

**A Vacancy in the**

**Benefice:**

**Guidelines for PCCs**

**Introduction**

Vacancies are an integral part of the life of all benefices. They can be a time for opportunity and growth, but may also be a time of anxiety and difficulty. The process of appointing a new priest to fill a vacancy is a complicated one, governed by a legal process: The Patronage (Benefices) Measure 1986 as amended by the Legislative Reform (Patronage of Benefices) Order 2019. (See Appendix 1 for more details on the measure).

The appointment process is one where, under the guidance of prayer, the benefice seeks to find a priest who feels called to work in the benefice and who is acceptable to the benefice, to the Bishop (who shares the cure of souls) and to the patron (if that is a body or individual other than the Bishop).

There are a number of points to bear in mind as you begin the search for a new priest:

* The process depends on whether the new priest is to be appointed as an incumbent or as a priest in charge.
* Responsibility for liaison with the parish throughout the vacancy process rests with the archdeacon, who maintains close contact with the bishops and other senior colleagues.
* All the formal paperwork is routed through the Diocesan Office
* The designated officer (Mr Jonathan Wood) has the responsibility to ensure that the processes of the Patronage (Benefices) Measure 1986 as amended by the Legislative Reform (Patronage of Benefices) Order 2019 are adhered to.
* The benefice will be given a full opportunity to take part in the process of finding a new priest. However, the process does not normally start until the former priest has left, so allowing the benefice space and time to reflect on previous ministry and to discuss its hopes and aspirations for future ministry.

**Patronage**

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 preReformation Church. Every benefice has a patron.

The patron may be the Crown, the Lord Chancellor, the diocesan bishop, an individual, the Diocesan Board of Patronage, a college, a society or (usually in the case of a team ministry) a group of individuals/bodies or a special board of patronage. If more than one person or body is involved, patronage is either exercised jointly or by turns depending on the provision of the pastoral scheme that created the benefice.

When the patron is an individual, they can choose to act themselves during the vacancy or nominate someone to act on their behalf. When the patron is an organisation they will nominate one of their members to act for them.

**Suspension of Presentation**

Suspension of presentation means the temporary removal of the right of a patron to present an incumbent for appointment to a benefice. The Bishop remains responsible for the cure of souls during the suspension, which they will normally exercise by the appointment of a priest in charge.

A vacancy can give the opportunity for discussions about the future pastoral care in the benefice and possible pastoral reorganisation. The Area Mission and Pastoral Committee will review the vacancy and may recommend suspension if there is possible pastoral reorganisation. In this case, consultation about suspending the presentation will take place at the start of the vacancy.

If the benefice is suspended, the usual provisions of the Patronage (Benefices) Measure 1986 do not apply. However, in this diocese, we follow the spirit of the Measure when appointing a priest in charge, and so tend to mirror the process, but without the formal timescales or formal paperwork.

**The Legal Processes**

The following sections outline the legal processes of the Patronage (Benefices) Measure 1986 as amended by the Legislative Reform (Patronage of Benefices) Order 2019.

**Preliminaries**

As soon as a clergyperson makes the decision to leave their post[[1]](#footnote-1) (as incumbent or priest in charge) they should notify the archdeacon, the diocesan bishop, the area bishop, their current benefice and complete a deed of resignation. The deed of resignation will be copied to the designated officer by the Registrar’s office.

Once everyone is aware that a benefice is about to become vacant, the archdeacon will contact the PCC Secretary and/or the churchwardens and arrange to visit the benefice to discuss the process. In the case of a multi parish benefice, the archdeacon may decide to meet everyone together or separately. At the preliminary, informal meeting (called a Pre Section 11 Meeting) the archdeacon will explain the process of making a new appointment and discuss the implication of ‘suspension’ if there is the possibility of pastoral reorganisation. The Mission and Pastoral Secretary will ensure that before this meeting the PCC Secretary will have received a copy of this booklet, a parish profile proforma and that the churchwardens will have received copies of Part 1 of the booklets outlining their responsibilities during a vacancy.

**Notification of Vacancy**

Following the preliminary meeting, the archdeacon will inform the designated officer when the benefice is ready to start the formal processes of vacancy under the Patronage (Benefices) Measure 1986 as amended by the Legislative Reform (Patronage of Benefices) Order 2019 (the ‘start date’). The designated officer will request a formal notice of vacancy (Form 30) from the bishop. The Mission and Pastoral Secretary will then send the formal notice (Form 31) to the PCC secretary(ies) and the patron(s). If the benefice is to be suspended for the first time, these notices will not be requested or issued until the suspension is in place.

