the benefices concerned was immediately before the scheme comes into operation the incumbent of any of those benefices, he or she shall, unless the Bishop otherwise directs, be treated as having been admitted to the other benefice or benefices, and no fees in respect of the admission shall be payable;
  - (b) in any other case sub-paragraph (2) shall apply.
- (6) It shall not be necessary, by reason only of the substitution of another church for a parish church by the scheme, for the incumbent of the benefice to be inducted in the new parish church or comply with any other process or form of law.

#### **9. Churchwardens**

- (1) Where a pastoral scheme creates a new parish, the churchwardens of the parish shall be a body corporate with perpetual succession.
- (2) Where a pastoral scheme provides for —

- (a) the creation, whether by union or otherwise, of a new parish, or
  - (b) the dissolution of an existing parish,
- the scheme may make such adaptations or modifications of any statutory provisions relating to churchwardens as the Commissioners think necessary or expedient

#### **10. Vesting of property: general**

- (1) Where a pastoral scheme creates a new benefice by a union of benefices —
  - (a) any church, churchyard or burial ground which was previously vested in right of his or her benefice in the incumbent of any of the constituent benefices, shall vest in the incumbent of the new benefice;
  - (b) any parsonage house or other property which was previously vested in right of his or her benefice in the incumbent of any of the constituent benefices shall vest —
    - (i) if the incumbent of the new benefice is subject to Common Tenure or the benefice is vacant, in the Board;
    - (ii) otherwise, in the incumbent of the new benefice.

This sub-paragraph shall not apply to any parsonage house for which other provision is made by or under a pastoral scheme.

- (2) Where by virtue of a pastoral scheme (other than a scheme to which sub-paragraph (1) applies) any church or churchyard or burial ground previously vested in the incumbent of a benefice becomes situated in a parish belonging to another benefice —

- (a) the church, churchyard or burial ground, and
  - (b) any movable property used for the purposes of it and so vested,
- shall vest in the incumbent of that other benefice.

- (3) Where in a case to which sub-paragraph (1) or (2) applies, the property was previously vested in the incumbent of a benefice jointly with the churchwardens of a parish, it shall vest in accordance with that sub-paragraph in the incumbent of the new benefice or other benefice, as the case may be, jointly with the churchwardens of the parish in which the property is situated.

- (4) If a pastoral scheme contains a statement that any property mentioned in sub-paragraph (1) or (2) was previously vested in the incumbent of a benefice, or in the incumbent of a benefice jointly with the churchwardens of a parish, the statement shall be conclusive evidence of that fact.

(5) Where any movable property used for the purposes of a church or churchyard is vested in the churchwardens or parochial church council of a parish, and the church or churchyard becomes situated in another parish by virtue of a pastoral scheme, the property shall vest in the churchwardens or, as the case may be, the parochial church council of that other parish.

(6) Sub-paragraphs (1) to (5) shall have effect subject to any express provision of a pastoral scheme and, where applicable, to the provisions of paragraph 13 relating to property held on charitable trusts.

(7) Where a pastoral scheme provides for the transfer of any property to any person, or any property vests by virtue of this paragraph in any person, that property shall, when the transfer or vesting takes effect, vest in that person free and discharged from all previously existing trusts and charges in favour of any benefice, but subject—

- (a) to paragraph 11, where applicable,
- (b) to all other previously existing trusts and charges and any previously existing tenancies, and
- (c) in the case of an endowment, to any provision made under section 24(1) for applying towards the payment of stipends of the clergy of the diocese the income or any part of the income of the endowment, unless the scheme otherwise provides.

(8) A pastoral scheme may with the consent of the incumbencer provide for the apportionment of any sum charged on property of which only part is transferred by the scheme and for securing the sums so apportioned on the respective parts of the property

#### **11. Loans**

(1) This paragraph applies to loans made under any Act or Measure, being in each case loans in respect of which principal money or interest is owing to the Board.

(2) Where a loan has been made in respect of property which is transferred by a pastoral scheme to the Board then, unless the scheme otherwise provides, the Board may —

- (a) cause the loan to be discharged immediately out of the diocesan pastoral account or out of the proceeds of any disposal of the property;
- (b) postpone that discharge, with or without payment of interest on the loan during the period of postponement, for such period and on such reasonable conditions as the Board may from time to time determine.

(3) The Commissioners may, where necessary, determine whether a loan and what part of the loan was made in respect of any

particular property, and apportion a loan to parts of the property in respect of which it was made.

#### **12. Disposal of parsonage house etc.**

(1) Where any property is transferred under section 22 by a pastoral scheme to the Board for disposal, the Board may dispose of it either as a whole or in parts and at such time or times as they think fit.

(2) The powers of the Board under sub-paragraph (1) include —

- (a) power to let, sell or exchange any land so transferred, and
- (b) power to demolish any building or part of a building so transferred.

(3) Where a pastoral scheme provides for the transfer under section 22 of any property to the Board for disposal, the scheme may provide for the application of the net proceeds of disposal (including net premiums and rents) or any part of them towards the provision, restoration, improvement or repair of —

- (a) a church,
- (b) a place of worship within the meaning of section 1,
- (c) a parsonage house, or
- (d) a house for any person declared by the Bishop to be engaged in the cure of souls within the diocese,

(4) Except in so far as the scheme may so provide and subject to sub-paragraph (7), the net proceeds shall be paid into the capital account of the diocesan stipends fund or into the diocesan pastoral account, or partly into the one and partly into the other, as the Board may determine or as the scheme may provide.

(5) Despite sub-paragraphs (1) to (4), the Board may elect to take over and hold as part of their corporate property any property transferred to them for disposal, for such consideration as the Board may determine as representing the fair value of the property, and the amount of the consideration shall be applied, paid or credited as if it were the net proceeds of the disposal of the property.

(6) Where a pastoral scheme provides for the transfer of any property to the Board for use for diocesan or parochial purposes —

- (a) the transfer shall, unless the scheme otherwise provides, be without consideration, and in that case no consideration shall be payable by a parochial church council in respect of the use of it for parochial purposes;
- (b) the Board may appoint the parochial church council as managers or managing

trustee of any property to be used for parochial purposes.

(6) On a disposal of land comprising the parsonage house of a benefice, the Board shall pay to the parochial church council of any parish or part of a parish within the area of the benefice out of the net proceeds of the disposal a sum equal to the total of any sums expended by the council in carrying out, or in meeting or contributing to the cost of, any works of improvement of the house carried out with the consent of the Board during the 10 years ending with the completion of the disposal (after deducting the amount of any grant made to the council by the Board for the purpose), reduced by one-tenth for each complete year which has elapsed between the date on which the expenditure was incurred and the completion of the disposal.

(7) Any question under sub-paragraph (6) whether any works carried out to a parsonage house are works of improvement shall be referred to and determined by the Archdeacon, whose decision shall be final.

### 13. *Church and parochial trusts*

(1) Where —

- (a) any benefice is dissolved by a pastoral scheme, whether in consequence of a union of benefices or otherwise, and
- (b) any property of a charity established for ecclesiastical purposes of the Church of England is vested in or under the management or control of the incumbent of that benefice (with or without other persons) or a corporation of which he or she is a member,

the trusts of the charity or the constitution of the corporation shall have effect with the substitution for that incumbent of —

- (i) the incumbent of the new benefice created by the union, or
- (ii) in a case arising otherwise than in consequence of a union, the incumbent of such benefice as may be specified by order of the Board, being a benefice the area of which incorporates part of the area of the dissolved benefice.

(2) Where —

- (a) any parish is dissolved by a pastoral scheme, whether in consequence of a union of parishes or otherwise, and
- (b) any property of a charity established for ecclesiastical purposes of the Church of England is vested in or under the management or control of the churchwardens or parochial church

council of that parish (with or without other persons),

the trusts of the charity shall have effect with the substitution for those churchwardens or that council of the churchwardens or parochial church council of —

- (i) the parish created by the union, or
- (ii) in a case arising otherwise than in consequence of a union, such parish as may be specified by order of the Board, being a parish which incorporates part of the dissolved parish.

(3) Sub-paragraph (4) applies where —

- (a) any property of a charity established for ecclesiastical purposes of the Church of England is vested in or under the management or control of the incumbent of a benefice (with or without other persons) or a corporation of which the incumbent of a benefice is a member,
- (b) a team ministry is established by a pastoral scheme for an area comprising the whole or major part of the area of that benefice, and
- (c) either —

- (i) a special cure of souls in respect of a part of the area for which that ministry is established, being a part which consists of the first mentioned benefice or a major part of the area of it, is assigned by the scheme or the Bishop's licence to a vicar in the team ministry, or
- (ii) where a special cure of souls is not so assigned, a special responsibility for pastoral care in respect of such a part of that area is assigned to a member of the team under section 10(6).

(4) Where this sub-paragraph applies —

- (a) the trusts of the charity or the constitution of the corporation shall have effect with the substitution for the incumbent of the benefice of that vicar or that member, as the case may be, but
- (b) otherwise those trusts and that constitution shall (where necessary) have effect with the substitution for that incumbent of any such member of the team as may be nominated for the purposes of this sub-paragraph by the Bishop.

(5) Where —

- (a) a union of benefices or parishes is effected by a pastoral scheme, or the area of a benefice or parish is altered by a pastoral scheme, and

- (b) the purposes of a charity established for ecclesiastical purposes of the Church of England are defined by reference to one of the constituent benefices or parishes or, as the case may be, to the benefice or parish affected by the alteration,

the trusts of the charity shall (subject to any scheme mentioned in sub-paragraph (6)) have effect with the substitution for that benefice or parish of the benefice or parish created by the union or, as the case may be, of the benefice or parish as altered.

(6) Any scheme made by the Board under Schedule 3 to the Church Act 1992 for purposes arising in connection with a pastoral scheme may be made before the date on which the pastoral scheme comes into operation, but not so as to take effect before that date.

(7) Where —

- (a) by reason of the dissolution of a parish by a pastoral scheme, the parochial church council of that parish ceases to exist, and  
(b) any property vested in, or held on behalf of, that council is not dealt with under the foregoing provisions of this paragraph,

the property shall vest in or be held on behalf of the parochial church council of the parish in which the parish church of the dissolved parish, or the site of that church, is situated, for the like purposes, as nearly as may be, as those for which it was previously applicable in the hands of the first mentioned council.

Any question arising as to the application of any such property or the income of it shall be referred to the Bishop, whose decision shall be final and conclusive.

(8) Where —

- (a) as a condition of any benefaction, attendance at or the performance of Divine Service or any other act is required at any church, and  
(b) that church ceases in consequence of a declaration of redundancy made by a pastoral scheme to be used for Divine Service, and  
(c) the case is not provided for under the foregoing provisions of this paragraph,

the parish church of the parish in which the first mentioned church or the site of it is situated shall be substituted for the first-mentioned church for the purpose of the performance of the required act.

(9) The provisions of this paragraph shall not apply to any fund or property for which provision is made under paragraph 17 of Schedule 3.

#### **14. Liability of PCC as respects chapel**

Without prejudice to any general rule of law relating to parochial church councils, the powers, duties and liabilities set out in section 4(1)(ii) of the Parochial Church Councils (Powers) Measure 1956 shall continue to apply to any church which was formerly a parish church and becomes a chapel of ease as the result of a pastoral scheme, and to the churchyard of any such church, except so far as the scheme otherwise provides.

#### **15. Marriages and banns of matrimony**

(1) Where the publication of banns of matrimony has been duly commenced in any church, the publication may be completed either in the same church or in any other church which, by virtue of this Measure, has at the time of completion taken the place of the first-mentioned church for the purpose of publication of banns, either generally or in relation to the parties to the intended marriage.

(2) Where, after the completion of the publication of the banns in any church, another church has by virtue of any provision of this Measure or anything done under it become a church in which banns of matrimony could be published in relation to the parties to the intended marriage, the marriage may be solemnised in that other church.

(3) Where a declaration of closure for regular public worship is made has been made in respect of a chapel, any licence relating to that chapel granted under section 14(1) of the Marriage Act 1984 shall be treated as having been revoked under that section.

(4) Where —

- (a) 2 or more benefices are held in plurality under this Measure, or  
(b) by virtue of any provision of this Measure or anything done under it there are 2 or more parish churches in the area of a single benefice,

the bishop may in writing direct where banns of matrimony of persons entitled to be married in any church of those benefices, or in any church in that area, as the case may be, may be published and where marriages of those persons may be solemnised.

(5) Nothing in sub-paragraph (4) deprives a person of his or her right to be married in any church in which he would have been entitled to be married if no directions had been given under that sub-paragraph; and a person may be married in a church in which he or she would have been so entitled, even though banns of matrimony have by virtue of that sub-paragraph been published only in some other church.



(6) Where after the issue of a common licence for the solemnisation of the marriage in any church, another church has, by virtue of any provision of this Measure or anything done under it, taken the place of that church as a church in which the marriage of the parties concerned ought to be solemnised in pursuance of a common licence, the marriage may be solemnised in that other church.

#### **16. Burial rights in new or altered parishes**

(1) Subject to sub-paragraph (2), on a union of parishes by virtue of a pastoral scheme the persons residing within the limits of the parish created by the scheme shall have the rights and privileges (if any) of parishioners in respect of burials in that parish.

(2) Any such parishioner who, before the union took effect, had any rights of burial in a churchyard within the limits of a constituent parish shall, so long as that churchyard remains open for interments, continue to have those rights and shall not become entitled by virtue of the union to rights of burials in any other churchyard.

(3) On the creation, otherwise than by union, of a new parish by a pastoral scheme, the persons residing within the limits of the new parish shall continue to have the same rights and privileges in respect of burials which they enjoyed before the creation of the new parish, but such rights shall cease when they obtain rights of burial as parishioners of the new parish.

(4) Where, by virtue of a pastoral scheme providing for the alteration of parochial boundaries, any persons come to reside within a different parish, they shall have such rights and privileges in respect of burials as are possessed by parishioners of that different parish and not any others

#### **SCHEDULE 2**

#### **PROCEDURE FOR MAKING PASTORAL SCHEMES**

##### **1. Interested parties**

(1) Subject to sub-paragraphs (2) to (4), in this Measure the "interested parties", in relation to any recommendations, proposals, draft scheme or scheme, are —

- (a) incumbents of any benefices which would be or are affected by the implementation of them or it, including vicars in a team ministry established for the area of any such benefice;
- (b) the patrons of any such benefices;
- (c) the parochial church councils of any parishes which would be or are so affected.

(2) Where —

- (a) any recommendations, proposals, draft scheme or scheme relate or relates to any person holding office under Common Tenure whose office would or might be abolished if they or it took effect, . . .

the interested parties include that person.

(3) In the case of a recommendation or proposal for the closure of a building for regular public worship, or a draft scheme or scheme containing a declaration of closure for regular public worship, the interested parties include —

- (a) the Department of Infrastructure
- (b) Manx National Heritage, and
- (c) the local authority for the district in which the building to which the recommendation, proposal or declaration relates is situated.

(4) For the purposes of this paragraph —

- (a) "incumbent", in relation to a benefice in respect of which a suspension period has been declared and is for the time being in force, means the priest in charge of it;
- (b) a change in the patronage of a benefice shall be treated as affecting that benefice and the parish or parishes of the benefice.

##### **2. Formulation and submission to Bishop of draft proposals**

(1) Before deciding to make any recommendations to the Bishop, the Commissioners shall so far as may be practicable ascertain the views of the interested parties or invite them to express their views.

