

Church Society Trust

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Clergy Appointments

An Overview

Church Society Trust holds patronage rights on behalf of Church Society which is a voluntary association of members of the Church of England.

Church Society exists to uphold biblical teaching and to promote and defend the character of the Church of England as a reformed and national Church. The Society is strongly committed to the supreme and final authority of the Bible as God's Word written.

Further information about Church Society and many other resources can be found on our website:

www.churchsociety.org

Information about the work of Church Society Trust can also be reached through:
www.churchsocietytrust.org.uk

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An Overview of Clergy Appointments

This leaflet is written for those who, for whatever reasons, are facing the prospect of appointing a parochial minister in the Church of England. It introduces the various possibilities which are explained more fully elsewhere.

Parts of the appointment process are governed by Ecclesiastical Law (generally Measures approved by Parliament) whilst matters to do with the role and duties of the clergy are also governed by Canon Law and the Anglican formularies (39 Articles, 1662 Prayer Book and 1662 Ordinal). However, these laws and formularies make it plain that in matters of faith and conduct our supreme authority must be the Bible, which is God's Word written.

Qualifications for Christian Ministry

The Ordinal and Canons lay great stress on the fact that a Christian minister is to be an example to the people to whom he ministers and, whilst no-one is perfect, to uphold high standards in his personal life as well as in his public ministry. Behind this lies the teaching of Scripture especially in the letters of Paul to Timothy and Titus where the qualities of "presbyters" (translated into Anglo-Saxon as "priests") are set out. But, also in other places, including the teaching of Jesus to the Twelve where He sets before them His own life, and death, as a model for their minister (for example Mark 10.43-45). These matters should be to the fore in making appointments of clergy today but it is very easy to let them slip from view. The ***Biblical Principles of Leadership*** are set out in a separate leaflet.

We also see in Scripture the importance of prayer in setting aside people for particular ministries. Even the Lord Jesus spent the night in prayer before appointing the Twelve. Generally as soon as a parish realises that a vacancy is arising, prayers for the appointment are made in public and private; it is important that those who have a particular role in the appointment do not neglect this vital aspect because of all the legalities, technicalities and paperwork.

its way financially. Benefices are also suspended during a vacancy if the parsonage needs to be sold or rebuilt. The reason for suspension is that an incumbent has a power of veto over changes to the benefice; if they so choose. With the declining number of parish clergy in the Church of England there are now many Benefices that are suspended as soon as they become vacant. The Bishop assumes the spiritualities and temporalities but must still make proper provision for the cure of souls which they do by appointing a **Priest-in-Charge**. Because the Benefice is suspended the Patrons rights are also suspended and likewise rights of the Parish. The Bishop can therefore impose a Priest-in-Charge but this ought not to happen and rarely does.

In 2011 new legislation was introduced meaning that all clergy appointed to an ecclesiastical office hold that office under **Common Tenure**. Incumbents are still freeholders of the benefice property but they no longer have freehold of office. New development, review and capability procedures make it desirable for clergy to have a job description but this new legislation does not otherwise alter the previous legislation regarding appointments.

Legislation

The main pieces of legislation that has a bearing on the process of appointments are as follows:

Pastoral Measure 1983 - This is a long Measure but it includes the provision for the restriction and suspension of presentation in Part IV (Sections 67-70).

Patronage (Benefices) Measure 1986 - This covers the process of appointments and the roles and responsibilities of the various parties.

Team and Group Ministries Measure 1995 - which governs the setting up of Teams and Groups and matters relating to patronage and appointments.

The text of these Measures can all be found on the Office of Public Sector Information website www.opsi.gov.uk.

This document and other relevant material can be found on the Church Society Trust web pages - www.churchsocietytrust.org.uk

the Bishop. In more recent times churches often were built by local subscription and patronage rested with a small group of trustees, or was passed to another person or body to ensure continuity. In the past it was possible to buy and sell the rights of patronage, which are known as the advowson. Now they can only be transferred with consent of other interested parties or without hindrance in a will.

A benefice has certain property attached to it, usually the church, churchyard and parsonage house. When an incumbent is appointed he becomes in effect a sole-trustee of these properties but strictly regulated in this by various laws. Reflecting the historical origin the patron has the right to present the incumbent to the benefice, in effect making him the trustee-owner of the benefice properties.

Patrons can be private individuals, a group of individuals (sometimes members of the local church) a corporate body, the Crown, the Lord Chancellor, a Bishop, a patronage society, Cathedral Chapter, incumbent of another church, Oxbridge colleges and no doubt many more. The role of patrons in appointments is set out in legislation though much of the detail of how they operate is left to custom and circumstance.

As indicated it is possible for someone to be incumbent of two benefices but nowadays what normally happens is that when this is desirable a **Team Ministry** is created. The Team will have a Team Rector who is the incumbent but he is required to share the cure of souls with Team Vicars and Team Curates. The names Rector, Vicar and Curate in this case are used for convenience rather than relating to past history. The Team Rector lives in a Rectory which is benefice property, but the other clergy houses are generally not benefice property and will either be held in trust by the Diocese or by the parish rather than by the incumbent.

A **Group Ministry** is primarily a working agreement between clergy in different benefices. However, the Bishop is required to consult the other clergy regarding an appointment to a Group and can use this as grounds to refuse an appointment.

