

# Exercising Patronage in the Church of England

Notes prepared and revised by the  
Private Patrons Consultative Group

## *Contents*

Registration as Patron	ii.
Transfer of Patronage	ii.
Death of a Patron	iii.
Power of Attorney	iii.
Bankrupt Patron	iii.
Exercise of Right of Presentation	iii.
Advertising	v.
Section 12 Meeting: Diocesan and Parish representatives with Patron	v.
Selection of prospective incumbent	vii.
Joint Patronage	vii.
Appeals	viii.
Presentation	ix.
Pastoral Measure 1983 - Suspension of Presentation	x.
Appointment of Priest in Charge	xi.

## **Introductory Notes for Private Patrons**

**1.1** The exercise of Patronage, i.e. the right to present a priest to a particular benefice, is an historic foundation element of the Church of England carried over from the pre-Reformation Church. Today it forms part of a system of checks and balances which ensures the continuance of a broad spectrum of belief and practice within that Church, not least traditional orthodoxy.

**1.2.** Technically a right of Patronage or Advowson, a right which forms part of the law of property, can be transferred by Deed of Gift (see below), or as a bequest in the Patron's Will, or on intestacy, but it can no longer be bought or sold. *Private Patrons may well feel that they should decide the ultimate destination of their Patronage by making explicit provision in a Will, rather than leaving the Patronage to be dealt with as part of an intestacy.*

**1.3.** It is possessed by a wide range of individuals and corporations as well as by Diocesan Bishops, Cathedral Chapters, Colleges, Societies, Patronage Boards, the Lord Chancellor and the Crown, all of whom are legally capable of being named in a Will as beneficiaries. It is not true that Patronage may be transferred or bequeathed only to a Bishop, and often there is every reason why it should not be, in order to preserve variety in the interests of both Parish and Diocese.

**1.4.** In 1986 the General Synod passed the Patronage (Benefices) Measure which made new and far-reaching changes in the regulations governing the exercise of Patronage; and therefore the main sources of legal provision are the Pastoral Measure 1983 and the Patronage (Benefices) Measure 1986. Both Measures are accompanied by Codes of Practice issued by the Church Commissioners or other central authorities of the Church of England.

**1.5.** Copies of these documents should be obtainable from Church House Bookshop, Great Smith Street, Westminster, and, in the case of the Measures, from the Stationery Office. Codes of Practice do not have the force of law, but patrons, and others, have a legitimate expectation that the Diocesan authorities will abide by them unless they are able to show a good reason why they should not. A breach of a recommendation in a Code of Practice may well give rise to the opportunity of raising a legal challenge by way of judicial review. It is, of course, axiomatic that strict compliance with the provisions of the Measures is required from all parties involved.

**1.6** The following notes, which reflect the experience of those who are engaged in the exercise of patronage on a regular basis, are offered to private patrons who are called upon to exercise their role as Patron less frequently, in the hope that they may be of general assistance. In so far as it is consistent with a coherent presentation of the rights and duties of a Patron, matters are dealt with in the same order as in the Patronage (Benefices) Measure 1986 published by HMSO (ISBN 0.10. 530386 0)

## **2. Registration as Patron**

**2.1** The Registrar of each Diocese is required to maintain a register of those entitled to exercise patronage in respect of the benefices in the Diocese. This Register is open to inspection by the public at all reasonable times. *It is important that the Registrar is informed of any change in the identity of the person entitled to exercise Patronage.*

### **3. Transfer of Patronage**

**3.1** From time to time it may happen that a Patron wishes to be relieved permanently of his responsibilities. S/he may do this by executing a Deed of Transfer in the required form. A diocesan Bishop is always grateful for the opportunity to acquire the right to appoint to a benefice in his diocese. However, there are other considerations to be taken into account besides the episcopal desire to forward a centralising tendency. Many parishes value highly an independent voice speaking on behalf of their parochial and pastoral concerns, especially at a time when pastoral re-organisation features ever more prominently on the Diocesan agenda than heretofore. To hand patronage from private hands to a diocesan bishop should be a last resort, all other possibilities having been explored and found wanting. To do so is to assist a process which is making the Church of England more narrowly ecclesiastical and silences a lay voice which centuries ago the original donor had secured, as he thought in perpetuity. Private patronage assists to continue the identity of the national church against a somewhat more sectarian concept favoured by some bishops who wish to control the exercise of patronage in their dioceses.