(2) Before deciding to make a recommendation for the closure of a church for regular public worship the Commissioners shall consult the Department of Infrastructure and Manx National Heritage.

(3) Before reaching their decision, the Commissioners shall afford to each interested party mentioned in paragraph 1(1) or (2), if the party so requests, an opportunity of meeting the Commissioners (in the case of a parochial church council, as a council or by their representative).

(4) When the Commissioners have decided to make recommendations, they shall formulate them in proposals and submit them to the Bishop for approval, with a statement of the views of the interested parties.

(5) The Bishop may, with the consent of the Commissioners, make such amendments to the proposals as appear to him desirable.

##### **3. Preparation of draft scheme**

(1) If the Bishop approves, either with or without amendments, proposals submitted to

him under paragraph 2(4), he shall notify the Commissioners, who shall prepare a draft scheme giving effect to the proposals, with any amendments.

(2) The Commissioners may, with the consent of the Bishop, decide to proceed with some but not all of the proposals, and in that case sub-paragraph (1) and the following provisions of this Schedule shall apply as if they were the only proposals.

(3) Where the Commissioners proceed with proposals for any of the matters contained in sections 7 to 12, they shall —

- (a) send a copy of the proposals to the patrons of any of the benefices concerned, and
- (b) inform them that if the benefice is or becomes vacant section 31(1) will apply in relation to the benefice[, unless notice has already been given by the Bishop under section 29(1) of the suspension of the right of presentation to the benefice].

#### **4. Notice and publication of draft schemes**

(1) The Commissioners shall serve on each of the interested parties —

- (a) a copy of a draft scheme prepared under paragraph 3, and
- (b) a notice stating that written representations with respect to it may be made to the Commissioners not later than a date specified in the notice, being a date not less than 28 days after the service of the notice.

(2) The Commissioners shall —

- (a) send copies of a notice under sub-paragraph (5) to the secretary of the parochial church council of every parish affected by the draft scheme, and
- (b) require him to affix a copy on or near the principal door of —
  - (i) every church in the parish, and
  - (ii) every building licensed by the Bishop for public worship in the parish.

(3) If the draft scheme contains —

- (a) any provision mentioned in section 20(1), or
- (b) a declaration of closure for regular public worship,

the Commissioners shall—

- (i) also serve a copy of it on the Commonwealth War Graves Commission; and
- (ii) publish in one or more local newspapers a notice under sub-paragraph (4).

(4) A notice referred to in sub-paragraph (2)(a) or (3)(ii) shall —

- (a) state the objects of the draft scheme,
- (b) name a place or places in the Island where a copy of it may be inspected, and
- (c) state that written representations with respect to the draft scheme may be made to the Commissioners not later than a date specified in the notice, being —
  - (i) in the case of a notice referred to in sub-paragraph (2)(a), a date not less than 28 days after the sending of the notice;
  - (ii) in the case of a notice referred to in sub-paragraph (3)(ii), a date not less than 28 days after the first publication of the notice under that sub-paragraph.

(5) The Commissioners shall consider any written representations duly made with respect to any draft scheme and may, if they think fit, afford an opportunity to any person, whether he or she has made written representations or not, to make oral representations with respect to the draft scheme.

(6) The Commissioners may, before or after the end of the period within which written representations may be made under this paragraph, extend that period, and any representations made within the period so extended shall be treated as duly made.

#### **5. Amendment of draft schemes**

(1) The Commissioners—

- (a) at the request of the Bishop, or
- (b) as a result of any representations,

may, with the consent of the Bishop, at any time amend any draft scheme prepared under this Schedule.

(2) If any such amendments (other than amendments described in paragraph 9(1)) are made after a copy of the draft scheme has been served under paragraph 4(1), the amended draft scheme shall be treated in the same manner as an original draft scheme, and paragraph 4 shall apply accordingly.

#### **6. Making of schemes**

(1) Where —

- (a) no representations with respect to any such draft scheme have been duly made and the Commissioners are of the opinion that the draft scheme should be made, and do not propose to amend or further amend it under paragraph 5, or
- (b) representations with respect to any such draft scheme have been duly made and the Commissioners, having considered those representations, are of the opinion

that the draft scheme should be made, and do not propose to amend or further amend it under paragraph 5,

they shall, with the Bishop's consent, make the scheme under their common seal.

(2) As soon as may be after making the scheme the Commissioners must —

(a) publish in one or more local newspapers a notice under sub-paragraph (3);

(b) so far as practicable, send to the persons who duly made written representations with respect to the draft scheme —

(i) a notice under sub-paragraph (3), and

(ii) a statement in writing of the Commissioners' decision with respect to the representations and the reasons for it;

(c) send to any other persons, being interested parties —

(i) a copy of the scheme, and

(ii) a notice under sub-paragraph (3); and

(d) send a copy of the scheme to the Chief Registrar, who shall file it in the General Registry.

(3) A notice referred to in sub-paragraph (2) shall —

(a) state the effect of the scheme,

(b) name a place or places in the Island where a copy of the scheme may be inspected, and

(c) include a statement of the effect of paragraph 7(2) and (3).

(4) The Commissioners shall send the scheme to the diocesan registrar, who shall file it in the diocesan registry.

#### **7. Validity and operation of schemes**

(1) Except as provided by this paragraph, the validity of a scheme made by the Commissioners under this Schedule shall not be questioned in any legal proceedings.

(2) If any person aggrieved by the scheme desires to question the validity of the scheme on the ground —

(a) that it is not within the powers conferred by this Measure, or

(b) that any requirement of this Schedule has not been complied with in relation to the preparation, making or publication of the scheme,

that person may, within 6 weeks of the first publication of the notice referred to in paragraph 6(2)(a), apply to the High Court.

(3) On an application under sub-paragraph (2) the High Court —

(a) may by interim order wholly or in part suspend the operation of the scheme, either generally or in so far as it affects the applicant, until the final determination of the proceedings; and

(b) if satisfied —

(i) that the scheme is wholly or to any extent outside the powers conferred by this Measure, or

(ii) that the interests of the applicant have been substantially prejudiced by the failure to comply with any requirement of this Schedule,

may wholly or in part quash the scheme either generally or in so far as it affects the applicant.

(4) Except in so far as any such scheme or any provision of it is expressed to come into operation on a date, event or contingency specified in it, the scheme comes into operation on the date on which it is made by the Commissioners.

#### **8. Withdrawal of scheme at request of Bishop**

If the Bishop considers that any proposals or draft scheme should not be proceeded with, he may, after consulting the Commissioners, direct the Commissioners not to proceed with the proposals or draft scheme, as the case may be, but without prejudice to the making of fresh proposals.

#### **9. Supplementary powers of Commissioners**

(1) The Commissioners may at any time make such amendments to proposals or a draft scheme as appear to them to be necessary for the purpose of correcting any drafting mistake or omission.

(2) Nothing in this Schedule limits in any way the powers of the Commissioners to consider any representations made to them by any person and to hold such consultations and interviews and make such inquiries as they think fit.

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*NOTE Schedule 2: para.1(2): words omitted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 s.4(6); para.3(2), words in square brackets inserted by ib. s.4(7).*

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SCHEDULE 3  
BUILDINGS CLOSED FOR REGULAR  
PUBLIC WORSHIP  
PART 1  
PROVISIONS WHICH MAY BE MADE BY  
PASTORAL SCHEME

**1. Appropriation or demolition of church to be closed for regular public worship**

(1) This paragraph applies where the Commissioners —

(a) are satisfied that a new church or place of worship is to be provided in the area of a benefice to take the place of a church building or church buildings in that area which should thereupon be declared closed for regular public worship, and

(b) are satisfied with the proposals made for the future of the church building or any of the church buildings to be closed.

(2) A pastoral scheme may further provide—

(a) for the appropriation of the building to be closed in accordance with paragraph 4(1)(a) or for its demolition, and for any of the matters mentioned in paragraph 4(2), (3) or (4);

(b) for the payment to the Board of —

(i) the proceeds of any sale or exchange of the building or the site of it, or any part of the building or site, with or without any land annexed or belonging to it, and

(ii) the premium on any lease or licence of the building or site or any part of the building or site with or without any such land; and

(c) subject to sub-paragraph (6), for the application of the net proceeds and net premiums to defray the cost of providing the new church or place of worship and, if the whole amount of them is not required for that purpose, for the payment of the balance to the diocesan pastoral account.

(3) A pastoral scheme which provides for the demolition of a building closed for regular public worship may provide for its demolition by the Board.

(4) Where a pastoral scheme makes such provision as is mentioned in sub-paragraph (2), the declaration of closure for regular public worship shall not take effect until the new church or place of worship is provided.

(5) Sub-paragraph (4) does not apply where the Commissioners are satisfied that, if the church or any of the churches to be replaced is disposed of or demolished before the new church or place of worship is provided, a suitable building will be available in the meantime (not necessarily in the same parish) for use in place of that church.

(6) Where before a declaration of closure for regular public worship is made by a pastoral scheme under this paragraph in respect of a church which —

(a) was the subject of a sharing agreement, and

(b) on the termination of the agreement was vested in an incumbent and churchwardens by section 9(3) of the Sharing of Church Buildings Act 1969,

any contribution in the nature of capital made in accordance with the agreement by any party to it, other than a party acting on behalf of the Church of England, or so much of it as the Commissioners may determine, may be repaid to that party by the Board out of the proceeds of any sale or exchange, or the premiums on any lease or licence, of that church, any part of that church, or the site of it before the net proceeds or net premiums, as the case may be, are applied in accordance with sub-paragraph (2)(c).

(5) References in this paragraph to the provision of a new place of worship include references to the provision of such a place by adapting, improving or repairing an existing building.

(6) In this paragraph "place of worship" —

(a) means a building licensed by the Bishop for public worship in accordance with the rites and ceremonies of the Church of England, being a building used wholly for the purposes of such worship and purposes ancillary thereto, or partly for those purposes and partly for other ecclesiastical purposes of the parish or purposes ancillary thereto, and

(b) includes a building which, pursuant to an agreement under the Sharing of Church Buildings Act 1969, is to be used as a place of worship jointly with another Church and is to be owned by the Church of England only or to be jointly owned by that Church and any other Church.

**2. Other provision by pastoral scheme for church to be closed for regular public worship**

(1) This paragraph applies where a pastoral scheme makes a declaration of closure of a church for regular public worship in respect of any church or part of a church, not being a case to which paragraph 1 applies.

(2) Where the Commissioners are satisfied that a suitable use or uses will be available for the building to be closed for regular public worship when the declaration takes effect, the pastoral scheme may —

(a) provide for the appropriation of the building to that use or those uses, and

(b) may make further provision for any of the matters mentioned in paragraph 4(2),

and paragraph 4(5) to (7) shall apply accordingly.

(3) Where the Commissioners are satisfied that no suitable or appropriate alternative use will be available for the building to be closed for regular public worship when the declaration takes effect, the pastoral scheme may, with the consent of Manx National Heritage, provide —

- (a) for its care and maintenance by Manx National Heritage, and
- (b) also for the care and maintenance by Manx National Heritage of the whole or any part of the land annexed or belonging to the building or the church of which the building is part (including land which is or has been used for burials).

(4) Where —

- (a) the church is neither a registered building nor situated in a conservation area, and
- (b) the Commissioners are satisfied with the proposals for the future of the building,

the pastoral scheme may provide for the demolition of the building to be closed for regular public worship and for any of the matters for which paragraph 4(4) makes provision, and paragraph 4(5) to (7) shall apply accordingly.

## PART 2

### DISPOSAL OF BUILDINGS CLOSED FOR REGULAR PUBLIC WORSHIP

#### 3. Period for seeking alternative use

(1) Where a declaration of closure for regular public worship is made in a case to which neither paragraph 1 nor paragraph 2 applies, the building closed for regular public worship, together with its contents, when the declaration takes effect, shall vest in the Board.

(2) During the period between the taking effect of a declaration of closure for regular public worship and the coming into operation of a disposal scheme with respect to the building closed for regular public worship—

- (a) the Board is responsible for the care and maintenance of the building closed for regular public worship, so far as is reasonable in all the circumstances, and the safe keeping of its contents, whether in the building or elsewhere, and must insure the building and contents;
- (b) the Board may without obtaining a faculty, but after consulting the advisory committee and the Vicar General (unless the Board considers that, having regard to the urgency of the need to safeguard the contents, it is not practicable to do so), transfer the contents of the building or any of them to some other place for safe keeping until the scheme comes into operation;

(c) the Board may with the consent of the Bishop and of the incumbent or priest in charge of the benefice in the area of which the building is situated, permit the building to be used occasionally for worship, including worship by persons belonging to other Christian Churches;

(d) while incurring no financial obligation, the incumbent or priest in charge and churchwardens of the parish in which the building is situated shall give the Board every assistance in providing for reasonable supervision of the building against damage.

(3) On a declaration of closure for regular public worship taking effect, any liability of a parochial church council or rector (including a lay rector) for the repair and maintenance of the building closed for regular public worship and the safe keeping of its contents ceases, and Part 1 of the Church Act 1979 ceases to apply to the building.

(4) Where the Board transfers any of the contents of the building closed for regular public worship to some other place, the Board must —

- (a) serve a notice on the Commissioners, Manx National Heritage and the diocesan registrar informing them of the transfer and giving particulars of the contents transferred and the address of the place in question, and
- (b) serve a similar notice on any incumbent, priest in charge, parochial church council or sequestrators concerned.