**The PCC (Section 11) Meeting**

Within 6 months of the vacancy ‘start date’, the PCC must hold one or more meetings *(under Section 11 of the Measure)* (from which the outgoing clergy person and their spouse, and the patron and their representative if any, are excluded) for the purpose of:‑

* preparing a parish profile – a statement describing the conditions, needs and traditions of the parish. Once the parish profile has been agreed, a copy needs to be sent to the Mission and Pastoral Secretary, the archdeacon, the bishop and the patron(s). The profile can then be used to prepare the parish brochure (see the leaflet – *Writing a Successful Parish Brochure*).
* appointing 2 lay members (see next section if the parish is part of a multi-parish benefice) of the PCC to act as the PCC's representatives in connection with the selection of an incumbent. You may not appoint the outgoing clergy person or their spouse, the patron or their representative, any clerk in Holy Orders, deacons or licensed lay workers, but licensed lay ministers may be appointed. If no representatives are appointed, 2 churchwardens will act. The names, addresses, e mails and telephone numbers of the representatives should be entered onto Form 34. The Form 34 must be sent to the Mission and Pastoral Secretary within 4 weeks of the Section 11 being held.
	+ *as soon as possible after the meeting the PCC secretary must return Form 34 to the Mission and Pastoral Secretary who will send a copy to the patron, bishop, archdeacon, registrar and area dean, making sure that* ***paragraph 3 is amended*** *to comply with the PCC's requirements*.
* deciding whether to request the bishop and/or patron to consider advertising the vacancy.
* deciding whether to request a joint meeting (the Section 12) with the patron and the bishop or their representatives (however in this diocese, the bishop recommends that this meeting be held in all vacancies).
* 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.

**Multi‑Parish Benefices**:

This meeting should be a joint meeting of all PCCs. Each PCC may make a separate statement (parish profile) dealing with the parish concerned, or a joint statement (parish profile) of all PCCs may be made, but the other decisions of the meeting must be joint decisions. Not less than 4 representatives, which will enable each of the Councils to have at least one representative but not more than two, must be appointed. If no representatives are appointed, the churchwardens are to appoint not more than 5 of their number to act.

Where there is a team council or a joint council it will carry out the PCC's functions under the Measure.

**The Joint (Section 12) Meeting**

In this diocese, it has been decided that a Section 12 meeting will normally be arranged in every case for an exchange of views between the PCC(s), the area bishop and the patron(s), on the PCC statement (parish profile) (which has been agreed by the whole PCC) and the bishop's statement or, if no written statement has been requested, an oral statement on the same matters. The patron may send a representative to the meeting if s/he is unable to attend**.**

The Section 12 meeting must be held within 6 months of the vacancy ‘start date’ and after the Section 11 meeting. It should be convened by a/the PCC secretary and treated as a normal PCC meeting. Notice of the meeting, along with the agenda (see Appendix 2) should be sent to all PCC members giving 14 days’ notice. At leastone third of the members of the PCC(s) must attend (the outgoing clergy person and their spouse are again excluded). The area dean and the lay chair of the Deanery Synod must be invited to attend the Section 12 meeting.

Once the Section 12 meeting has been requested, the patron may not make an offer of the benefice to a priest until the meeting has been held. If a/the PCC secretary fails to convene the Section 12 meeting, the PCC representatives lose their right to veto any choice of clergy person.

**Selection of New Priest**

The post will normally be advertised on the Pathways website and on the diocesan website. In some circumstances, the post may not be advertised because the patron has a preferred candidate in mind. In suspended benefices, the bishop may recommend a candidate.

In the case of open advertisement, a shortlist of candidates for interview will be drawn up (usually by the interview panel). The interview panel should consist of the area bishop, the archdeacon, the patron(s) (or their representative) and the parish representatives. The interview process should be kept strictly confidential.

The candidates, and their spouses/family, can visit the benefice in advance, but should not meet any members of the interview panel before the interview. Only a strictly limited number of people from the benefice should meet the candidates at this time.

Once the post has been verbally offered and accepted, if the post is for an incumbent of a benefice, the patron(s), parish representatives and bishop will complete Forms 36, 37 and 38 before the formal written offer is made. This process will be coordinated by the Mission and Pastoral Secretary.

Under the provisions of the Measure, if an appointment is not made in a benefice which is not suspended, within 18 months of the date of the vacancy, the right of presentation lapses to the diocesan bishop. If this occurs, the designated officer will inform the diocesan bishop, the area bishop and the parish. In this case, the diocesan bishop must consult with the area bishop and the parish representatives but does not need their approval before offering the benefice to a priest.