**3.2** No right of patronage may be sold. Any transfer made for any monetary consideration would be deemed void.

**3.4** A Patron who wishes to transfer his right should give notice of his intention to the Bishop of the Diocese and to the Registrar indicating:

(1) his intention to transfer that right;

(2) the name and address of the person to whom it is proposed that the right shall be transferred;

(3) particulars of the proposed transfer.

After a month has elapsed the Bishop may ask the Patron to discuss the proposal and any representations which have been made to him by the P.C.C.. The transfer may not take place until such discussion has taken place, but the Bishop does not have the right to veto the proposal.

**3.5** Subsequently it becomes the duty of the person to whom the Patronage has been transferred to make application, in due form, to be registered as the Patron of the benefice. This has to be done within twelve months of the date of the execution of the transfer otherwise the transfer will be of no effect.

**3.6** No transfer of patronage may take place during the period of a vacancy in a benefice.

### **4. Can Patronage be exercised other than by the Registered Patron ?**

**4.1** Where the registered patron of a benefice dies before or within two months after the vacancy in the benefice occurs and after s/he has submitted a declaration<sup>1</sup> of membership or the appointment of a representative to the Designated Officer, the right of presentation will pass to his/her personal representatives. They will be able to act even though they are not registered as Patrons.

**4.2** Where the Patron dies two months or more after the vacancy occurs, and has not submitted a declaration of membership or given notice of the appointment of a

---

<sup>1</sup> See paragraph 5.4, below. This Declaration is a formal document under statutory authority.

representative before his/her death, the right of presentation passes to the Bishop and does not devolve on the personal representatives.

**4.3** A registered patron may, by an instrument creating a Power of Attorney, confer on the person to whom s/he gives the power, authority to discharge all the functions of a patron of a benefice.

**4.4** Under the Insolvency Act 1986 a bankrupt is not prevented from exercising a right of patronage, nor does it form part of his/her estate for insolvency purposes. Thus s/he may act during a vacancy in the usual way. But a person unfortunately of unsound mind cannot act.

## **5. Exercise of Rights of Presentation - Time Limits**

**5.1** The time limits for the various stages of the procedures under both the 1983 and the 1986 Measures are statutory and cannot be waived or varied save where expressly allowed by the Measure. Patrons and Diocesan Authorities are entitled to expect them to be adhered to and can insist on their rights.

**5.2** *It is the duty of the Designated Officer, appointed by the Bishop, to send official notification to the Registered Patron of a vacancy in the benefice of which s/he is Patron.* However, the former has to wait for formal notification from the Diocesan Bishop. Occasionally a Bishop has been known not to act in this matter as speedily as he might. This results in time-consuming and unnecessary delay which, in the tight schedule which the Measure imposes, is to be avoided at all costs. ***The process of selection and presentation has to be completed within a period of nine months beginning with the date on which the benefice becomes vacant.*** However, when account is taken of the time allowed for the necessary preliminaries to be completed, which includes advertising and obtaining references together with the nine month period which has to be allowed for the Diocesan Bishop to meet and approve the selected candidate, Patrons find themselves having to think in terms of a much shorter period. Time can become an even more pressing consideration if the Parish Representatives<sup>2</sup> or the Diocesan Bishop exercise their veto and the Patron submits an appeal for review to the Archbishop of the Province.

**5.3** On occasions the time scale can be less rigorous if the outgoing incumbent has given notice of his intention of resigning or his appointment to a new benefice is announced some time before it takes effect, thus enabling the Bishop to give notice before the benefice becomes vacant.

**5.4** Within two months of receiving notification of the vacancy the Patron is required to make a written declaration declaring that s/he is an actual communicant member of the Church of England or of a Church in communion with that Church. Usually a prescribed form on which this may be done is provided with the notification of the vacancy.