#### 4. Contents of disposal schemes

(1) A disposal scheme must make the following provision for the building closed for regular public worship —

- (a) if a use or uses appearing to the Commissioners to be suitable have been found for the building or any part of it, the scheme may provide for appropriating the building or part to such use or uses, which must be specified or generally described in the scheme;
- (b) if such use or uses cannot be found for the building or a part of it, the scheme may, with the consent of Manx National Heritage, provide for its care and maintenance by Manx National Heritage.
- (c) if the building or any part of it is not appropriated or provided for under paragraph (a) or (b), the scheme may, with the consent of the Board, provide for the building or any part of it to remain vested in the Board and to be held by it on

- such terms as may be specified in the scheme;
- (d) if the building or any part of it is not appropriated or provided for under (a) to (c) above, the scheme must provide for its demolition by the Board.
- (2) Where a disposal scheme provides for the appropriation of the building closed for regular public worship or any part of it to a use or uses specified or described in the scheme, the scheme may also—
- (a) provide for appropriating the whole or any part of the land annexed or belonging to the building or the church of which it forms part, to a use or uses so specified or described;
- (b) empower the Board itself —
- (i) to use or hold the property concerned for the use or uses so specified or described;
- (ii) to let or license the property for such use or uses, or
- (iii) partly the one and partly the other;
- (c) empower the Board, subject to any conditions prescribed by the scheme, to sell, give or exchange the property concerned or any part of it for such use or uses.
- (3) Where a disposal scheme provides for the building closed for regular public worship or any part of it to remain vested in the Board, the scheme may also —
- (a) provide for appropriating the whole or any part of the land annexed or belonging to the building, or the church of which it forms part, to a use or uses specified or described in the scheme;
- (b) empower the Board itself —
- (i) to use or hold the property concerned for the use or uses so specified or described;
- (ii) to let or license the property for such use or uses, or
- (iii) partly the one and partly the other;
- (c) empower the Board, subject to any conditions prescribed by the scheme, to sell, give or exchange that land or any part of it for such use or uses;
- (d) transfer to the Board responsibility for the care and maintenance of that land or any part of it (including land which is or has been used for burials).
- (4) Where a disposal scheme provides for the demolition of the building closed for regular public worship or any part of it, it may also provide—
- (a) for the sale, gift, exchange or lease by the Board, as the case may be, of the site or part of the site of the demolished building or part of the building, with or without the whole or any part of the land annexed or belonging to the building or to the church of which it forms part;
- (b) for the disposal of the materials arising from the demolition;
- (c) for specifying the use or uses for which any land sold, given, exchanged or let by the Board is to be used or allowing it to be used without limitation;
- (d) for appropriating the site or any part of it for use as part of the churchyard or burial ground or for other ecclesiastical purposes of the parish.
- (5) Subject to sub-paragraph (7), the proceeds of any sale or exchange under sub-paragraph (2), (3) or (4) and the premiums on any lease or licence under those sub-paragraphs shall be paid to the Board who shall pay them to the diocesan pastoral account, and the net rent payable under any such lease or licence shall be paid into the said account.
- (6) Sub-paragraph (7) applies where —
- (a) before a declaration of closure for regular public worship was made in respect of a church or part of a church that church or part was the subject of a sharing agreement under the Sharing of Church Buildings Act 1969,
- (b) on the termination of the agreement it was vested in an incumbent and churchwardens by section 9(3) of that Act, and
- (c) a contribution in the nature of capital was made in accordance with the agreement by any party to it, other than a party acting on behalf of the Church of England.
- (7) Where this sub-paragraph applies, the Board shall repay to that party out of the proceeds of any sale or exchange, or the premiums of any lease or licence, of that church or part or the site if it under sub-paragraph (2), (3) or (4) —
- (a) that contribution, or
- (b) so much of it as the Commissioners may determine,
- before the net proceeds or net premiums, as the case may be, are paid or applied in accordance with sub-paragraph (5).
- (8) Where —
- (a) a pastoral scheme makes a declaration of closure for regular public worship in respect of a church,

- (b) the Commissioners are satisfied that a new church or place of worship is to be provided in the area of the benefice in which the first-mentioned church is situated to take the place of that church, and
- (c) a subsequent disposal scheme which makes provision, within the period of 3 years from the declaration of closure or such longer period as the Commissioners may allow, for the building closed for regular public worship also provides for any of the matters authorised to be included in the scheme by sub-paragraph (2)(b) or (c), (3)(b) or (c) or (4)(a) or (b)—

the proceeds of any sale or exchange made, and the premiums of any lease or licence granted, by virtue of those provisions shall be paid to the Board in accordance with sub-paragraph (5), but the net proceeds and net premiums shall be applied in accordance with paragraph 1(2)(c) and not in accordance with sub-paragraph (5).

(9) Where a disposal scheme provides for the care and maintenance of the building closed for regular public worship or any part of it by Manx National Heritage, the scheme may also, with the consent of Manx National Heritage, provide for the care and maintenance by Manx National Heritage of the whole or any part of the land annexed or belonging to the building or the church of which the building is part (including any land which is or has been used for burials).

(10) For the purposes of this paragraph and of paragraphs 1 and 2, and without prejudice to the generality of those provisions —

- (a) the use of a building or part of a building for such special or occasional religious worship as may be authorised by the Bishop,
- (b) its use as a place of religious worship for a university, college, school or other institution, or
- (c) its use for religious worship by any Church other than the Church of England,

shall be a use to which a building closed for regular public worship or a part of it may be appropriated by a pastoral scheme or disposal scheme, and the consent of the incumbent or priest in charge of the benefice in the area of which the building is situated shall not be required for any such use.

(11) Section 25 applies to disposal schemes as it applies to pastoral schemes, with the omission of the reference to the agreement of the Bishop.

## 5. Procedure for making disposal schemes

(1) The Commissioners may at any time, and shall in any case not later than 2 years after the declaration of closure for regular public worship takes effect, prepare a draft scheme with respect to the building closed for regular public worship providing for any of the matters mentioned in paragraph 4.

(2) If before the end of the period of 2 years it is found to be impracticable to prepare the draft scheme before that period expires, and it seems to the Commissioners, after consulting the Board, reasonable to do so, they may, with the consent of the Bishop, postpone the preparation of the draft scheme for such minimum further period or periods as they find to be necessary.

(3) Before preparing any such draft scheme which provides for the demolition or the care and maintenance by Manx National Heritage of the building closed for regular public worship or any part of it the Commissioners shall consult Manx National Heritage.

(4) If they decide to proceed with the draft scheme, the Commissioners shall serve a copy of the draft scheme on —

- (a) the Board;
- (b) the Department of Infrastructure;
- (c) the local authority for the district in which the building is situated;
- (d) the Commonwealth War Graves Commission; and
- (e) Manx National Heritage.

(5) The Commissioners shall also publish in one or more local newspapers a notice —

- (a) stating the effect of the draft scheme,
- (b) naming a place or places in the Island where a copy of it may be inspected, and
- (c) stating that written representations with respect to the draft scheme may be made to the Commissioners not later than a date specified in the notice, being a date not less than 28 days after the first publication of the notice.

(6) The Commissioners shall consider any representations duly made with respect to the draft scheme and any unforeseen change of circumstances affecting its implementation, and may decide not to proceed with it or to amend it or to proceed with it in its original form.

(7) The Commissioners may, if they think fit, afford an opportunity to any person, whether he has made written representations or not, to make oral representations with respect to the draft scheme.

(8) The Commissioners may, before or after the period within which written representations may be made under this paragraph, extend that period, and any representations made within the period so extended shall be treated as duly made.

(9) The Commissioners may at any time make such amendments to the draft scheme as may appear to them to be necessary for the purposes of correcting any drafting mistake or omission.

(10) If the Commissioners decide to proceed with the draft scheme, they shall make the scheme under their common seal, with such amendments (if any) as they may have made in it.

(11) If the Commissioners decide in accordance with sub-paragraph (6) not to proceed with a draft scheme, they shall as soon as possible prepare a new draft scheme, and sub-paragraphs (2) to (10) apply.

(12) Paragraphs 6(2)(e) and (4) and 7 of Schedule 2 apply, with the necessary modifications, to schemes under this paragraph as they apply to pastoral schemes.

**6. Disposal schemes in respect of churches closed or demolished otherwise than under this Measure**

(1) Where any church or part of a church has at any time been demolished otherwise than under this Part, a disposal scheme providing for all or any of the matters mentioned in paragraph 4(4) may, at any time after the demolition, be prepared and made in accordance with paragraph 5(3) to (10), and paragraph 5(12) applies.

(2) Subject to sub-paragraph (4), where by virtue of sub-paragraph (1) a disposal scheme provides for any of the matters mentioned in paragraph 4(4)(a), paragraph 4(5) applies in relation to —

- (a) the proceeds and net proceeds of any sale or exchange, and
- (b) the premiums and net premiums on any lease,

of the site or part of the site of the church or part of the church to which the scheme applies as it applies where a disposal scheme which provides for the demolition of a building closed for regular public worship also provides for any of those matters.

(3) Where the Commissioners are satisfied that a new church or place of worship is to be provided in the area of the benefice in which a demolished church was situated, to take the place of the demolished church, the net proceeds and the net premiums shall be applied in accordance with paragraph 1(2)(c).

**7. Compulsory purchase of church**

(1) This paragraph applies where a church, other than a church which has been declared closed for regular public worship, is purchased compulsorily or is purchased by agreement under an enactment conferring powers of compulsory purchase.

(2) For the purpose of any enactment applying to the disposal of sums paid to the Board in respect of —

- (a) the purchase of the church or any land annexed or belonging to it, or
- (b) compensation for damage to other ecclesiastical property arising in connection with the purchase,

the provisions of this Part relating to the disposal of the proceeds of sale of a building closed for regular public worship or any land annexed or belonging to a building closed for regular public worship shall not be applicable.

**8. Amendment of disposal schemes etc.**

(1) A disposal scheme, and any provisions of a pastoral scheme made under paragraph 1 or 2, may be amended by a subsequent disposal scheme prepared and made in accordance with paragraph 5(3) to (10), and paragraph 5(12) shall apply.

(2) An amending disposal scheme may —

- (a) revoke all or any provisions of the previous disposal scheme or any such provisions of a pastoral scheme, as the case may be,
- (b) substitute or add other provisions providing for any of the matters mentioned in paragraph 4, so far as applicable, and
- (c) contain such transitional provisions as the Commissioners think necessary or expedient in consequence of the changes made by the amending scheme.

(3) A disposal scheme or any provision of it, and any provision of a pastoral scheme made under paragraph 1 or 2, may be amended or revoked under this paragraph before it comes into operation.

**9. Restoration of building closed for regular public worship to use as church building**

(1) A pastoral scheme may provide that a building closed for regular public worship or part of such a building which is vested in the Board shall be restored to use as a church or part of a church.

(2) Such a scheme may further provide—

- (a) for designating the church as a parish church or chapel of ease;



- (b) for vesting the building or part, with or without any land vested with the building or part, in the incumbent of the benefice in the area of which, and the churchwardens of the parish in which, it is situated, or in such other person as may be specified in the scheme;
- (c) for such transitional, supplementary or consequential matters as the Commissioners think necessary or expedient;
- (d) for revoking the declaration of closure for regular public worship and revoking or amending any provisions, whether in a pastoral scheme or disposal scheme, made under this Schedule in relation to the building or part of the building closed for regular public worship.

**10. Vesting of property**

(1) Where a pastoral scheme or disposal scheme contains a provision described in column 1 of the following table relating to any property, the corresponding provision in column 2 shall have effect in relation to that property.

<i>Provision contained in scheme</i>	<i>Provision having effect in relation to property</i>
(1) Provision under paragraph 1 or 4 for the demolition of the building closed for regular public worship or any part of it	The building or part and any land which under the scheme is to be sold, given, exchanged or let with the site of the demolished building or part shall vest in the Board on the relevant date.
(2) Provision under paragraph 1, 2 or 4 empowering the Board to sell, give or exchange — (a) the building closed for regular public worship, or (b) any part of it or any land annexed or belonging to the building or the church of which it forms part, for a use or uses specified or described in the scheme	The building or part or land shall vest in the Board on the relevant date.
(3) Provision under paragraph 1, 2 or 4 for land annexed or belonging to a building closed for regular public worship to be appropriated to use as the site for a parsonage house or part of the house or as parsonage land	Where the land is situated in the area of a benefice the incumbent of which is not subject to Common Tenure, it shall on the relevant date vest in the incumbent of that benefice. Where the land is situated in the area of a benefice the incumbent of which is subject to Common Tenure or which is vacant, it shall on the relevant date vest in the Board.

(4) Provision under paragraph 1, 2 or 4 for land annexed or belonging to a building closed for regular public worship or the whole or part of the site of a demolished building or land annexed or belonging to it to be appropriated for any ecclesiastical purposes of the parish	The land or site shall on the relevant date vest in the Board to be held on trust for the parochial church council for that parish to be used for those purposes
(5) Provision under paragraph 1, 2 or 4 for the use, holding, letting or licensing by the Board of— (a) the building closed for regular public worship or any part of it, or (b) any land annexed or belonging to the building or the church of which it forms part, for a use or uses specified or described in the scheme	Where the building or part or land is not on the relevant date vested in the Board, it shall vest in the Board on that date.
(6) Provision under paragraph 1, 2 or 4 for appropriating any land to use as part of a churchyard or burial ground	The land shall on the relevant date vest in the person in whom the churchyard or burial ground is vested
(7) Provision under paragraph 2 or 4 for the care and maintenance by Manx National Heritage of — (a) a building closed for regular public worship or any part of it, or (b) any land annexed or belonging to the building or the church of which it forms part	The building or part or land shall on the relevant date vest in Manx National Heritage.
(8) Provision under paragraph 4 for transferring to the Board responsibility for the care and maintenance of any land annexed or belonging to a building closed for regular public worship or the church of which it forms part	The land shall on the relevant date vest in the Board.
(2) In the table in sub-paragraph (1) "the relevant date" means the date when the relevant provisions of the scheme come into operation.	
(3) The body in whom any property vests under this paragraph or paragraph 3(1) shall be treated as having an interest, for the purposes of faculty proceedings, in any other property so vested or any property formerly annexed or belonging to or held with property so vested.	
(4) Any property vested in Manx National Heritage under this paragraph shall be treated as trust property for the purposes of the Manx Museum and National Trust Act 1959 .	
(5) This paragraph is without prejudice to any other power of Manx National Heritage to acquire land.	

**11. Compensation for loss of burial rights**

(1) Any person entitled to burial rights in property vesting in any person under paragraph 3(1) or 10 may claim compensation in respect of the loss of the rights, and in default of agreement any such claim shall be referred to and determined by the consistory court of the diocese.

(2) The amount of any compensation so awarded shall be paid by the Board, and the payment shall be treated as money expended on the property for the purpose of furthering its disposal or use.

**12. Rights of way and other easements**

(1) Where any land annexed or belonging to a church the whole or part of which is a building closed for regular public worship does not vest by virtue of this Measure in the Board or Manx National Heritage, the disposal scheme or (in a case to which paragraph 1 or 2 applies) the pastoral scheme may provide for conferring on any of the bodies in whom the building or the site of the building or any part of the building or site or any other land annexed or belonging to the church vests, such rights of way or other easements over or in the land not so vesting as appear to the Commissioners to be necessary—

- (a) to enable any property so vesting to be used for a use or uses specified or described in the disposal scheme, or to facilitate such use;
- (b) to enable any property so vesting which is to be sold, given, exchanged or let by the Board (otherwise than for any such use), to be used for such purposes as appear to the Commissioners to be reasonable, or to facilitate such use; or
- (c) to enable Manx National Heritage to perform its functions with respect to any property so vesting in it, including the giving of reasonable access to members of the public.

(2) Where —

- (a) rights of way over land adjoining or adjacent to a church to which or to a part of which a declaration of closure for regular public worship relates were, before the declaration took effect, enjoyed by persons attending the church, and
- (b) the church or part vests, by virtue of this Measure, in the Board or Manx National Heritage,

the said rights of way shall be enjoyed by the Board or Manx National Heritage, as the case may be, so far as is necessary for the performance of its functions and by members

of the public for the purpose of visiting the church.

(3) Where rights of way or other easements have been acquired by the Commissioners under paragraph 13 and land for the benefit of which the rights were acquired vests in Manx National Heritage by virtue of this Measure, those rights shall also vest in Manx National Heritage.

**13. Acquisition of rights of way and other easements**

Where the Commissioners consider that it is necessary or appropriate that any right of way or other easement be acquired for the benefit of land which —

- (a) is to be disposed of by the Board under this Measure, or
- (b) has vested or is to vest in Manx National Heritage by virtue of this Measure,

the Board or Manx National Heritage, as the case may be, may acquire the right of way or easement in question.

**14. Removal of legal effects of consecration of buildings and land**

(1) Sub-paragraph (2) applies where any consecrated building or part of a building or land is—

- (a) vested in the Board under paragraph 10,
- (b) appropriated to a use or uses specified or described in a disposal scheme or a pastoral scheme to which paragraph 1 or 2 applies, or
- (c) vested in the Board in pursuance of a disposal scheme.