**Arrival of the New Priest**

Once a new priest has been appointed, the archdeacon will liaise with the parish and the relevant bishop’s office to arrange a service. If the new priest is coming from outside the diocese, then the diocesan bishop will preside; if the new priest is already in the diocese, then the area bishop will preside.

If the new priest is to be the incumbent, then they will be instituted to the benefice (collated if the bishop is the patron) and inducted by the archdeacon. If the new priest is to be priest in charge, then they will be licensed and installed. Both services are similar and the archdeacon can advise on the format.

The Diocesan Registrar will give at least 3 weeks’ notice of the service and the PCC secretary must see that the notice is displayed at or near the principal door of every church and licensed place of worship in the benefice, for 2 weeks.

**Appendix 1 Patronage (Benefices) Measure 1986**

**Introduction**

The Patronage (Benefices) Measure 1986 came into effect on 1 January 1989. It was amended by the Legislative Reform (Patronage of Benefices) Order 2019 which came into effect on 1 January 2020. Any benefice now becoming vacant will be dealt with under the provisions of this Measure.

**The Purpose of the Measure**

The Measure provides for the creation and maintenance in each diocese of a central register of patrons of the livings of the diocese. The register will record the patrons, and in the case of there being more than one patron, whose turn it is to appoint to the living next.

The second purpose of the Measure is to confine the exercise of patronage to those who are actual communicant members of the Church of England or of a church in communion with it. This means that when a vacancy occurs, the registered patron is required to make a declaration that they are a communicant member of the Church of England, and if they are unable or do not wish (for whatever reason) to make that declaration, they will be required by law to nominate someone of their own choosing to act for them in making the appointment.

The third purpose of the Measure is to create a partnership in the making of appointments. In vacancies after 1 January 1989, a Patron is required to obtain the agreement of representatives appointed by the PCC(s) as well as that of the bishop before proceeding to offer the living to the priest whom they have chosen. The law formerly gave the bishop little power in the matter, and gave to the churchwardens only (not to the PCC(s)) the right to make representations against the patron's nominee. The Measure carries this a stage further and puts on a statutory basis what previously happened in good practice.

**General Note**

The statutory provisions are complex and detailed, and deal with various situations. In any case of doubt, the PCC should seek advice from the designated officer, Mr Jonathan Wood, by contacting the Mission and Pastoral Secretary, Deborah Thorley 0113 353 0273, deborah.thorley@leeds.anglican.org or at Church House, 17-19 York Place, Leeds, LS1 2EX.

PCC Secretaries should pay careful attention to the time limits which are mentioned in this document and ensure that they are strictly kept, otherwise the rights given to a PCC(s) by the Measure may well be lost.

Where benefices are held in plurality, they are treated as a multi-parish benefice for the purpose of the Measure. Where there is a Team Councilor a properly established Joint Council, the Team Council or Joint Council will carry out the PCCs’ functions under the Measure.

**Crown Patronage**

Where His Majesty the King, the Duke of Cornwall or the Lord Chancellor (‘the Crown’) is the sole patron of a benefice, or it is the turn of any of them to present to a benefice, the normal provisions of the Measure on filling a benefice do not apply, other than Section 7 (dealing with the notification of vacancies in benefices).

The PCC(s) have the right to send the presenting patron a statement describing the conditions, needs and traditions of the parish, and a copy of the statement must be sent to the bishop. A PCC is not entitled to appoint any representatives or to request a statement from the bishop on the needs of the diocese and wider church in relation to the benefice, and none of the parties has the right to call for a joint meeting (Section 12 Meeting).

The provisions with regard to lapse do not apply to the rights of presentation belonging to the Crown, and the right to present remains until a priest accepts an offer of the benefice.

The right of His Majesty the King to present a priest to a benefice where the outgoing incumbent has been appointed to a diocesan bishopric, or where the presenting patron is the diocesan bishop and the see is vacant, is preserved. In these cases, the benefice is treated as a Crown benefice and the provisions outlined above apply. Where the outgoing incumbent has been made a diocesan bishop and the Crown appoints their successor, the patron whose turn it would have been to present on that occasion has the next turn.

**Appendix 2 Draft Section 12 Agenda**

1. Welcome

2. Open Prayers

3. Election of chairperson *(should not normally be the Bishop, patrons or parish reps)*

4. Bishop’s Statement

5. Discussion around Parish Profile

6. Closing Prayers

1. The leaving clergyperson should discuss with the archdeacon their actual leaving date so as not to compromised their stipend entitlement. [↑](#footnote-ref-1)