**5.5** If the Patron is unable to make the required declaration s/he may appoint some other individual who is able and willing to make it, or is a Clerk in Holy Orders, to act as his/her representative to discharge the functions of registered patron. Alternatively s/he may statutorily appoint one of the following bodies to act on his behalf:

(a) The Dean & Chapter or the Cathedral Chapter of the Cathedral Church of the Diocese;

(b) the Dean & Chapter of the Collegiate Church of St Peter in Westminster (i.e.

---

<sup>2</sup> See the footnote on page viii., below.

Westminster Abbey);

- (c) The Dean & Canons of the Collegiate Church of St. George, Windsor;
- (d) Any Diocesan Board of Patronage;
- (e) Any Patronage Board constituted by a Pastoral Scheme;
- (f) Any University in England or any College or Hall in such a University;
- (g) The Colleges of Eton and Winchester.

**5.6** It may transpire that on receiving notification the Patron, although able to make the declaration, for some reason will be unable to exercise his right on this particular occasion. In those circumstances s/he too may appoint a representative to act in his/her place.

**5.7** The same option is available where the right of presentation is exercised by the donee of a power attorney. Otherwise the donee of a power of attorney is expected to make the declaration of membership.

**5.6** Before the expiration of the period of two months, beginning with the date on which a benefice becomes vacant, the Registered Patron is required to send to the Designated Officer 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 person.

## **6. Advertising**

**6.1** Within four weeks of receiving the notice of the impending vacancy, the P.C.C. is required to meet to prepare a Statement describing the conditions, needs and traditions of the Parish for the guidance of the Patron and the Diocesan Bishop. Clergy interested in the vacancy are likely to find the Statement of great assistance.

**6.2** The P.C.C. *may ask* the Patron to consider advertising the vacancy. That request can be met in part by informing the Church of England Clergy Appointments Adviser, Fielden House, Little College Street, Westminster, London SW1P 3SH, who will arrange for the vacancy to be included in a list which he circulates at regular intervals to clergy interested in securing another appointment.

**6.3** The widest circulation available is through the columns of the *Church Times* and *The Church of England Newspaper*. Views vary about the usefulness of this approach. On occasions Patrons may receive a large number of requests for further information - for which enquirers could be asked in the advertisement to provide a stamped addressed envelope - but, in the end, may by this means obtain relatively few formal applications to be considered for the appointment. However, the use of advertising has, in the experience of many resulted in Patrons being able to consider candidates who otherwise would not have come to their notice, with very happy results for all concerned. Expense may be a concern when considering this approach, in which case it does not seem to us unreasonable to ask the Parish(es) to consider making a contribution towards the advertising and secretarial cost involved, particularly if they have *asked* the Patron to advertise.

**6.4** The Patron may decide of his own volition to advertise.

**6.5** Often Bishops will know of suitable people from within the Diocese who might be considered. *The Principals of Theological Colleges also are aware of former students looking for a move. A wide spectrum of knowledgeable individual clergy and societies, particularly patronage trusts, may be willing and able to suggest names to an enquiring Patron.*

## **7. Meeting under the provisions of Section 12 - Parish, Diocese & Patron(s)**

**7.1** The P.C.C. has to decide whether to request a meeting with the Patron and the Diocesan Bishop to exchange views on the prepared Statement. The Bishop and/or the Patron also may request such a meeting even when the P.C.C. does not ask for one. This request has to be received within ten days of the receipt of the Statement prepared by the P.C.C.. The meeting has to be held within six weeks from the date on which the request for the meeting was first made. The Patron may appoint someone else to be present at this meeting on his/her behalf if s/he is unable to attend in person.

**7.2** This is an invaluable exercise for a variety of reasons. Patrons are sometimes relatively unknown to the members of the P.C.C. and the meeting provides an opportunity to remedy this but, more importantly, it enables the Patron to gauge for himself the relative significance of items which have been included in the Statement and of equal significance those which have been omitted, for guidance about which s/he may have to rely solely on the Parish Representatives and the Diocesan Bishop. It ensures also that a Patron can discuss the Parish with a prospective candidate with a degree of confidence which s/he cannot obtain easily any other way.