(2) Unless the scheme otherwise provides—

- (a) the building or part of a building or land shall not be subject to the legal effects of consecration; and
- (b) in particular, the jurisdiction of any court or person with respect to the granting of faculties shall cease to extend to the building or part of a building or land.

(3) Where any consecrated building or part of a building or land is vested in Manx National Heritage under paragraph 10, the jurisdiction under referred to in sub-paragraph (2)(b) shall cease to extend to it, and accordingly any works or alterations may be carried out in or in relation to the building or part of a building or land without the need for a faculty, but subject to that it shall continue to be subject to the legal effects of consecration..

(4) If any building or part of a building or land to which sub-paragraph (2) or (3) applies is subsequently restored to its former use or is appropriated to another use for which

consecration would be required, that sub-paragraph shall cease to apply.

**15. Power to impose and enforce covenants**

(1) Without prejudice to any restriction or requirement in a disposal scheme or a pastoral scheme to which paragraph 1 or 2 applies, the Board may, in exercising its powers under this Schedule to sell, give, exchange, let or license any building or land, include in the conveyance, lease or other instrument such covenants imposing conditions and requirements as to the use of the building or land concerned as the Board think necessary or expedient to give effect to the provisions of the scheme or otherwise to secure the suitable use of the building or land.

(2) In a case where the land is sold, given or exchanged, any such covenants shall be enforceable as if the Board were the owners of adjacent land and the covenants were expressed to be entered into for the benefit of that adjacent land, and in the case of covenants of a positive character as if they were negative.

(3) Where any such covenant is subsequently varied or released by agreement, paragraph 4(5) shall apply in relation to any sum of money received by the Board in consideration of the variation or release of the covenant.

(4) Section 1 of the Conveyancing Act 1983 (which enables the High Court to discharge or modify restrictions affecting land) shall not apply in relation to conditions and requirements imposed under sub-paragraph (1).

**16. Disposal of font, communion table and plate, and other contents**

(1) Where a pastoral scheme or disposal scheme makes provision for a church or part of a church to be demolished or appropriated to any use specified or described in the scheme, the Bishop shall, unless the scheme makes other provision, give directions as to how the font, communion table and plate used for the purpose of Holy Communion shall be dealt with.

(2) If the church or part is so demolished or appropriated before any such directions are given or fully implemented, the Board shall, subject to any provision of the scheme, be responsible for the care, maintenance and safeguarding of any such items.

(3) In a case to which sub-paragraph (1) applies, the scheme may also make provision with respect to the disposal of any other contents of the church, not being tombstones, monuments or memorials commemorating deceased persons buried in the church or in any land belonging or annexed to the church.

(4) Where any items are disposed of in accordance with sub-paragraph (1) or (3) the Bishop shall, subject to any provision of the scheme, give directions as to how any proceeds of their sale are to be applied.

(5) Where —

(a) a disposal scheme or a pastoral scheme to which paragraph 2 applies provides for the care and maintenance of a church or part of a church by Manx National Heritage, or

(b) a disposal scheme provides for a church or part of a church to remain vested in the Board,

the scheme may also provide for —

(i) the vesting in and the care and maintenance by Manx National Heritage or the Board, as the case may be, of any of the contents of the church, or

(ii) the disposal of any of the contents other than any tombstones, monuments or memorials as are referred to in sub-paragraph (3).

[(5A) Manx National Heritage may, with the consent of the Commissioners, dispose of any fixtures, fittings or other contents of a church vested in it under this Schedule.]

(6) No faculty shall be required for anything done in pursuance of this paragraph.

**17. Trusts for the repair etc. of buildings closed for regular public worship and contents**

(1) If and so long as a building closed for regular public worship or part of it is vested in —

(a) the Board pending the making or in pursuance of a disposal scheme;

(b) Manx National Heritage in pursuance of a disposal scheme or a pastoral scheme to which paragraph 2 applies; or

(c) the Board for use or uses specified or described in a pastoral scheme or disposal scheme;

any property of a charity the purposes of which include the repair and maintenance of the building or the provision or maintenance of ornaments or other contents of the building shall, subject to sub-paragraph (2), continue to be applicable for that purpose.

(2) Any such property —

(a) in the case mentioned in sub-paragraph (1)(c), it shall only be so applicable if the scheme so provides; and

(b) if the building closed for regular public worship consists of part of a church or only part of the building is vested, it shall

only be so applicable if and to the extent that the scheme so provides.

(3) If and so long as —

(a) any land annexed or belonging to a building closed for regular public worship is vested in —

(i) the Board in pursuance of a disposal scheme, or

(ii) Manx National Heritage in pursuance of a disposal scheme or a pastoral scheme to which paragraph 2 applies, and

(b) that land comprises a churchyard,

any property of a charity the purposes of which include the maintenance of the churchyard shall, subject to sub-paragraph (4), continue to be applicable for that purpose.

(4) If part only of the churchyard is so vested, the property shall only be so applicable if and to the extent that the scheme so provides.

(5) Nothing in sub-paragraphs (1) and (2) affects the powers of the Board under Schedule 3 to the Church Act 1992 to make schemes in respect of any such charity..

(6) Where —

(a) the purposes of a charity include the giving of sermons or lectures in any church, and

(b) by reason of a declaration of closure for regular public worship relating to the church or a part of it, the sermons or lectures cannot be given in that church,

they shall be given in the parish church of the parish in which the church is situated, or in such other church as the Bishop may direct in an instrument under seal with the approval of the Attorney General.

### **18. *Transfer of churches closed for regular public worship***

(1) Despite anything in this Schedule, where a building closed for regular public worship or any part of such a building is vested in the Board, whether in pursuance of a pastoral scheme or a disposal scheme or pending the making of a disposal scheme, the Board may, with the approval of the Bishop and the Commissioners, enter into and carry out an agreement with Manx National Heritage for the acquisition and preservation by Manx National Heritage of the building or part, with or without other land so vested in the Board.

(2) On any such acquisition this Part, except so far as it is applied by sub-paragraphs (3) and (4), and any disposal scheme made with respect to the building, or any provisions of a pastoral scheme so made by virtue of

paragraph 1 or 2, shall cease to apply to the property acquired.

(3) Where a building closed for regular public worship or part of such a building is acquired under sub-paragraph (1)—

(a) any rights of way or other easements conferred under paragraph 12(1) and any rights of way enjoyed under paragraph 12(2) shall vest in Manx National Heritage or be enjoyed by it for the performance of its functions in relation to the property or for giving reasonable access to the public;

(b) section 38(b) and paragraphs 11, 14(2) and 16(1) to (3) shall apply as they apply to buildings or parts of buildings and land vested in Manx National Heritage;

(c) section 21(1) shall not apply to a disposal to Manx National Heritage.

(4) A pastoral scheme may make provision under paragraph 9, with the consent of Manx National Heritage, for —

(a) restoring to use as a church or part of a church any building closed for regular public worship or part of such a building acquired by Manx National Heritage under this paragraph, and

(b) any of the other matters specified in paragraph 9.

(6) Where —

(a) either —

(i) a building closed for regular public worship or any part of such a building is acquired by Manx National Heritage under this paragraph, or

(ii) an agreement for such an acquisition has been made, and

(b) any land previously annexed or belonging to the building is vested in the incumbent of the benefice in the area in which the building is situated, whether alone or jointly with churchwardens,

the incumbent or incumbent and churchwardens may, with the approval of the Bishop and the Commissioners, enter into and carry out an agreement with Manx National Heritage for the acquisition of the land by Manx National Heritage and for its maintenance with the building or part of the building.

(7) Sub-paragraph (3) shall apply in relation to any land acquired under sub-paragraph (6) as it applies in relation to a building closed for regular public worship or part of such a building acquired under sub-paragraph (1).

(8) An agreement under this paragraph may provide for the acquisition and preservation by

Manx National Heritage of any of the contents of the building closed for regular public worship or a part of such a building, and on such an acquisition —

- (a) paragraph 17(1) shall apply to the contents as they apply to the contents of a building or part vested in Manx National Heritage as mentioned in paragraph 17(1)(c), but
- (b) otherwise this Schedule and any disposal scheme or pastoral scheme relating to the contents shall cease to apply to the contents so acquired.

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*NOTE Schedule 3: para.16: sub-para.(5A) inserted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 s.4(8).*

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#### SCHEDULE 4

#### DISPOSAL OF HUMAN REMAINS

##### 1. *Interpretation*

In this Schedule —

"the Commission" means the Commonwealth War Graves Commission;

"commonwealth war burial" means a burial of any member of the forces of His Majesty fallen in the war of 1914-1921 or in the war of 1939-1947;

"the Department" means the Department of Environment, Food and Agriculture;

"the landowner" means the body or person in whom the building, part of a building or land in question is vested or to whom it is leased or licensed.

##### 2. *Notice of proposed removal*

The landowner shall, before removing any human remains or any tombstones, monuments or memorials commemorating the deceased persons—

- (a) publish in a local newspaper a notice of intention to do so at least once during each of 2 successive weeks; and
- (b) display a like notice in a conspicuous place where the remains are interred; and
- (c) serve a like notice on the Bishop and on the Commission; and
- (d) if the remains were interred within twenty-five years before the date of the first publication of the notice, serve a like notice on the personal representatives or next of kin (or, in the event of their being untraceable, any known relative) of the deceased person.

##### 3. *Contents of notice*

Any notice required to be published and served under paragraph 2 shall contain—

- (a) the address at which particulars of the deceased persons and of any tombstones, monuments or other memorials commemorating them may be inspected;
- (b) the name of the burial ground or crematorium where it is proposed to reinter or cremate such remains and the manner in which it is proposed to dispose of such tombstones, monuments or other memorials;
- (c) a statement as to the right of the personal representatives or relatives of any deceased person or, in relation to any commonwealth war burial, the Commission on notice in writing given within a specified time themselves to undertake the removal and reinterment or cremation of the remains of the deceased, and the disposal of any tombstones, monument or other memorial commemorating the deceased within 2 months from the date of the notice;
- (d) a statement of —
  - (i) any directions given by the Department with respect to the removal and reinterment or cremation of human remains, and
  - (ii) any requirements imposed by the Bishop with respect to the manner of removal, the place and manner of reinterment or cremation, and the disposal of tombstones, monuments and other memorials;
- (e) a statement as to the extent to which the landowner is required by this Schedule to defray the expenses of such removal and reinterment or cremation or disposal.

##### 4. *Removal of remains and memorials by relatives etc.*

(1) The personal representatives or relatives of any deceased person whose remains are interred in the land or, in the case of any commonwealth war burial, the Commission may —

- (a) on giving the required notice, themselves remove and reinter any such remains or cremate them in any crematorium, and
- (b) dispose of any tombstone, monument or other memorial commemorating the deceased,

and the landowner shall defray the reasonable cost of the removal and reinterment or cremation or disposal; and if any question arises as to what is a reasonable sum for that purpose the decision of the Commissioners shall be conclusive.

(2) If the removal and reinterment or cremation or disposal, as the case may be, has

not been carried out by the personal representatives or relatives or the Commission in accordance with the provisions of this Schedule within 2 months from the date of the required notice, the landowner may carry out the removal and reinterment or cremation or disposal as if the required notice had not been given.

**5. Removal of remains by landowner**

If any human remains interred in the building or land which have not been removed and reinterred or cremated by the personal representatives or relatives of the deceased person or the Commission within the 2 month period mentioned in paragraph 4(2) —

- (a) the remains shall, on removal by the landowner, be reinterred in such land as may be indicated as being reasonably available for the purpose by the Bishop, and
- (b) failing any such land being so indicated, they shall be reinterred in any cemetery or burial ground or cremated in any crematorium.

**6. Removal and re-erection of memorials**

Any tombstone, monument or other memorial commemorating any deceased person whose remains are reinterred or cremated in accordance with paragraph 5 may, where reasonably practicable, be removed and re-erected by the landowner over the grave in the burial ground where the remains are reinterred or on some other appropriate site.

**7. Reinstatement of memorials**

Any tombstone, monument or other memorial not disposed of in accordance with paragraph 4 or 6 may, with the agreement of the Bishop given after consultation with the advisory committee, be allowed to remain where it is or be removed and re-erected in such place in the building or land as the Bishop may direct.

**8. Directions of Department as to removal and disposal of remains**

The removal of all human remains shall be effected, and the remains reinterred or cremated, in accordance with the directions of the Department.

**9. Record of removal of remains**

Upon any removal of remains a certificate of removal and reinterment or cremation shall be sent to the Chief Registrar by the landowner —

- (a) giving the dates of removal and reinterment or cremation respectively, and

- (b) identifying the place from which the remains were removed and the place in which they were reinterred or cremated,

showing the particulars of each removal separately, and every such certificate shall be deposited at the General Registry with the registers of deaths in the custody of the Chief Registrar.

**10. Disposal of memorials**

Any tombstone, monument or other memorial not disposed of in accordance with this Schedule shall be offered by the landowner to the Bishop for disposal as he thinks fit, and the Bishop shall consult the advisory committee with respect to the disposal and if the tombstone, monument or other memorial is not accepted by the Bishop for preservation it shall be broken and defaced before being otherwise disposed of.

**11. Record of removal of memorials**

Where any tombstone, monument or other memorial is removed from the land, the landowner shall within 2 months from the date of removal—

- (a) deposit in the Manx Museum a record of the removal with sufficient particulars to identify the memorial (including a copy of any inscription on it) and showing the date and manner of its removal and disposal and the place (if any) to which it is transferred;
- (b) send to the Chief Registrar a copy of the record for deposit with the registers of deaths in the custody of the Chief Registrar.

**12. Conditions imposed by Bishop**

The requirements of this Schedule shall be in addition to such reasonable conditions if any as may be imposed in the case of consecrated ground by the Bishop with respect to —

- (a) the manner of removal and the place and manner of reinterment or cremation of any human remains, and
- (b) the disposal of any tombstones, monuments or other memorials,

and any such conditions shall be complied with as if they formed part of this Schedule.

SCHEDULE 5

SEQUESTRATION OF BENEFICE  
PROPERTY DURING SUSPENSION  
PERIOD

**1. Additional powers of sequestrators**

During any suspension period the sequestrators in addition to exercising any powers vested in them by the general law relating to sequestrations, may, with the consent of the

Bishop, exercise in relation to any property of the benefice any other power which an incumbent would have if the benefice were full, not being a power which by the provisions of any Act or Measure is exercisable during a vacancy by the Bishop, the Board or the Commissioners.

## **2. Application of income of benefice**

(1) Notwithstanding anything to the contrary contained in any Act or Measure, the sequestrators, subject to sub-paragraph (2), apply the income of the benefice accruing during the vacancy—

- (a) in payment to the Bishop of all expenses incurred by him under sections 29 and 30;
- (b) in payment of all expenses properly incurred in the collection of the income of the benefice;
- (c) in payment of all expenses incurred in making provision for the performance of the ecclesiastical duties of the benefice, including that of accommodation;
- (d) in payment of all expenses properly incurred in the exercise of the powers or the performance of the duties by law belonging to sequestrators or conferred or imposed on them by this Measure, including the payment of any sequestrator who is professionally qualified his proper professional charges for work undertaken by him or her;
- (e) in payment of the stipend and expenses of accommodation of an assistant curate.

(2) During the course of the suspension period the sequestrators may with the consent of the Bishop, and shall, on the direction of the Bishop, pay part of the balance in their hands to the Board.