In many instances the Benefice may be in **suspension**. This is done when there are thought to be reasons why there might be changes to the Benefice and, under recent legislation, if a parish is unable to pay

The process of appointments

When a clergy vacancy arises there is a wide range of possibilities of how an appointment might proceed depending upon the particular circumstances. It is necessary to use quite a lot of ecclesiastical jargon in this leaflet and others. An explanation of these terms is given at the end and if you are unfamiliar with the terms you may find it helpful to read the explanation first.

First, a **Benefice may already be suspended**. In this case it is quite possible that some sort of pastoral re-organisation is being considered and this may affect how the appointment proceeds.

When a Benefice is suspended an incumbent cannot be appointed. Instead the Bishop has the sole right to appoint a Priest-in-Charge. This ought to be done in full consultation with the Parish representatives and the patron(s) and very often the Bishop is happy for the appointment to proceed as if it were not suspended. However, there may be good reasons why this does not happen.

Secondly, **consideration may be being given to suspending the Benefice**. Strictly and legally speaking this should only happen when there are definite plans being considered for pastoral re-organisation. However, sometimes plans are not well developed but everyone recognises that there is a need, or the vicarage may need to be replaced, in which case it has become the practice to suspend in order to avoid potential complications; and sometimes other reasons are given. Whatever the situation if the Bishop considers that suspension may prove necessary he must do two things. First, he must stop the patron presenting an incumbent, so he restricts the patron's rights for up to one year. Second, he must initiate consultation regarding suspension. All this is covered in more detail in our leaflet ***Suspensions***.

Thirdly, the benefice is not suspended and there are no plans to suspend, so **an incumbent is to be appointed**. Right of presentation to an incumbency rests with a patron, though representatives of the parish(es) must accept this and the Bishop, under certain limited circumstances, can refuse to institute the person presented. However, in some cases there can be a sole patron, or patronage by turns, in which case for this turn one of the

patrons acts as the sole patron. In other cases there may be a formal patronage board or a simple joint patronage.

A few situations warrant special mention:

The Team Rector is an incumbent and therefore his appointment is handled in the same way, unless again the benefice is suspended or is being considered for suspension. A Team Ministry always has a Patronage Board which appoints the Team Rector. The scheme creating the Team will detail the composition of the Board. A Team Vicar is not an incumbent and the scheme will set out the mechanism by which he is to be appointed.

Where the Crown is patron, though the rules and regulations are generally followed, the Crown is not really bound by them.

There are a number of guild churches and proprietary chapels, which have no parish and the mechanism by which ministers are appointed are dealt with in their governing documents.

Understanding the jargon

England is divided up into **ecclesiastical parishes**. Each parish is part of a Diocese. The Bishop of a diocese has certain duties and responsibilities regarding the spiritual welfare of people within the Diocese, these responsibilities are known as the Bishop's cure of souls. One particular responsibility is to make provision for one or more people to look after spiritual needs of people within each parish. This spiritual care is also known as the **cure of souls** and originally the person given the cure was called the **Curate**. Today the name Curate is usually used of someone who is a trainee clergyman but you may be familiar with the prayers in the 1662 Prayer Book for "all Bishops and Curates", which means all the clergy.

Each parish has its own Parochial Church Council that oversees certain aspects of the life of the parish alongside the clergy. Most parishes also have one parish church, but there can be more than one, and there can also be District Churches or other recognized places of worship.

In the past each parish would have been identified with a Benefice. A **Benefice** is an ecclesiastical office which, under law, carries certain duties and conditions (called the **spiritualities**) together with

certain revenues (called the **temporalities**). The office holder is known as the **Incumbent**.

It is possible for one person to be incumbent of two benefices (called plurality) but it is rare. However, today there are many situations where there are several parishes in one benefice.

Historically parochial benefices were of three kinds: Rectories, Vicarages and Perpetual Curacies. In the days when Tithes were paid in England someone was entitled to receive the Tithe.

A Rectory was a benefice in which the Tithe was paid to the Incumbent. The Incumbent was known as the **Rector** and the Benefice house, where he lived, was also known as the Rectory. Technically a Rector is an Incumbent whose 'tithes are not inappropriate'.

In Medieval times many Benefices were owned by Monasteries. The Monastery was entitled to receive the temporalities (ie. the Tithes etc) but they also had to assume the spiritualities (the spiritual care of the parishes). The Monastery would use part of the Tithe (typically a third) to pay for someone act on their behalf (vicariously) and such a person was known as a **Vicar**. His place of residence became known as a Vicarage.

When Henry VIII dissolved the Monasteries their Benefices were often passed to local landowners who became known as lay rectors. There are still lay rectors and sometimes they have an obligation to maintain some of the benefice property.

In practice today, apart from the names, the only difference is that sometimes the freehold, though not the legal possession, of the Chancel belongs to the Rector rather than the Vicar. There was a court case not long ago where a Lay Rector, who became such when they bought some land, did not wish to be responsible for repairs to the chancel.

Thankfully, Perpetual Curacies are rare, and no attempt is going to be made here to explain them.

Historically the **Patron** of a Church would have been the person on whose land, or in whose estate, the Church was built. The Patron reserved the right to appoint the Incumbent subject to the approval of