**7.3** The Patron as well as the P.C.C. can request a written statement from the Bishop describing in relation to the benefice the needs of the diocese and the wider interests of the Church. At a time when pastoral reorganisation is much in the air this is an opportunity for exploring constructively alternative solutions to the issues which may be under consideration.

**7.4** When this "section 12" meeting has been *requested*, the Patron may not make a formal offer to present to the benefice until this meeting has been *held*, or (if the meeting is not held) the statutory period of six weeks from the date on which the meeting was requested has passed.

## **8. Meetings Generally**

It is in the interests of all parties to build up and maintain trusting and open relationships with mutual respect between the Diocesan Bishop, the Archdeacon, the Parish Representatives and the Patron(s).

**8.1** The first meeting of the P.C.C. following a notice of vacancy may well be difficult, especially as they will be without the guidance of their previous incumbent. It is common practice for the Rural Dean, Archdeacon or even the Suffragan Bishop to attend such meetings and assume the chair and, for good or for ill, take over the proceedings. *This is illegal.* Even at a Section 12 Meeting, which the Bishop may attend, or to which he may send his representative, *it is for the whole body of persons present to choose a Chairman*, and the same rule follows if the meeting adjourns to another time. At ordinary P.C.C. Meetings, no one other than Members of the Council may attend unless invited by the Council to do so - and then they may, by invitation, speak, but not vote or preside. By the

general law, a P.C.C., being not subject to Visitation, is not bound to admit or hear the Bishop or Archdeacon, and should, if it does so decide, do so on its own terms and with a clear, courteous and gentlemanly understanding which will be the best way of preventing ill-feeling. P.C.C. members, and their lay Vice-Chairman, should remember that it is their meeting, and act with firmness and courtesy. A Bishop does not respect a collection of jellyfish, any more than he listens to people who are merely arrogant or quarrelsome. The Patron can often prove a valuable intermediary and indeed peacemaker. So, whilst the P.C.C. may indeed welcome the presence and advice of such Diocesan luminaries, its Members do the Parishioners who elected them no service unless they remember that they were elected to be their own masters.<sup>3</sup>

**8.2** Whether or not such a request has been made, the Patron may not make an offer to any priest to present him to a benefice until that offer has been approved formally by the Parish Representatives (each of them) and the Diocesan Bishop.

## **9. Selection of Prospective Incumbent**

**9.1** *The method of selection must be a matter primarily for the presenting Patron and will differ according to circumstances.*

**9.2** The P.C.C. may have specific views on the method of selection, quite apart from the question of advertising. It is for the P.C.C. Representatives to make these views known to the Patron. However, neither the P.C.C. nor the Representatives have any way of insisting that the views in question are followed. If the P.C.C. or its Representatives wish the patron or his representatives to take steps which involve him in expense he would not otherwise have incurred, it is recommended that the P.C.C. offers to reimburse him. Where a candidate is turned down, requests for further advertising may suggest reimbursement of the additional costs incurred by the Patron(s).

**9.3** In the case of an appointment to a Group Ministry the patron must consult the other incumbents and any priests-in-charge before he requests the bishop and the P.C.C. Representatives to approve the offer of the benefice being made to a priest.

**9.4** A Patron who is selecting a new Team Rector for a Team Ministry must consult the other members of the Team before presenting the priest for institution. It is recommended that such consultation takes place before the bishop and the P.C.C. representatives are asked to approve an offer to the priest in question.

**9.5** *When exercising joint patronage the individual Patrons must reach agreement about the person to whom they wish to make an offer of presentation.* In the event of their failure to agree no offer of presentation can be made. It is not required to be decided by majority voting.