(3) At the close of the sequestration the sequestrators shall pay the balance in their hands, as certified by the Bishop or some person duly authorised by him, to the Board.

## **3. Application of money received by Board**

Money received by the Board from the sequestrators under paragraph 2(2) or (3) shall be allocated to the income account of the diocesan stipends fund.

## **4. Suspension following a vacancy**

Where a suspension period immediately follows a period during which a benefice has been vacant whether or not a further suspension period is declared, paragraphs 1 to 3 shall apply to any balance in the hands of the sequestrators at the beginning of the first suspension period as if it were income of the benefice accruing during that period.

## **5. Sequestrators' accounts**

The sequestrators shall annually at such date as the Bishop may direct and as soon as possible after the close of the sequestration render to the Bishop duly audited income and expenditure accounts and shall furnish such information with respect to those accounts as the Bishop may require.

## **6. Further sequestration**

Where, on the termination of a suspension period in respect of any benefice, there follows, whether immediately or after an interval, a further period during which the profits of the benefice are sequestrated, the original suspension period shall, for the purposes of this Schedule, be treated as extending to and including that further period.

### SCHEDULE 6

#### COMPENSATION OF CLERGY

### **1. Compensation for loss of office**

The following —

- (a) the incumbent of a benefice dissolved by a pastoral scheme or vacated by virtue of section 15, and
- (b) [a vicar in a team ministry] whose office is abolished by or as the result of a pastoral scheme,

shall be entitled to compensation for any loss suffered by him or her in consequence of the dissolution or vacation of the benefice or the abolition of the office, as the case may be.

### **2. Compensation on resignation**

If the incumbent of any benefice [or a vicar in a team ministry] agrees with the Commissioners that, if he or she resigns his or her benefice or office in order to enable a pastoral scheme to come into operation or to facilitate its coming into operation, compensation will be payable for any loss suffered by him or her in consequence of his or her resignation, he or she shall be entitled, on resignation after the making of the scheme, to compensation for any such loss.

### **3. Loss of accommodation**

Without prejudice to the generality of paragraphs 1 and 2, the loss suffered by any such incumbent [or vicar] shall include —

- (a) loss arising from his or her ceasing to occupy the parsonage house or other official residence of the incumbent or office holder, and
- (b) any expenses arising from his or her change of residence.

#### **4. Determination of compensation**

The right to and the amount of compensation payable under this Schedule shall be determined in the first instance by the Board, but the person claiming the compensation (hereinafter called the claimant") shall have a right of appeal to the Appeal Tribunal constituted under this Schedule.

#### **5. Nature of compensation**

(1) The compensation shall consist of periodical payments or a lump sum payment, or partly of one and partly of the other, and compensation in the form of periodical payments shall not be assignable.

(2) The Board may, pending the final determination of a claim for compensation, make payments on account to the claimant.

#### **6. Matters to be taken into account**

In determining whether any claimant has suffered loss giving a right to compensation and, if so, the amount of it, the Board and the Appeal Tribunal—

- (a) shall take into account the emoluments of any ecclesiastical office (including another benefice) to which the claimant has been or is to be appointed, or of any other regular remunerated employment in which he or she is or is to be engaged; and
- (b) if he or she refuses without good and sufficient reason to accept an ecclesiastical office which in the opinion of the Board or Tribunal is reasonably comparable to the benefice or office in respect of which the compensation is claimed, may take into account the emoluments of the office so refused.

#### **7. Suspension of periodical payments**

If any person who is receiving compensation under this Schedule in the form of periodical payments is appointed to any ecclesiastical office or becomes engaged in any remunerated employment, or refuses any such office as is mentioned in paragraph 6(b), the Board may suspend the periodical payments or reduce the amount of the payments, having regard to the emoluments of the office, but the person affected shall have a right of appeal to the Appeal Tribunal.

#### **8. Change of circumstances**

(1) Any person who has been refused compensation under this Schedule or is receiving or has received compensation may apply to the Board for a grant or renewal of the compensation or, as the case may be, an increase of the compensation (whether by way

of an increase of periodical payments or a lump sum payment or both), on the ground that circumstances of which account was taken under paragraph 6 or 7 have materially altered to his or her disadvantage.

(2) On an application under sub-paragraph (1) the Board may grant or renew the compensation or make an increase on that ground.

(3) An appeal shall lie to the Appeal Tribunal against the refusal of any such application.

#### **9. Refusal of claim**

If any person who is claiming or receiving or has received compensation under this Schedule—

- (a) executes a deed of relinquishment under the Clerical Disabilities Act 1870; or
- (b) becomes a member of a religious body which is not in communion with the Church of England; or
- (c) becomes disqualified under the Ecclesiastical Jurisdiction Measures 1963 and 1974 from holding preferment in the Church of England; or
- (e) has had imposed on him or her under the Clergy Discipline Measure 2003 a penalty of removal from office, prohibition for life or for a limited period or revocation of his or her licence or has resigned,

the Commissioners may refuse the claim or, as the case may be, may order, subject to a right of appeal to the Appeal Tribunal, that no further payment of compensation shall be made to him or her under this Schedule.

#### **10. Notification of change of circumstances etc.**

- (1) It is the duty of —
  - (a) every claimant,
  - (b) every applicant under paragraph 8, and
  - (c) every person who is receiving compensation under this Schedule by way of periodical payments,to disclose to the Board —
  - (i) any ecclesiastical office to which he or she has been appointed or which has been offered to him or her,
  - (ii) any other remunerated employment in which he or she is or is to be engaged, and
  - (iii) any such matter as is mentioned in paragraph 9.
- (2) If —
  - (a) a person referred to in sub-paragraph (1) fails to comply with that sub-paragraph, and



- (b) it appears to the Board that in consequence it has made payments which otherwise it would not have made or payments in excess of those that it would otherwise have made,

the Board may, without prejudice to the powers under paragraph 7 or 9, direct the repayment of the amount of the payments or excess or such part of them as it thinks just.

(3) Subject to sub-paragraph (4), an amount directed to be paid under sub-paragraph (2) is recoverable as a debt due to the Board.

(4) An appeal lies to the Appeal Tribunal against a direction under sub-paragraph (2).

#### **11. Extension of pension provisions**

Paragraph 11 of Schedule 4 to the Mission and Pastoral Measure 2011 [(as amended by the Ecclesiastical Offices (Terms of Service) (Consequential Provisions) Order 2012)] shall extend to the Island subject to the modification that —

- (a) references to any provision of that Measure (except that paragraph) shall be construed as references to the corresponding provision of this Measure; and
- (b) references to the mission and pastoral committee shall be construed as references to the Commissioners.

#### **12. Exercise of Board's functions**

(1) The functions of the Board under this Schedule must not be delegated to a committee.

(2) At any meeting of the Board at which a determination or decision under this Schedule is made or at which the person affected by such a determination or decision is interviewed, the members present must include the Bishop.

#### **13. Appeal Tribunal**

(1) For the purposes of this Schedule there is an Appeal Tribunal, constituted as follows —

- (a) the Vicar General of the diocese is the chairman;
- (b) a panel of 5 persons shall be appointed by the house of clergy of the Diocesan Synod from among the members of that house in accordance with the standing orders of the Synod, and 2 persons from the panel shall be nominated by the Vicar General for each appeal;
- (c) a panel of 5 persons shall be appointed by the house of laity of the Diocesan Synod from among the members of that house in accordance with the standing orders of the Synod, and 2 persons from the panel shall

be nominated by the Vicar General for each appeal.

(2) Subject to sub-paragraph (3), the persons appointed by the house of clergy and the house of laity shall be appointed for the term of 3 years during which the parochial representatives of the laity in the house of laity hold office under the Church Representation Rules, and on a casual vacancy another member of the house concerned shall be appointed in his place, in such manner as the house concerned may determine, for the remainder of that term.

(3) The persons so appointed shall, at the end of that term, continue to hold their appointments until the next following sitting of the Diocesan Synod, and any such person who has heard the whole or part of an appeal may continue as a member of the Appeal Tribunal until the determination of it.

(4) The Vicar General shall, as occasion may require, appoint a secretary to the Appeal Tribunal.

(5) The expenses of the Appeal Tribunal in connection with an appeal shall be paid out of money standing to the credit of the diocesan pastoral account.

#### **14. Procedure**

(1) The legislative committee of the Diocesan Synod may make rules prescribing —

- (a) the procedure to be followed in —
- (i) claiming and determining rights to and amounts of compensation under this Schedule, and
  - (ii) altering, terminating or suspending payments of compensation; and
- (b) except so far as it is regulated by rules made under the Church of England (Legal Aid) Measure 1994, the procedure in proceedings before the Appeal Tribunal and in any other proceedings under this Schedule.

(2) Rules under sub-paragraph (1) may apply to the Island, subject to such modifications as may be specified in the rules, any rules having effect in England under paragraph 14 of Schedule 4 to the Mission and Pastoral Measure 2011.

#### **15. Financial provision**

Payments of compensation under this Schedule shall be made by the Board and charged either on the capital or the income account of the diocesan stipends fund, as may be determined by the Board.

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*NOTE Sch.6: words in square brackets in paras.1, 2 & 3 substituted, and in para.11 inserted, by Mission and Pastoral Measure*

*(Isle of Man) (Amendment) Order 2013 (SD 89/13) art.3(10); para.14: the Compensation of Clergy Rules (Isle of Man) 1991 (in Part V post) have effect as if made under para.14 (see Interpretation Act 1976 s.16, as applied by Sch.7 para.4 post).*

SCHEDULE 7

TRANSITIONAL PROVISIONS

1. In this Schedule "the 1983 Measure" means the Pastoral Measure 1983.
2. Where, on the coming into operation of this Measure —
  - (a) any action has been taken under section 3 of the 1983 Measure with a view to making recommendations for the formulation of draft proposals for a pastoral scheme or order, or
  - (b) any such proposals have been formulated, or
  - (c) any draft pastoral scheme or order has been prepared under section 5 of the 1983 Measure, or
  - (d) any draft redundancy scheme has been prepared under section 50 of the 1983 Measure,but no pastoral scheme or order, or redundancy scheme, as the case may be, has been made, the 1983 Measure shall continue to apply as if this Measure had not been passed until any such scheme or order has been made, but thereafter, any such scheme or order shall have effect as if it were a pastoral scheme or disposal scheme, as the case may be, made under this Measure.
3. Any pastoral scheme or order or redundancy scheme made, but not revoked, on the coming into operation of this Measure shall have effect as if it were a pastoral scheme or disposal scheme, as the case may be, made under this Measure.
4. Without prejudice to paragraph 3, where this Measure —
  - (a) re-enacts, with or without modification, a provision of the 1983 Measure, or
  - (b) substitutes an enactment for such a provision by way of amendment, revision or consolidation,section 16 of the Interpretation Act 1976 has effect as if this Measure had repealed that provision.
5. Section 9(4) does not affect the freehold tenure or term of office or service of any person who —
  - (a) is a member of a team in a team ministry immediately before the coming into operation of that provision; or

- (b) has been designated as the rector in a team ministry by a pastoral scheme before the coming into operation of that provision;
- but otherwise section 9 has effect despite any provision to the contrary in a pastoral scheme or order.

*NOTE: Schedule 7: the Pastoral Measure 1983 was extended to the Isle of Man by the Pastoral Measure (Isle of Man) 1990 (GC 131/90), repealed by Sch.10 below.*

SCHEDULE 8

AMENDMENT OF ENACTMENTS

.....

**2. Church Act 1987 (c.12)**

In section 1 —

- (a) for subsection (3) substitute —  
"(3) Section 5 shall be omitted.";
- (b) in subsection (5)(a), after "subsection (1)," insert "the words "and deanery" shall be omitted, and".

**3. Church Act 1992 (c.5)**

- (1) In section 8(1)(e), for "Pastoral Measure 1983" substitute "Mission and Pastoral Measure (Isle of Man) 2012".
- (2) In paragraph 8 of Schedule 2 —
  - (a) in the heading and sub-paragraph (1), for "Pastoral Measure 1983" substitute "Mission and Pastoral Measure (Isle of Man) 2012";
  - (b) in sub-paragraph (2), for "section 56(2)" substitute "section 19(2)".
- (3) In paragraph 2(1)(c) of Schedule 3, at the end insert "(including the appointment of a new or additional trustee)".

.....

**5. Church (Miscellaneous Provisions) Measure (Isle of Man) 1993 (SD 496/93)**

In the Schedule, in paragraph 1(2), at the end insert "; and in the definition of "minister", omit paragraph (b)".

.....

**7. Patronage Measure (Isle of Man) 1997 (SD 637/97)**

- (1) The Patronage (Benefices) Measure 1986, as set out in Schedule 1, is amended as follows.
  - (2) In section 2(4), in the definition of "benefice", for "Pastoral Measure 1983" substitute "Mission and Pastoral Measure (Isle of Man) 2012".
  - (3) In section 7 —
    - (a) in subsection (4), for "As" substitute "Subject to subsection (5), as";

- (b) at the end insert —  
 "(5) Where the Bishop gives notice to the registrar under subsection (1) or (2), he may include in it —
- (a) a statement that he is considering whether or not to suspend the presentation to the benefice under section 29 of the Mission and Pastoral Measure (Isle of Man) 2012, and
- (b) a direction to the registrar not to send a notice of the vacancy or impending vacancy under subsection (3) until the expiration of such period as is specified in the notice under subsection (1) or (2), not exceeding 3 months beginning with the giving of that notice;
- and the registrar shall comply with the direction unless it is withdrawn before the expiration of that period."

**8. Church Records Measure (Isle of Man) 2000 (SD 533/00)**

In sections 8(3) and 25(2) and Part 1 of Schedule 1, for "Pastoral Measure 1983" substitute "Mission and Pastoral Measure (Isle of Man) 2012".

*NOTE Sch.8: paras.1 & 6 omitted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 s.4(9); para.4 repealed by Churchwardens Measure (Isle of Man) 2013 Sch.2.*

SCHEDULE 9

MODIFICATIONS OF CHURCH REPRESENTATION RULES

1. In rule 5(1), omit "Part II of".
2. In rule 9(4), after sub-paragraph (b) insert —  
 "(ba) elect parochial representatives of the laity to the mission council;".
3. In rule 10(1) and (3)(a), for " either the parochial church council" substitute "the parochial church council, the mission council".
4. In rule 11, after paragraph (10) insert —  
 "(10A) Names and addresses of parochial representatives of the laity elected to a mission council shall be sent by the secretary of the parochial church council to the secretary of the mission council."
5. In rule 12(1), omit "Part II of".
6. (1) In rule 19(1)(c), for "Part I of the Pastoral Measure 1983" substitute "Schedule 2 to the Mission and Pastoral Measure (Isle of Man) 2012".  
 (2) In rule 19(2) —

- (a) for "any pastoral scheme or order made under paragraph 13 of Schedule 3" substitute "any pastoral scheme made under paragraph 7 of Schedule 1";
- (b) for "Part I" substitute "Schedule 2".
- (3) In rule 19(7) —  
 (a) omit "or order";  
 (b) for "section 18(2) of the Pastoral Measure 1983" substitute "section 8(3) of the Mission and Pastoral Measure (Isle of Man) 2012".
7. (1) In rule 20(1)(c), for "Part I of the Pastoral Measure 1983" substitute "Schedule 2 to the Mission and Pastoral Measure (Isle of Man) 2012".  
 (2) In rule 20(2), for "Part I" substitute "Schedule 2".
8. In rule 21(1)(c), for "Part I of the Pastoral Measure 1983" substitute "Schedule 2 to the Mission and Pastoral Measure (Isle of Man) 2012".
9. Omit Part III.
10. In rule 30(2), omit ", every suffragan bishop of the diocese".
11. In rule 31(2), omit "Part II of".
12. In rule 33, omit the words from "the members co-opted" onwards.
13. In rule 39(7), omit "or the deanery synod", and the words from "The rural dean" onwards.
14. In rule 44(4), omit the words from "in the case" to "diocesan synod" and the words from "In any other case" to "deanery synod."
15. In rule 48(1) —  
 (a) after "parochial church council" (in the first place) insert ", mission council", and (in the second place) insert "or mission council";  
 (b) after "so elected." insert "Returns of parochial representatives of the laity elected to fill one or more casual vacancies on a mission council shall be sent by the secretary of the parochial church council to the secretary of the mission council."
16. (1) In rule 54(1) —  
 (a) omit the definition of "chapelry";  
 (b) in the definition of "minister", for paragraphs (a) and (b) substitute —  
 "(a) in relation to an ecclesiastical parish, the incumbent of the parish;";  
 (c) in the definition of "parish", omit "(excluding any part of a chapelry) or a chapelry".  
 (2) Omit rule 54(1A).
17. In Appendix I, omit "or a chapelry" (in each place).

