

RECENT LEGISLATIVE DEVELOPMENTS

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At the January 1991 Group of Sessions only one piece of legislation was dealt with, namely the draft *Incumbents (Vacation of Benefices) (Amendment) Measure* which was considered for General Approval. This Measure is intended to amend the *Incumbents (Vacation of Benefices) Measure 1977* which was passed to deal with two types of cases. The first is where there has been a serious breakdown in the pastoral relationship between an incumbent and his parishioners. In this case the 1977 Measure makes it possible for the incumbent himself, the archdeacon or two-thirds of the lay members of the parochial church council to invoke a procedure under which the archdeacon is asked to investigate the situation. If the difficulty is sufficiently serious, he can recommend to the bishop that there be a formal enquiry, and depending on this enquiry's findings the bishop has various powers including declaring the benefice vacant.

The second type of case is where the incumbent is suffering from a disability which prevents him from performing his duties adequately. The 1977 Measure gives the bishops power, again after a proper enquiry, to provide help for the incumbent, to give him leave of absence or, in the last resort, to insist that he resigns on a Pension Board pension.

Following a debate in the General Synod when the 1977 Measure was criticised as being costly to operate, over-complicated and insufficiently flexible to cope with these difficult pastoral situations, the Standing Committee reviewed the working of the Measure and the Amendment Measure is the result. The first major amendment proposed deals with the role of the archdeacon when he is asked by the bishop to investigate the situation in the parish. At present he has a dual role; he has to decide whether to recommend to the bishop that a formal enquiry be held and, at the same time he has to try to promote better relations between the incumbent and the parishioners. Archdeacons who have been faced with this task consider that they are put in an impossible position as regards both the incumbent and the parishioners.

Because of this, the amending Measure would confine an archdeacon's statutory role to making recommendations as to an enquiry, although that would not prevent him from continuing to work for reconciliation in the parish.

Once the archdeacon has reported, there are a number of cases under the present law where the bishop is required to order a formal enquiry. However, he may take the view that this is not in the best interests of the parish, or the situation may have changed since the archdeacon carried out his investigation. The amending Measure would give the bishop discretion as to whether or not to order a formal enquiry, although in some cases those involved would be able to ask the archbishop to review a decision by the bishop that the enquiry should not take place.

The third change relates to the enquiry itself. At present an incumbent in a pastoral breakdown case can choose whether it is to be heard before a diocesan committee of enquiry or a provincial tribunal, and all disability cases go to diocesan committees of enquiry. However, the diocesan committees have not worked well from anyone's point of view and this Measure would abolish the diocesan committees so that all formal enquiries would go to provincial tribunals, and at the same time it would set up a much more flexible method of making procedural rules for enquiries.

The draft Measure was given General Approval and has gone to a Revision Committee. It is expected that the Committee will bring the Measure back to the Synod in November with any amendments which have been made by the Committee.

For your diary

ONE DAY CONFERENCE

at

CHURCH HOUSE CONFERENCE CENTRE
DEAN'S YARD
WESTMINSTER
LONDON SW1P 3NZ

on

SATURDAY 28 MARCH 1992
10 a.m. – 4 p.m.

**“The Parson’s Freehold
& Clergy Discipline”**