**9.6** Once the Patron has decided to whom he wishes to offer the benefice, he cannot make

---

<sup>3</sup> Some parishes have passed resolutions A and B under the Priests (Ordination of Women) Measure 1993 and may, in addition, have passed what is commonly known as resolution C under the Episcopal Ministry Act of Synod 1993. It is regrettable, but true, that the time of vacancy is when an unsympathetic Diocese may try to bring pressure on P.C.C. to reverse these resolutions. If it is still the will of the P.C.C., acting on behalf of the parish, not to have a woman as incumbent, nor a woman to preside or celebrate at the Holy Communion or to pronounce the absolution or who still wish to have alternative episcopal oversight, then they must be resolute and stand firm to resist the pressures that may be brought to bear upon them to rescind these resolutions.

the offer without the approval of the bishop and the P.C.C. Representatives. He sends them a notice (Form 36 for the Bishop and Form 37 for the P.C.C. Representatives) requesting their approval. If the Bishop wishes to signify his refusal he must do so by notice within four weeks from the date the notice was sent; if the P.C.C. Representatives or any of them - i.e., a single P.C.C. Representative - wish to signify their refusal, they (s/he) must do so by notice within two weeks of the notice being sent. The Representative(s) use Form 37 and are required to give reason(s) for refusal. If no communication is received by the presenting patron or his representative within those time limits approval is deemed to have been given to the making of the offer.<sup>4</sup>

**9.7** In practice, the timetable means that the Patron will need to decide on the person to whom he wishes to offer the benefice and send the notices seeking the approval of the Bishop and the P.C.C. Representatives at the very latest within eight months after the vacancy occurs. Otherwise, s/he runs the risk of being unable to complete the procedure required by the Measure within the nine month period, after which the right of presentation lapses. It is urged very strongly that the choice of candidate should never be left as late as this. It takes no account of the possibility of the exercise of the veto by Bishop or Parish representatives and the possible need to submit an appeal for review.

**9.8** Where the Bishop or any P.C.C. Representative refuses to approve the making of an offer, he must notify the presenting patron in writing of the grounds on which the refusal is made. The Measure does not give any clear indication of the grounds which are sufficient to justify the Bishop or the P.C.C. Representatives in refusing to approve an *offer*. It is thought that even in the case of the Bishop they need not be such as would justify his refusing to *institute* the priest in question. For example, it is suggested that the Bishop or the P.C.C. Representatives could withhold that consent to the making of an offer if the priest failed to meet some important requirement in the P.C.C. Statement or the Bishop's Statement, particularly if the Bishop and the P.C.C. are agreed on that requirement. Another possible ground might be that the Bishop or the P.C.C. Representatives consider that the priest's personality make him unsuitable for the parish and unlikely to be able to minister in it effectively." (Extracted from the Patronage (Benefices) Measure 1986, Code of Practice.)

**9.9** So far little use has been made of the Appeal procedure. In the determination of an appeal in December 1994, The Archbishop of Canterbury ruled:

*"At the Section 12 meeting at which the marital status of the incumbent came up, it was argued that the person chosen should be someone who was the best person for the job irrespective of marital status. It is not in any case appropriate to identify this as a necessary condition of appointment."*

This means that for the future marital status cannot provide grounds which would be sustained on appeal to the Archbishop for the exercise of the veto by either the Bishop or the Parish Representatives. Nor can a candidate be refused on grounds of race or age.

**9.10** Unless a Parish has passed Resolutions A and B (see above footnote) the Representatives may neither of them reject a Patron's presentee solely upon the ground that she is a woman.

---

<sup>4</sup> Parish Representatives (both together or either of them separately, for each has a separate authority in this matter, even in cases where the Churchwardens have been chosen as Representatives; for they act in this matter not as Churchwardens, under the general law, but as Representatives, under this specific Measure of 1986) do not have an absolute right of veto of the patron's candidate. If they seek to reject that candidate they must do so, on behalf of the whole Parish, for sound reasons which are all the stronger if firmly based on the Parish Statement. (See 1986 Measure, section 13(4) and Code of Practice paragraph 106).

**9.11** A Patron may, in looking at names, take a broader view, especially if he has chosen to advertise and has a "field" from which to choose. His advertisement should not exclude women from applying, however, unless the P.C.C. has passed Resolutions A and B.