18. In Appendix III, omit the headings of Parts I and II.

SCHEDULE 10  
ENACTMENTS REPEALED

Reference	Short title	Extent of repeal
V p.14	Ecclesiastical Residences and Dilapidations Act 1879	In section 2, the definition of "Rural Dean", and in the definition of "Inspectors", the words "or Rural Dean". In section 19, the words "in his deanery". In sections 52 and 53, the words "or rural dean" (in each place).
VII p.179	Clergy Residence Act 1897	In section 9, the words "or Rural Dean".
V p.58	Church Act 1880	The whole Act.
1976 c.20	Interpretation Act 1976	In section 3, the definition of "Rural Dean".
1984 c.14	Marriage Act 1984	In section 18(4), the words from "and, where" onwards.
1987 c.12	Church Act 1987	In Schedule 1, paragraphs 18, 19, 30(1)(a) and (2) and 31.
GC 3/91	Pastoral Measure (Isle of Man) 1990	The whole Measure.
1992 c.5	Church Act 1992	Section 7(3). In Schedule 1, paragraph 1(3)(b)(i). In Part 1 of Schedule 4, in paragraph 1(3), the words from "and (b)" onwards. Part 2 of Schedule 4.
SD 496/93	Church (Miscellaneous Provisions) Measure (Isle of Man) 1993	In section 1, the words "Section 14 (rural deans)". In the Schedule, paragraph 4.

SD 260/95	Incumbents (Disability) Measure (Isle of Man) 1995	Section 12(3). Section 16(4).
SD 715/96	Church (Miscellaneous Provisions) Measure (Isle of Man) 1996	Section 1. In section 2, the words "section 11 (amendment of Pastoral Measure 1983)". Schedule 1. In Schedule 2, paragraph 4.
SD 637/97	Patronage Measure (Isle of Man) 1997	In section 3(2), the words from "and (b)" to "1983". In Schedule 1 — (a) section 12(9); (b) section 23(2); (c) paragraph 15 of Schedule 2. In Schedule 2, Part 2.
SD 155/02	Church (Miscellaneous Provision) Measure (Isle of Man) 2002	In section 1, the words "section 12 (provisions relating to rural deans)".
SD 809/09	Church (Miscellaneous Provisions) Measure (Isle of Man) 2009	In section 1, the words from "subject" to "Schedule 1", and the words from "section 8" onwards. In section 2, the words from "section 12" onwards. Schedule 1. In Schedule 2, paragraph 2. In Schedule 3, paragraph 1.
SD 192/12	Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012.	In the Schedule, in paragraph 11(e), the inserted section 10(4).

**Churchwardens Measure (Isle of Man) 2013**

SD 435/13

- |  |  |
|--|--|
| 1. Short title                           | 9. Admission to office                         |
| 2. Commencement                          | 10. Exercise of functions                      |
| 3. Interpretation                        | 11. Resignation etc.                           |
| 4. Number of churchwardens               | 12. Special provisions                         |
| 5. Qualifications and disqualifications  | 13. Transitional provision                     |
| 6. Removal or waiver of disqualification | 14. Minor and consequential amendments etc.    |
| 7. Election of churchwardens             | Schedule 1 Rules for election of churchwardens |
| 8. Term of office                        | Schedule 2 Repeals                             |

### 1. Short title

The short title of this Measure is the Churchwardens Measure (Isle of Man) 2013.

### 2. Commencement

Except for the purpose of making or approving a scheme under section 4, this Measure comes into operation on such day as the Bishop may by order appoint.

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*NOTE Order under s.2: Churchwardens Measure (Isle of Man) 2013 (Appointed Day) Order 2014 (SD 2014/371), bringing Measure into force on 1 January 2015.*

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### 3. Interpretation

In this Measure —

"actual communicant" has the same meaning as in the Church Representation Rules;

"annual meeting of the parishioners" means a meeting of the parishioners held pursuant to section 7(3);

"casual vacancy" includes a case where no or insufficient candidates have been nominated to fill the places available;

references to the Church Representation Rules are to those Rules as they have effect in the Island;

"commencement" means the date on which this Measure comes into operation;

"meeting of the parishioners" has the meaning given by section 7(2);

"minister", in relation to a parish, means —

(a) the incumbent of the benefice the area of which comprises or includes the parish;

(b) if that benefice is vacant, a priest licensed to the charge of, or acting as priest-in-charge of, the parish; or

(c) if the duties of a minister are assigned to a vicar in a team ministry by a pastoral scheme or his or her licence from the Bishop, that vicar;

"parish" means an ecclesiastical parish;

"pastoral scheme" has the same meaning as in the Mission and Pastoral Measure (Isle of Man) 2012;

"register of electors" means a register of electors in force under the Registration of Electors Act 2006;

"year" means a year ending on 31st December.

### 4. Number of churchwardens

(1) For each parish there shall be such number of churchwardens (being not less than

2) as is specified in a scheme made by the Church Commissioners.

(2) A scheme under subsection (1) shall designate a parish in relation to each ancient ecclesiastical parish for the purposes of section 14 of the Burials Act 1986.

(3) A scheme under subsection (1) shall not have effect unless it is approved by the Sodor and Man Diocesan Synod.

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*NOTE Scheme under s.4: the Churchwardens Scheme 2014 (SD 2014/370) q.v.*

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### 5. Qualifications and disqualifications

(1) Subject to subsections (2) to (6), the churchwardens of every parish shall be elected from persons —

(a) who have been baptised;

(b) whose names are on the church electoral roll of the parish;

(c) who are actual communicants;

(d) who are 18 years of age or upwards; and

(e) who are not disqualified under subsection (2).

(2) A person is disqualified for being a churchwarden if he or she —

(a) has been convicted of —

(i) any offence involving dishonesty or deception, or

(ii) any offence mentioned in Schedule 1 to the Children and Young Persons Act 1966;

(b) has been adjudged bankrupt and has not been discharged;

(c) has made a composition or arrangement with his or her creditors and has not been discharged in respect of it;

(d) has been removed from the office of trustee of a charity by an order made by the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he or she was responsible or to which he or she was privy, or which he or she by conduct contributed to or facilitated;

(e) is subject to a disqualification order or disqualification undertaking under the Company Officers (Disqualification) Act 2009.

(3) In subsection (2) —

(a) paragraph (a) applies wherever the conviction occurred, and whether before or after commencement, but does not apply in relation to any conviction which is a spent conviction for the purposes of the Rehabilitation of Offenders Act 2001;

- (b) paragraph (b) applies wherever the adjudication occurred, and whether before or after commencement;
- (c) paragraph (c) applies wherever the composition or arrangement was made, and whether before or after commencement; and
- (d) paragraphs (d) and (e) apply in relation to orders made, removals effected and undertakings given before or after commencement.

(4) Subject to subsection (6), a person is disqualified for being a churchwarden when he or she has served as a churchwarden of the same parish for 6 successive periods of office.

(5) A disqualification under subsection (4) lasts for one year beginning with the date on which the churchwarden vacated office at the end of the last such period.

(6) A meeting of the parishioners may by resolution —

- (a) decide that subsection (4) shall not apply in relation to the parish concerned; or
- (b) revoke a previous resolution under paragraph (a).

(7) Any custom or rule of common law whereby certain persons are disqualified for being a churchwarden shall cease to have effect.

#### **6. Removal or waiver of disqualification**

(1) This section applies if it appears to the Bishop, in the case of any particular person who, apart from this section, —

- (a) would not be qualified by virtue of paragraph (b), (c) or (d) of section 5(1), or
- (b) would be disqualified by paragraph (b), (c), (d) or (e) of section 5(2) or section 5(4),

that there are exceptional circumstances which justify a dispensation from the provision in question.

(2) In a case falling within subsection (1)(a), the Bishop may in writing permit that person to hold the office of churchwarden even though the requirement in question is not met.

(3) In a case falling within subsection (1)(b), the Bishop may in writing waive the disqualification imposed by the provision in question.

(4) A permission or waiver under this section applies only to the period of office next following the date on which it is given

#### **7. Election of churchwardens**

(1) The churchwardens of a parish shall be elected by a meeting of the parishioners.

(2) A meeting of the parishioners for the purposes of this Measure is a joint meeting of —

- (a) the persons whose names are entered on the church electoral roll of the parish;
- (b) the persons resident in the parish whose names are entered on a register of electors by reason of such residence; and
- (c) in the case of a parish designated under section 4(2), the persons resident in the ancient ecclesiastical parish in question whose names are entered on a register of electors by reason of such residence.

(3) An annual meeting of the parishioners must be held in every parish not later than 30th April in each year.

(4) Subject to subsection (5), a casual vacancy among the churchwardens must be filled at a special meeting of the parishioners as soon as practicable after the vacancy has arisen.

(5) A special meeting to fill a casual vacancy arising on or after 1st January need not be held if —

- (a) at least 2 churchwardens remain in office, or
- (b) the annual meeting of the parishioners is to be held before the expiration of one month after the vacancy arises.

(6) Schedule 1 has effect with respect to meetings of the parishioners and elections of churchwardens.

#### **8. Term of office**

Subject to sections 9 and 11, a churchwarden holds office from the end of the meeting of the parishioners at which he or she was elected until the end of the next annual meeting of the parishioners.

#### **9. Admission to office**

(1) A person elected to the office of churchwarden must appear before the Chapter Court and take the oath of office at a time and place appointed by the Vicar General.

(2) If a person elected to the office of churchwarden fails to comply with the requirement of subsection (1) before the relevant date, his or her office shall become vacant on that date.

(3) In subsection (2) "the relevant date" means —

- (a) in the case of a churchwarden elected at an annual meeting of the parishioners, 1st August following the meeting;
- (b) in any other case, the expiration of 3 months beginning with the date of the meeting at which the churchwarden was elected.

## 10. Exercise of functions

- (1) If a parish has more than 2 churchwardens, the churchwardens may arrange for the exercise by some of their number, designated by name, of any functions of theirs which are specified in the arrangement (other than functions under this section) in relation to —
- (a) if the parish has more than one parish church, any of the parish churches;
  - (b) any parish burial ground in the parish;
  - (c) any parish trust; or
  - (d) with the consent of the Bishop, any other matter.
- (2) An arrangement under subsection (1) —
- (a) must be made by the churchwardens of the parish acting unanimously;
  - (b) must be in writing, in a form approved by the Bishop; and
  - (c) must designate at least 2 churchwardens in respect of any function to which it relates; and
  - (d) may authorise a specified number, not less than 2, of the churchwardens so designated to exercise that function on behalf of them all.
- (3) While an arrangement under subsection (1) is in force in relation to any function, the churchwardens designated under subsection (2)(c) are to be treated, in respect of that function, as being the churchwardens of the parish to the exclusion of the other churchwardens.
- (4) An arrangement under subsection (1) —
- (a) may be varied or cancelled by a subsequent arrangement under that subsection;
  - (b) may be cancelled by a resolution passed by a majority of the churchwardens; and
  - (c) ceases to have effect in relation to the exercise of any function if at any time the churchwardens of the parish cease to include at least 2 persons designated under subsection (2)(c) in respect of that function.
- (5) The churchwardens must —
- (a) send to the Diocesan Registrar a copy of any arrangement under subsection (1) and of any resolution under subsection (4)(b); and
  - (b) notify the Diocesan Registrar in writing that such an arrangement has ceased to have effect under subsection (4)(c).
- (6) If such an arrangement relates to a matter falling within subsection (1)(b) or (c), the churchwardens must also send such a copy,

and give a like notification, to the Department of Infrastructure and the Chief Registrar.

(7) In this section —

"ecclesiastical charity" has the same meaning as in Schedule 3 to the Church Act 1992;

"parish burial ground" has the same meaning as in the Burials Act 1986;

"parish trust" means an ecclesiastical charity of which the churchwardens of a parish are trustees, whether alone or jointly with the incumbent of the parish or any other person.

## 11. Resignation etc.

(1) A person may resign the office of churchwarden by sending to the Bishop by post written notice of his or her intention to resign, and not otherwise.

(2) The resignation shall have effect and the office shall be vacated—

- (a) at the end of the period of 2 months following the date when the notice is sent to the Bishop; or

- (b) on such earlier date as may be determined by the Bishop after consultation with the minister and any other churchwarden of the parish.

(3) The office of a churchwarden of a parish is vacated if —

- (a) his or her name is removed from the church electoral roll of the parish under rule 1 of the Church Representation Rules;

- (b) his or her name is not on a new church electoral roll of the parish prepared under rule 2(4) of those Rules;

- (c) he or she ceases to be qualified under section 5(1) or becomes disqualified under section 5(2);

- (d) he or she fails to attend any meeting of the parochial church council of the parish for a continuous period of 6 months beginning with the date of the first meeting he or she failed to attend; or

- (e) he or she is absent from the Island for a continuous period of 3 months without the written agreement of the other churchwarden or churchwardens of the parish.

## 12. Special provisions

(1) In the carrying out of the provisions of this Measure the Bishop may —

- (a) make provision for any matter not provided for in this Measure;

- (b) appoint a person to do any act in respect of which there has been any neglect or

- default on the part of any person or body charged with any duty under this Measure;
- (c) so far as may be necessary for the purpose of giving effect to the intentions of this Measure, extend or alter the time for holding any meeting or election or to modify the procedure laid down by this Measure in connection with it;
  - (d) in any case in which there has been no valid election, direct a fresh election to be made, and to give such directions in connection with it as he may think necessary; and
  - (e) in any case in which any difficulty arises, give any directions which he may consider expedient for the purpose of removing the difficulty.
- (2) The powers of the Bishop under this section do not enable him to validate anything that was invalid at the time it was done.

### 13. Transitional provision

Subject to section 11 (except subsection (3)(c)), a churchwarden holding office immediately before commencement shall continue to hold office until the end of the next annual meeting of the parishioners.