**9.12** On receiving a refusal from either the Diocesan Bishop or the Parish Representatives the Patron may lodge a request with the Archbishop of the Province to review the matter. The Archbishop is required to give the reasons for any decision he makes in writing and to send copies to the Patron, the Diocesan Bishop and the P.C.C. Representatives. If the Archbishop authorises the Patron to make an offer to the priest concerned the Patron may make the offer accordingly.

## **10. PRESENTATION**

**10.1** On receiving an acceptance of an offer of the benefice from a priest, the Patron sends notice (Form 38) to the Bishop presenting the priest to him for admission to the benefice. But his opportunities do not finish with the Institution and Induction, and usually both clergy and people greatly appreciate a Patron's continuing personal interest, concern and help.

**10.2** Where there are joint presenting patrons, it is recommended that the same notice is signed or sealed by each of them.

**10.3** *The right to make a presentation to the benefice "lapses" to the Archbishop of the Province nine months after the date on which the benefice became vacant, if at the end of that period no notice of presentation has been received by the Bishop.* In calculating the nine month period certain periods of time are discounted, viz.:

(1) any period during which presentation is suspended or restricted under the Pastoral Measure 1983; and

(2) any period during which the bishop's refusal to approve the making of an offer of the benefice to a particular priest is under review by the Archbishop

(This does not extend to a review of any P.C.C. Representative's refusal to approve an offer.)

### **13. PASTORAL MEASURE 1983**

#### ***13.1 Suspension of the Exercise of the Right of Presentation.***

The Bishop, usually with the consent of the Diocesan Pastoral Committee, may choose to prevent a patron from exercising a right of presentation under either of two provisions of the 1983 Measure. These are:

(1) *Section 69. Restrictions on presentation pending the making of pastoral schemes and orders.*

Under this section there are two possibilities:-

(a) Where the Bishop has approved draft proposals for a Pastoral Scheme or Order (usually for some form of pastoral reorganisation) which has been submitted to him by the Diocesan Pastoral Committee, he may submit those proposals to the Church Commissioners with a view to their being brought into effect. If at the time that the patron is given notice of these proposals the benefice is vacant, or subsequently becomes vacant, the patron cannot exercise the right of presentation without the consent of the Pastoral Committee and of the Bishop. This restriction lasts for up to three years, or until the proposed scheme or order comes into effect or is dropped, whichever is the earlier. (Section 69(1)).

(b) Where the Bishop has directed the Pastoral Committee to consider reorganisation affecting a Benefice, whether on its own or in conjunction with other benefices, or the Pastoral Committee has decided so to do of its own motion, the Bishop may on a vacancy occurring effectively restrict the presentation for one year - the patron cannot exercise the right of presentation without the consent of the Pastoral Committee and of the Bishop. If proposals emerge during this period and are submitted to the Church Commissioners the procedure for the 3 year restriction comes into play. (Section 69(2) and (3)).

(2) *Section 67. Suspension of presentation for a period not exceeding 5 years.*

This is a wider power from the power to restrict under section 69. Under it, where a benefice is vacant, or is shortly to become vacant, the Bishop may suspend the right of presentation for a period not exceeding 5 years. Before doing so the Bishop must consult with the patron(s) - all of them, whether or not involved in the current "turn" - the P.C.C., and both Chairmen of the Deanery Synod. He must, then or later, also obtain the consent of the Diocesan Pastoral Committee. The Bishop is also required, when he carries out these consultations, to give his reasons for proposing suspension or extension of suspension and to advise any person to be consulted that he may, within 28 days, request a meeting with the Bishop or his representative which all those consulted must be invited to attend. Paragraph B14(1) at page 52 of the Code of Recommended Practice advises that:

*It will be apparent that the Bishop should not have made up his mind before carrying out these statutory consultations; it is recommended that his letter to those who have to be consulted should indicate that the matter is open and that he is consulting them so that he can take their views properly into account when he comes to make his decision.*

Suspension lasts for 5 years unless the Pastoral Committee and the Bishop consent to presentation or if the Bishop terminates the period of suspension or if a Pastoral Scheme or

Order provides for its termination. The Bishop may, before the expiry of the 5 year period, by further Notice and with the consent of the Diocesan Pastoral Committee and after the same consultations as are referred to above, extend the period for a further period not exceeding 5 years and, in theory, and so on *ad infinitum*. But Patrons and P.C.C.s are not unable at any time to ask diocesan officials for the reasoning behind actions, and may always request that consideration be given to the lifting of a suspension of presentation already in being.