### 14. Minor and consequential amendments etc.

- (1) Section 14 of the Burials Act 1986 is amended as follows —
- (a) in subsections (3) and (7), for "churchwardens of" substitute "relevant churchwardens in relation to";
  - (b) in subsection (8) —
    - (i) in the definition of "parish", after "ancient" insert "ecclesiastical";
    - (ii) at the end insert —  
"the relevant churchwardens" means the churchwardens of the ecclesiastical parish which is designated for the purpose of this section in relation to the parish in question by a scheme under section 4 of the Churchwardens Measure (Isle of Man) 2013."
- (2) The Church Representation Rules are further modified by the omission of paragraph (2) of rule 14.
- (3) The enactments mentioned in Schedule 2 are repealed to the extent specified in the third column of that Schedule.

#### SCHEDULE 1

#### RULES FOR ELECTION OF CHURCHWARDENS

##### *Convening of meeting of the parishioners*

1. (1) The meeting of the parishioners must be convened by —

- (a) the minister, or
- (b) during any period when there is no minister or when the minister is unable or unwilling to do so, the churchwardens of the parish,

by a notice signed by the minister or a churchwarden, as the case may be.

(2) The notice must state the day, time and place at which the meeting is to be held.

(3) The notice must be affixed on or near to the principal door of —

- (a) every parish church in the parish;
- (b) every church building or part of a building in the parish which is designated as a parish centre of worship under section 17(2) of the Mission and Pastoral Measure (Isle of Man) 2012; and
- (c) every other building licensed for public worship in the parish,

for a period including the last 2 Sundays before the meeting.

##### *Proceedings of meeting*

2. (1) The minister, if present, or, if he or she is not present, a chairman chosen by the meeting of the parishioners shall preside at the meeting of the parishioners.

(2) All persons entitled to attend the meeting, other than the minister, are entitled to vote at the election of churchwardens.

(3) In case of an equal division of votes on any question, the chairman of the meeting shall not have a second or casting vote and the motion on that question shall be treated as lost.

(3) The meeting may adjourn, and may determine its own rules of procedure.

(4) A person appointed by the meeting shall act as clerk of the meeting and shall record the minutes of the meeting.

##### *Nominations*

3. (1) Candidates for election at the meeting of the parishioners must be nominated and seconded in writing by persons entitled to attend the meeting.

(2) Each nomination paper must include a statement, signed by the person nominated, to the effect that he or she —

- (a) is willing to serve as a churchwarden, and
- (b) is not disqualified under section 5.

(3) A nomination is not valid unless —

- (a) it is received before the beginning of the meeting by —

- (i) the minister of the parish; or
- (ii) during any period when there is no minister, the churchwarden by whom



the notice convening the meeting was signed; and

- (b) where section 6 applies, the Bishop's permission or waiver was given under section 6(2) or (3) before the nomination paper is received by the minister or churchwarden, as the case may be.

*Conduct of elections*

4. Subject to paragraphs 2 and 3, elections of churchwardens by the meeting of the parishioners must be conducted and announced in the same manner as elections under rule 11 of the Church Representation Rules.

*Return of elections*

5. The person presiding at the meeting of the parishioners must, within 7 days after the meeting, notify the Diocesan Registrar in

writing of the full name and address of each churchwarden elected by the meeting.

Section 14(3).

SCHEDULE 2

REPEALS

Reference	Short title	Extent of repeal
II p.124	St Jude's Chapel Act 1839	Section 3
GC 3.91	Church (Miscellaneous Provisions) Measure (Isle of Man) 1990	Section 2. Schedule 2.
SD 714/96	Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996	In section 10(6), the words "churchwarden or".
SD 958/10	Parochial Church Councils and Accounts Measure (Isle of Man) 2010	In section 2(1)(b), in the inserted section 5B(4)(a)(i) and (ii), the word "examined".
SD 654/12	Mission and Pastoral Measure (Isle of Man) 2012	Section 2(2). In Schedule 8, paragraph 4.

**Clergy Discipline (Amendment) Measure (Isle of Man) 2013**

SD 436/13

*NOTE COMMENCEMENT: Measure brought into force on 1 August 2014 by Clergy Discipline (Amendment) Measure (Isle of Man) 2013 (Appointed Day) Order 2014 (SD 2014/199).*

**1. Short title**

The short title of this Measure is the Clergy Discipline (Amendment) Measure (Isle of Man) 2013.

**2. Commencement**

This Measure comes into operation on such day or days as the Bishop may by order appoint.

**3. Extension of 2013 Measure to the Isle of Man**

The Clergy Discipline (Amendment) Measure 2013 shall extend to the Isle of Man subject to the modifications specified in the Schedule.

Section 3.

SCHEDULE

MODIFICATIONS OF 2013 MEASURE

*1. Misconduct*

In section 1(4), for "coming into force of this section" substitute "extension of this section to the Isle of Man".

*2. Penalty by consent*

In section 2(2), in the new section 16(3A), for "president of tribunals" substitute "appointed person".

*3. Right of appeal*

(1) In section 3(3), in the new section 20(1A), for "designated officer" substitute "appointed person or designated officer".

(2) In section 3(5), for "coming into force of those subsections" substitute "extension of those subsections to the Isle of Man".

(3) In section 3(6), for "coming into force of subsection (4) above" substitute "extension of subsection (4) above to the Isle of Man".

*4. Convictions and matrimonial orders*

(1) In section 4(2) —

(a) in paragraph (a), in the new section 30(1)(a) —

(i) in sub-paragraph (i), for "England" substitute "the Isle of Man", and after "sentence of" insert "custody or";

(ii) for sub-paragraph (ii) substitute —  
"(ii) of an indictable offence committed in England and Wales, or

(iii) of an offence triable on information committed in the Isle of Man;";

(b) for paragraph (b) substitute —

"(b) in paragraph (b), for "divorce order, decree of divorce or an order of separation" substitute "divorce order, separation order, decree of divorce or order of judicial separation";".

(2) In section 4(5), in the new section 30(3A) —

(a) for "president of tribunals" substitute "chancellor";

- (b) for "decree absolute or order" substitute "final divorce order, decree absolute, separation order or order of separation".
- (3) In section 4(6), for "decree absolute of divorce or the date of the order of judicial separation" substitute "final divorce order, decree absolute of divorce, separation order or order of judicial separation".
- (4) In section 4(8) —
  - (a) after "30(1)(a)(ii)" insert "or (iii)";
  - (b) for "coming into force of that provision" substitute "extension of that provision to the Isle of Man".
- (5) In section 5(2) —
  - (a) in paragraph (a), for "30(1)(a)(i) or (ii)" substitute "30(1)(a)(i), (ii) or (iii)";
  - (b) for paragraph (b) substitute —
    - "(b) in paragraph (b), for "divorce order, decree of divorce or an order of separation" substitute "divorce order, separation order, decree of divorce or order of judicial separation";".
- (6) In section 5(6) —
  - (a) after "30(1)(a)(ii)" insert "or (iii)";

- (b) for "coming into force of subsection (2)(a)" substitute "extension of subsection (2)(a) to the Isle of Man".
- 5. *Amendments and repeals*  
Omit section 9(8).
- 6. *Citation etc.*  
Omit section 10(2) and (3).
- 7. *Amendments of 2003 Measure*
  - (1) The Schedule is modified as follows.
  - (2) Omit paragraphs 2 and 3.
  - (3) In paragraph 6, in the new section 34(1), for "a decree nisi of divorce has been made absolute or an order of judicial separation has been made" substitute "a final divorce order has been made absolute or a separation order or order of judicial separation has been made".
  - (4) In paragraphs 8 and 9, for "England" substitute "the Isle of Man".
  - (6) After paragraph 10 insert —  
"10A. In section 42(1), omit the words from "Ministers" (in the second place) to "England".".
  - (7) Omit paragraphs 12 and 13.

## Church Fees Measure (Isle of Man) 2014

(SD 2014/108)

*NOTE COMMENCEMENT: Measure (except s.7, Sch.2 para.2 and Sch.3 para.5, and s.10(1) and (2) so far as relating thereto) brought into force on 1 July 2014, and rest of Measure on 1 January 2015, by Church Fees Measure (Isle of Man) 2014 (Appointed Day) Order 2014 (SD 2014/198).*

### 1. Short title

The short title of this Measure is the Church Fees Measure (Isle of Man) 2014.

### 2. Commencement

This Measure comes into operation on such day or days as the Bishop may by order appoint.

### 3. Interpretation

In this Measure "the Board" means the Sodor and Man Diocesan Board of Finance.

### 4. Parochial fees

- (1) The Board may by order prescribe fees in respect of all or any of the following —
  - (a) duties carried out by —
    - (i) a clerk in holy orders,
    - (ii) a duly licensed deaconess, reader or lay worker, or

- (iii) a sexton or parish clerk, in relation to any matter specified in Schedule 1;
- (b) the publication of banns of matrimony by a lay person under section 9(2) of the Marriage Act 1984;
- (c) a search allowed to be made in a register book of baptisms or burials, or the giving of a certified copy of an entry in such a book, by a churchwarden under section 26(1) of the Church Records Measure (Isle of Man) 2000.
- (2) An order under subsection (1) may include provision —
  - (a) that a fee prescribed by the order shall be payable to —
    - (i) the person by whom any duties are carried out,
    - (ii) a parochial church council, or
    - (iii) the Board;
  - (b) that no fee shall be payable in respect of a matter specified in the order;
  - (c) specifying costs and expenses which are to be included in a fee, or to be payable in addition to a fee, in respect of a matter so specified;

- (d) prescribing an increase in fees —
  - (i) by specifying that increase,
  - (ii) by means of an arithmetical formula,
  - (iii) by means of a formula related to a published index of price or earnings increases which is of general application, or
  - (iv) by means of a combination of both such formulae;
- (e) for such incidental or supplemental matters as the Board consider necessary or desirable for the purposes of the order.

*NOTE: Orders under s.4: Parochial Fees Order 2015 (SD 2015/378, not printed in this work).*

### 5. Amendment of Schedule 1

The Board may by order amend Schedule 1 by altering, omitting or adding to any of the matters mentioned in it, including any note in Part 2 of that Schedule.

### 6. Waiver of fees

- (1) The incumbent or priest in charge of a benefice in the area of which a service or other event takes place may —
  - (a) with the consent of the Board, waive any fee payable to the Board in respect of that service or event; or
  - (b) with the consent of the council, waive any fee payable to a parochial church council in respect of that service or event.
- (2) A consent under subsection (1)(a) or (b) may be given either generally in respect of any description of fees, services or events, or in respect of a particular fee, service or event.

### 7. Remuneration of Vicar General

- (1) This section applies to the following officers —
  - (a) the Vicar General;
  - (b) a duly appointed deputy of the Vicar General.
- (2) The Board shall pay to an officer to whom this section applies —
  - (a) such honorarium or annual fee (if any), and
  - (b) such payments in respect of reasonable expenses incurred by the officer in or relating to the performance of his or her duties (including the holding of court hearings),

as may be agreed between the Board and the officer.

- (3) The Board may by order prescribe fees to be payable to an officer to whom this section applies in respect of any duties specified in the

order which are performed or to be performed by that officer.

- (4) An order under subsection (3) may specify by whom (subject to any order for the payment of costs in any legal proceedings) a fee prescribed by the order is payable.
- (5) Before making an order under subsection (3) the Board shall consult the Vicar General.

### 8. Procedure for orders

- (1) An order under section 4, 5 or 7(3) —
  - (a) shall not have effect unless it is approved by the Sodor and Man Diocesan Synod, and
  - (b) shall be laid before Tynwald as soon as may be after it is made.
- (2) If Tynwald, at the sitting at which an order under section 5 is laid or the next following sitting, resolves that the order be annulled, it shall cease to have effect.

### 9. Recovery of fees.

A fee prescribed under this Measure shall be recoverable as a debt.

### 10. Transitional and consequential provisions

- (1) The transitional provisions in Schedule 2 have effect.
- (2) The enactments specified in Schedule 3 are amended in accordance with that Schedule.
- (3) The enactments specified in Schedule 4 are repealed to the extent specified in column 3 of that Schedule.

## SCHEDULE 1

### PART 1

#### TABLE OF MATTERS TO WHICH FEES MAY RELATE

#### *Vacant benefices*

- 1. The performance of occasional ecclesiastical duties in vacant benefices.

#### *Baptisms*

- 2. Certificate issued at time of baptism

#### *Marriages*

- 3. Grant of special licence or common licence for marriage
- 4. Publication of banns of marriage
- 5. Certificate of banns issued at time of publication
- 6. Marriage service in church
- 7. Service of prayer and dedication in church after a civil marriage
- 8. Service of thanksgiving for marriage in church

#### *Funerals and burials of persons aged 16 years or more*

- A. Service in church
9. Funeral service in church, whether taking place before or after burial or cremation
  10. Burial in burial ground immediately preceding or following on from service in church
  11. Cremation immediately preceding or following on from service in church
  12. Burial of body in burial ground on separate occasion
  13. Burial of cremated remains in burial ground or other lawful disposal of remains on separate occasion
  14. Memorial service in church
- B. No service in church
15. Service at graveside
  16. Service in crematorium or cemetery chapel
  17. Burial of body in burial ground
  18. Burial of cremated remains in burial ground or other lawful disposal of remains
- C. Certificate of burial
19. Certificate issued at time of burial

*Monuments in burial grounds*

20. Erection or construction of monument permitted in accordance with rules, regulations or directions made by the Vicar General including those relating to a particular burial ground or part of a burial ground (but excluding a monument authorised by a particular faculty)
21. Inscription on, or other addition to, an existing monument

Searches in church registers etc

22. Searching registers of baptisms or burials
23. Provision of copy of entry in any register of baptisms or burials

PART 2

EXPLANATORY NOTES ON PART 1

*Burial etc. on a separate occasion.*

1. In relation to the fee for a burial, cremation or other disposal —
  - (a) "on separate occasion" means on any occasion other than immediately preceding or following on from a service in church;
  - (b) "immediately preceding" includes the day before that on which the service or disposal takes place;
  - (c) "following on" includes the day after that on which the service or disposal takes place.

*Burial etc. of infant*

2. No fee is payable in respect of the funeral, or the burial, cremation or other disposal of the

remains, of a still-born infant or of a child dying before attaining the age of 16 years.

*Burial of cremated remains in church or closed burial ground*

3. Where cremated remains are buried in or under a church or in a closed burial ground, the fees payable to the parochial church council and the Board or either of them are—

- (a) where burial is authorised by a particular faculty, such sums as may be determined by the Vicar General, who shall specify the person or persons entitled to receive them;
- (b) otherwise, the fees prescribed for burial in a burial ground.

*Burial or cremation in municipal cemetery or crematorium*

4. No fee is payable in respect of —

- (a) a service at a burial in a cemetery provided under the Douglas Cemetery Act 1895 for which a fee is fixed under section 14 of that Act, or
- (b) a burial service before, at or after cremation for which a fee is fixed under section 11 of the Cremation Act 1957 or under the said section 14.

*Monuments in churchyards*

5. Where a monument in a churchyard is erected or an additional inscription on a monument is made under the authority of a particular faculty, the fees payable to the Board and the parochial church council or either of them shall be such sums as may be determined by the Vicar General, who shall specify the person or persons entitled to receive them.

*Searches in registers, etc.*

6. The search fee relates to a particular search where the approximate date of the baptism or burial is known. The fee for a more general search of a church register is negotiable with the parochial church council.