Unlike the case of section 69, no statutory circumstances are set out to justify a suspension. The Code of Practice at paragraph B14(1), referred to above, says that: "*It is recommended that use of these powers, should, in the main, be confined to benefices where Pastoral reorganisation is under consideration or in progress and that suspension should not be applied any longer than is necessary. Care should be taken to allay any fears on the part of the Clergy, Patrons and parishioners that suspension of presentation is being used either to exclude the rights of patrons or to frustrate the "Parson's freehold".*"

**13.2** Suspension may also, on occasion, be used at a time when there are plans in place to sell off the Parsonage of the benefice. Patrons have to be consulted on this matter.<sup>5</sup> The purpose of such a sale should not be just to allow the Diocese to get the proceeds of the sale of the parsonage, irrespective of the disadvantages to the parish. Where there is a good case for the sale, let it be made and agreed by all, including the incumbent if in office. If the Benefice is full, the Parsonage can be sold only by the Incumbent, with the usual consents, unless a Pastoral Scheme is employed.<sup>6</sup>

Often the parsonage was given by the patron's predecessor in title and the patron has a real interest in seeing that the parish is not weakened by the sale.

Once again it is necessary to emphasise that strict compliance with the time limits and with the necessity to obtain the consent of the Diocesan Pastoral Committee and to consult as required under the section is mandatory. Failure to comply with the statutory requirements will render any suspension invalid.

### **13.3 Appointment of a Priest in Charge**

Before a priest in charge is appointed the bishop is required to consult the P.C.C.s and "so far as is practicable the patron". It is difficult to imagine circumstances in which it is not possible to consult a patron. Nevertheless there are those bishops still who present the Patron with a *fait accompli* and make no effort to consult. This should be made the subject of formal but robust complaint when it occurs.

---

<sup>5</sup> Sadly, the former right of pre-emption which a Patron enjoyed, to buy the Parsonage himself, was abolished by earlier legislation. However, the Group is aware of cases where a house has been found to belong to the Patron anyhow, rather than to the Incumbent in right of his Benefice; and there are also cases where the Incumbent as a private individual or the P.C.C. or an independent trust has been allowed to acquire the Parsonage, usually as a way of preserving it as a local asset. The funds from a sold Parsonage go to the Diocesan Pastoral Account.

<sup>6</sup> Appeal provisions against a Scheme may involve much time and expense, and can occasionally go as far as the Judicial Committee of the Privy Council. At the time of writing, the Church Commissioners' appeal powers are set to be taken over by the Archbishops' Council.

© 2000 The Private Patrons Consultative Group *per* David Hands QC and the Rev'd John Masding.

This publication represents a conservative revision of the original Green Guide for Private Patrons produced in 1995 for the Private Patrons Consultative Group under the Chairmanship of Dr. Paul Kent, J.P., M.A., D.Sc., by its then Secretary, and in this form although approved by the Group and published on its behalf has been edited by David Hands, Q.C., and the Rev'd John Masding, M.A., LL.M.. While every effort has been made to provide within a brief compass a helpful introduction to the position of Private Patrons of Benefices in the Church of England, the Group does not offer this booklet as a complete or authorised statement of the law. It is believed to be accurate and not misleading as far as it goes and for the purposes for which it has been prepared and published. Patrons will naturally consult Solicitors in any matter where authoritative legal advice is required.

The Group's Honorary Secretary is Mr. Arthur Leggatt:  
42, Beaminster Gardens, Barkingside, Essex IG6 2BW: telephone 020 8551 5386.

The Group comprises or has included representatives from:

Church Society,  
The Church Union,  
Additional Curates Society,  
The Guild of All Souls,  
The Society for the Maintenance of the Faith,  
The English Clergy Association (also representing some individual private patrons)  
Cost of Conscience,  
Forward in Faith.