*Definitions*

7. In this Schedule —

"burial" includes the opening of a vault or grave, deposit in a vault or brick grave and the interment or deposit of cremated remains;

"burial ground", subject to paragraph 4, includes a cemetery provided under the Douglas Cemetery Act 1895;

"monument" includes a headstone, cross, kerb, border, vase, chain, railing, tablet, plaque, flatstone, tomb, tombstone or other memorial of any kind;

"prescribed" means prescribed by an order under section 4.

SCHEDULE 2  
TRANSITIONAL PROVISIONS

*Fees*

1. Any fee prescribed under an enactment repealed by this Measure, or by a statutory provision extended to the Island by such an enactment, and in force immediately before the coming into operation of this Measure shall be treated as if it were prescribed under section 4 or 7(3), as the case may be.

*Vicar-General's remuneration*

2. Any fund, or the income of any fund, held or managed by the Board which immediately before the coming into operation of this Measure is to be applied wholly or partly towards the remuneration of the Vicar General shall cease to be so applicable and shall be held by the Board for the general purposes of the Board.

SCHEDULE 3  
AMENDMENT OF ENACTMENTS

*Church Act 1969 (XXI p.94)*

1. In Schedule 1, after paragraph 3 insert —  
"3A. Section 63 (which relates to fees) shall be omitted." ...

*Church Records Measure (Isle of Man) 2000 (SD 533/00)*

3. In section 26 —  
(a) in subsection (1), for "section 1 of the Ecclesiastical Fees Measure 1986" substitute "the Church Fees Measure (Isle of Man) 2014";  
(b) in subsection (2)(b), for "Ecclesiastical Fees Measure 1986" substitute "Church Fees Measure (Isle of Man) 2014".

*Clergy Discipline Measure (Isle of Man) 2005 (SD 538/05)*

4. In Schedule 1, after paragraph 13 insert —  
"13A. In section 35(1), omit "Section 63 (fees payable)"."

*Church Offices Measure (Isle of Man) 2011 (SD 624/11)*

5. For paragraph 8 of the Schedule substitute —

**"8. Remuneration**

(1) This paragraph applies to the following officers —

- (a) the Registrar;
  - (b) a duly appointed deputy Registrar.
- (2) The Board shall pay to an officer to whom this paragraph applies —

(a) such honorarium or annual fee (if any), and

(b) such payments in respect of reasonable expenses incurred by the officer in or relating to the performance of his or her duties (including the holding of court hearings),

as may be agreed between the Board and the officer.

(3) The Board may by order prescribe fees to be payable to an officer to whom this paragraph applies in respect of any duties specified in the order which are performed or to be performed by that officer.

(4) An order under sub-paragraph (3) may specify by whom (subject to any order for the payment of costs in any legal proceedings) a fee prescribed by the order is payable.

(5) Before making an order under sub-paragraph (3) the Board shall consult the Registrar.

(6) An order under sub-paragraph (3) —

(a) shall not have effect unless it is approved by the Synod, and

(b) shall be laid before Tynwald as soon as may be after it is made."

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*NOTE Sch.3: para.2 repealed by Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure (Isle of Man) 2016 Sch.2.*

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SCHEDULE 4  
ENACTMENTS REPEALED

<i>Reference</i>	<i>Short title</i>	<i>Extent of repeal</i>
XVIII p.789	Cremation Act 1957	Section 8(2). In section 11, the words "made or approved by the Ecclesiastical Committee of Tynwald or".
XXI p.94	Church Act 1969	Section 6. In section 7, the words "or section 6".
1986 s.26	Burials Act 1986	Section 18. In section 23, paragraph (d).
GC 3/91	Church (Miscellaneous Provisions) Measure (Isle of Man) 1990	Section 5. Schedule 5.
GC 485/92	Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992	In the Schedule, paragraphs 9 and 30(4).
SD 533/00	Church Records Measure (Isle of Man) 2000	Section 26(9).

**Church (Miscellaneous Provisions) Measure (Isle of Man) 2015**

SD 2015/0236

*NOTE COMMENCEMENT: Measure brought into force on 1 July 2015 by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 (Appointed Day) Order 2015 (SD 2015/0238).*

**1. Short title**

The short title of this Measure is the Church (Miscellaneous Provisions) Measure (Isle of Man) 2015.

**2. Commencement**

This Measure comes into operation on such day or days as the Bishop may by order appoint.

**3. Extension of certain provisions of 2014 Measure**

The following provisions of the Church of England (Miscellaneous Provisions) Measure 2014 shall extend to the Isle of Man subject to the modifications specified in Schedule 1 —

- (a) section 5 (amendment of Parochial Church Councils (Powers) Measure 1956);
- (b) section 6 (amendment of Ecclesiastical Jurisdiction Measure 1963);
- (c) section 7 (amendment of Faculty Jurisdiction Measure 1964);
- (d) section 9 (amendment of Synodical Government Measure 1969);
- (e) section 13 (amendment of Care of Churches and Ecclesiastical Jurisdiction Measure 1991);
- (f) section 15 (tenure of office of vicars general and surrogates);
- (g) section 17 (power for chancellor to determine fees);
- (h) paragraphs 5, 17 and 19 of Schedule 2, and section 20 so far as it relates to those paragraphs;
- (i) Schedule 3.

**4. Amendments of 2012 Measure**

- (1) The Mission and Pastoral Measure (Isle of Man) 2012 is amended as follows.
- (2) In section 3(4)(b), after "benefice" insert "or an extra-parochial place".
- (3) In section 7(1), at the end insert —  
 "(d) the incorporation in parishes of extra-parochial places."
- (4) In section 15(4)(c), at the end insert ", where the holder of the office is entitled to receive a stipend or other emoluments of office including the provision of accommodation".

- (5) In section 41, at the end insert —  
 "(4) Any reference in this section to serving, sending or giving a notice or other document includes a reference to sending it by electronic means."
- (6) In paragraph 1(2) of Schedule 2, omit the words from "and (b)" to "accommodation".
- (7) In paragraph 3(3) of Schedule 2, at the end of sub-paragraph (b) insert ", unless notice has already been given by the Bishop under section 29(1) of the suspension of the right of presentation to the benefice".
- (8) In paragraph 16 of Schedule 3, after sub-paragraph (5) insert —  
 "(5A) Manx National Heritage may, with the consent of the Commissioners, dispose of any fixtures, fittings or other contents of a church vested in it under this Schedule."
- (9) In Schedule 8, omit paragraphs 1 and 6.

**5. Repeals etc.**

- (1) The enactments specified in Schedule 2 are repealed to the extent specified in column 3 of that Schedule.
- (2) In the Schedule to the Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012, for paragraph 12(5) substitute —  
 "(5) Omit section 11(5) to (11)."

SCHEDULE 1

MODIFICATIONS SUBJECT TO WHICH PROVISIONS OF THE CHURCH OF ENGLAND (MISCELLANEOUS PROVISIONS) MEASURE 2014 EXTEND TO THE ISLE OF MAN

*Amendment of Parochial Church Councils (Powers) Measure 1956*

- 1. In section 5(3), for "subsection—" substitute "subsections—", and after the new section 7(2) insert —  
 "(3) Periodical payments made by standing order, direct debit or any other similar method of payment to a council in lieu of or in addition to money given in church, not being payments intended for a specific object, shall be treated for the purpose of subsection (1)(iv) as moneys given or collected in church."

*Amendment of Ecclesiastical Jurisdiction Measure 1963*

- 2. (1) Omit section 6(2).
- (2) In section 6(3), in the substituted section 3(4), omit "or chancellor".

*Amendment of Care of Churches and Ecclesiastical Jurisdiction Measure 1991*

3. In section 13(3)(b), in the substituted section 18(1)(b), for "a listed building" substitute "registered in the Protected Buildings Register".

*Tenure of office of vicars general and surrogates*

4. (1) In section 15(1), omit "or diocese" and "or diocesan".

(2) In section 15(2), for the words from "office of" onwards substitute "diocesan see".

(3) In section 15(4), after "subsection (1)" insert "or (2)", and omit "of the vicar general"

*Power for chancellor to determine fees*

5. (1) Omit section 17(2)(b).

(2) For section 17(3) substitute —

"(3) In this section "monument" has the same meaning as in Schedule 1 to the Church Fees Measure (Isle of Man) 2014."

*Minor and consequential amendments*

6. (1) In paragraph 5(2) of Schedule 2, in the substituted section 11 —

(a) in subsection (4), for "publish in the London Gazette" substitute "file in the General Registry of the Isle of Man", and for "publication" substitute "filing";

(b) in subsection (5), for "published in the London Gazette" substitute "filed in the General Registry of the Isle of Man", and for "coming into force" substitute "extension to the Isle of Man".

(2) In paragraph 17(a) of Schedule 2, in the inserted paragraph (aa), omit "an archbishop or" and "or 4".

(3) In paragraph 19 of Schedule 2 —

(a) omit sub-paragraphs (2) to (10);

(b) in sub-paragraph (12)(e), in the new paragraph 11(5A), for "mission and pastoral committee" substitute "diocesan board of finance for the diocese concerned", and after "paragraph 7" insert "of Schedule 6 to the Mission and Pastoral Measure (Isle of Man) 2012".

SCHEDULE 2

ENACTMENTS REPEALED

Reference	Short title	Extent of repeal
II p.124	St Jude's Chapel Act 1839.	Section 2.

II p.149	Ecclesiastical Persons Act 1843.	Sections 1 to 5. In section 6, the words from "and to assign" onwards. Section 7.
V p.14	Ecclesiastical Residences and Dilapidations Act 1879.	The whole Act.
VI p.312	Bankruptcy Code 1892	In section 35(4), the words "the operation of the Ecclesiastical Residences and Dilapidations Act, 1879, or".
VI p.648	Church Act 1895.	Section 11.
VII p.179	Clergy Residence Act 1897.	The whole Act.
VII p.192	Ecclesiastical Residences and Dilapidations Amendment Act 1897.	The whole Act.
1992 c.5	Church Act 1992.	In Schedule 2 — (a) paragraph 3(1)(c); (b) in paragraph 6(2), the words "or the parsonage house of a benefice", "or the incumbent of the benefice, as the case may be," and "or parsonage house of the benefice"; (c) paragraph 6(3), (3A) and (3B); (d) paragraph 9. In Schedule 3, in paragraph 1(2)(a), the words "or in any parsonage house or glebe land of a benefice". In Schedule 6, paragraph 1.
SD 260/95	Incumbents (Disability) Measure (Isle of Man) 1995	The whole Measure.
SD 714/96	Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996	The whole Measure.
SD 339/01	Sale of Parsonages Measure (Isle of Man) 2000	The whole Measure.
2011 c.2	Civil Partnership Act 2011.	In Schedule 14, paragraphs 4, 10 and 11.
SD 192/12	Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012	Section 2(1). In the Schedule, paragraph 12(4) and (6) to (8).

**Bishops and Priests (Consecration and Ordination of Women)  
Measure (Isle of Man) 2015**

SD 2015/257

*GENERAL NOTE Commencement: this Measure came into force on 21 July 2015, the date on which Royal Assent was announced to Tynwald.*

**1. Short title**

The short title of this Measure is the Bishops and Priests (Consecration and Ordination of Women) Measure (Isle of Man) 2015.

**2. Extension of 2014 Measure to the Isle of Man**

The Bishops and Priests (Consecration and Ordination of Women) Measure 2014 (a Measure of the General Synod) extends to the Isle of Man subject to the modifications specified in the Schedule.

**3. Consequential repeals and amendment**

(1) The following provisions of the Mission and Pastoral Measure (Isle of Man) 2012 are repealed —

- (a) in section 10(4), the words "Subject to subsection (5),";

- (b) section 10(5);
  - (c) in section 11(2)(a), the words "subject to subsection (3),";
  - (d) section 11(3).
- (2) In section 10(11) of that Measure, for "subsections (1) to (5)" substitute "subsections (1) to (4)"."

SCHEDULE

MODIFICATIONS OF 2014 MEASURE IN ITS APPLICATION TO THE ISLE OF MAN

1. Omit section 2.
2. Omit section 4(2) to (5).
3. In the Schedule —
  - (a) in the repeals of provisions of the Synodical Government Measure 1969, omit paragraph (a);
  - (b) in the repeals of provisions of the Dioceses, Pastoral and Mission Measure 2007, omit the entries relating to sections 13(1) and 17(8);
  - (c) omit the repeals of provisions of the Mission and Pastoral Measure 2011 .

**Patronage (Amendment) Measure (Isle of Man) 2015**

SD 2015/258

*GENERAL NOTE*

*Commencement: this Measure came into force on 21 July 2015, the date on which Royal Assent was announced to Tynwald.*

**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 1986, as set out in Schedule 1 to the 1997 Measure;

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

**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.

(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.

#### 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),
  - (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 2010;

"the 2012 Measure" means the Mission and Pastoral Measure (Isle of Man) 2012;"

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;"

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

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

**Care of Churches and Ecclesiastical Jurisdiction (Amendment)  
Measure (Isle of Man) 2016**

SD 2016/80

*GENERAL NOTE Commencement: This Measure came into force on 17 February 2016, the date on which Royal Assent was announced to Tynwald.*

**1. Short title**

The short title of this Measure is the Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure (Isle of Man) 2016.

**2. Extension of Measure to the Isle of Man**

The Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure 2015 (a Measure of the General Synod) extends to the Isle of Man subject to the modifications specified in Schedule 1.

**3. Repeals**

The enactments specified in Schedule 2 are repealed to the extent specified in column 3 of that Schedule.

SCHEDULE 1

MODIFICATIONS OF THE 2015 MEASURE  
IN ITS APPLICATION TO THE ISLE OF  
MAN

1. Omit section 1.
2. In section 2(1), for "the 1991 Measure" substitute "the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 ("the 1991 Measure")".
3. Omit section 4.
4. In section 5(1) —
  - (a) for "section 18A of the 1991 Measure (as inserted by section 4)" substitute "section 18 of the 1991 Measure";
  - (b) in the heading of the new section 18B, for "Rule" substitute "Legislative";

(c) in the new section 18B(7), omit paragraphs (c) and (g), and for paragraph (i) substitute —

"(i) the sale of any book comprised in a library within the diocese of Sodor and Man where the consent of the consistory court to such sale was necessary before the passing of the Church Act 1969 (an Act of Tynwald);"

(d) in the new section 18C(2)(a), for "Rule" substitute "Legislative".

5. Omit section 6.

6. In section 7(1), in the new section 7(1)(b), for "section 6(1)(bb), (d) or (e)" substitute "section 6(1)(bb) or (e)".

7. In section 9(1), omit the new section 2(4D).

8. After section 10 insert —

**"10A Chapels subject to faculty  
jurisdiction**

In section 6(3) of the Faculty Jurisdiction Measure 1964, omit the words from "There shall be" onwards."

9. (1) Omit section 11(2) to (7).

(2) After section 11(8) insert —

"(9) Any reference in this Measure to any Measure or to any provision of a Measure is to the Measure or provision as it has effect in the Isle of Man."

SCHEDULE 2

ENACTMENTS REPEALED

*Title or short title*                      *Extent of repeal*

Church Offices Measure Section 2(2)(c)  
(Isle of Man) 2011 (SD  
624/11)

Church Fees Measure      In Schedule 3, paragraph 2.  
(Isle of Man) 2014 (SD  
2014/0108)