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Clergy Appointments

Suspensions

(Of a benefice and of the
patron's rights of presentation.)



There is a lot of jargon associated with clergy appointments some of which is explained in our leaflet "Clergy Appointments - An Overview".

15. If a suspension has been imposed because of changes to the Benefice house then as soon as those are complete the suspension should be lifted.
16. The suspension of a Benefice does not pre-determine that pastoral reorganization will take place. The process of considering pastoral reorganisation is completely separate and different to suspension of presentation.
17. If, however, reorganization does take place, then there will be a pastoral scheme. Very often, but not always, the scheme will name the new incumbent. The parishes and Patron are entitled to object to this clause in the scheme but otherwise when the scheme is implemented the person named will become the Incumbent.
18. If a suspension is ended, or lapses, there is a vacancy, even if there is a Priest-in-Charge exercising the ministry. The Patron and PCC now have their rights restored and they are at liberty to decide not to present and accept the Priest-in-Charge as Incumbent, though normally they would do so.

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

9. If the Bishop and Diocesan Pastoral Committee agree then the Benefice is suspended and a notice of suspension is issued.
10. The maximum period of suspension is 5 years. Suspension can be renewed for periods of 5 years at a time, but it should not be automatic; proper consideration must be given as to whether suspension really needs to continue. If a suspension is not renewed within 5 years such that the original notice lapses it is not permitted for renewal to then take place. A complete process of suspension must begin afresh including the restriction of the rights of a Patron. A Patron is free, once suspension has lapsed, to present someone to the living.
11. When a Benefice is suspended 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.
12. The Bishop is required to consult with the PCC(s) about the appointment and as far as is practicably possible with the Patron(s) too. The recommended practice is that the PCC and Patrons should have as much involvement as if the Benefice were not suspended. However, there are situations, such as where the minister of a neighbouring parish is appointed Priest-in-Charge as a prelude to re-organization, where there will not be a normal process.
13. Though people are often told that a Priest-in-Charge is the same as an Incumbent this is not the case. For the practice of ministry there is little difference but in law the two roles are very different. It is common to call the Priest-in-Charge Vicar or Rector but they are not actually occupiers of that office.
14. A suspension can be ended in three ways, either because it lapses, or because it is lifted, or because of a pastoral scheme.

Suspensions

This leaflet explains what it means for a Benefice to be suspended and how and why suspension is done. A Benefice is an ecclesiastical office and the office holder is known as the Incumbent. In certain circumstances when a Benefice becomes vacant a decision is taken to suspend it meaning that an Incumbent is not appointed but rather a Priest-in-Charge. The process for the appointment of a Priest-in-Charge, or to be more exact the lack of a process, explained in our leaflet "Appointing a Priest-in-Charge".

Please note that by 2011 new legislation will have come into effect that will drastically reduce the number of clergy appointed as Priest-in-Charge. Instead almost all new appointments will be made under "Common Tenure". This leaflet and others produced by Church Society Trust will be revised to reflect the new arrangements as they are implemented.

Why suspend?

The primary reason for suspending a Benefice is because an Incumbent has a power of veto over changes to that Benefice. Therefore, if change is envisaged it is deemed preferable, though not essential, to ensure that a new appointee cannot prevent the change. The Benefice is also suspended when for some reason the minister in another parish is to be asked to take charge of this parish. This is normally for reasons of pastoral reorganization, but in some circumstances can be because of particular pastoral problems.

There are three main reasons for envisaging change in a Benefice. The first is where changing populations or Diocesan deployment policies it is felt that there may need to be pastoral reorganization. A thriving parish may be suspended because a neighbouring parish is a candidate for reorganization. A second reason is where a parish is not paying its way and may not be financially viable. A third reason is where there is a major change to the Benefice house such as its sale or redevelopment.

Sometimes it seems, or it is suspected, that suspensions take place for improper reasons. Some Dioceses have introduced policies of blanket suspension every time there is a vacancy. This is an abuse

of the law because in every individual case there must be proper consultation and if there is a blanket policy then the outcome is pre-determined. Dioceses that follow a policy of blanket suspension are acting illegally, though some get round this by dressing the policy in different language. Sometimes there is suspicion that suspension has been carried out in order to give a Bishop greater say in an appointment, which otherwise he would not have. And more recently there are signs that some Dioceses are trying to appoint Priests-in-Charge because they will automatically transfer to "Common Tenure" when it is introduced, which is not true of Incumbents.

The Process

Assuming that a Benefice is not suspended, but where there are reasonable grounds for thinking it might need to be suspended for the reasons set out above then a prescribed process should be followed:

1. The Bishop informs the "Designated Officer" (Archdeacon, Registrar, Diocesan Secretary or someone else) that there is a vacancy.
2. The Designated Officer would normally issue the notice of vacancy, which means that a Patron can then present someone to the living, with the consent of the parish representatives. To stop this happening the Bishop issues a notice restricting the rights of the Patron. It is only a restriction, the Patrons rights have not been removed, and they can still present, but only with the permission of the Bishop and the Diocesan Pastoral Committee. No appointment can be made by any other means because the Benefice is still intact and the right of presentation remains with the Patron.
3. If no formal scheme is under consideration then the period of restriction is up to one year, and there is no power to extend it. If however a scheme is already under formal consideration or begins formal consideration during the initial restriction then the restriction remains in place for up to 3 years whilst consideration of the scheme runs its course.

If the scheme is implemented or is withdrawn then the restriction lapses.

4. A restriction is NOT the same as a suspension. Unfortunately it is common to confuse them and sometimes a notice of suspension issued without restriction or consultation taking place.
5. During the time of restriction consultation should take place to determine whether the Benefice should be suspended.
6. Some plausible proposals must be presented in order that there can be proper consultation otherwise the parties being consulted are working in the dark. These proposals should be in writing so that everyone can see and have it on record what is being proposed. Very often proposals will already have been thought through as part of a Deanery Plan. It is not necessary to state exactly what will happen, but it must outline the reasons and possibilities.
7. All the interested parties, that is, all the Patrons, the PCCs, Area Dean and Deanery Lay Chairman must be consulted and all have a right to ask for a meeting at which proposals are discussed.
8. Once a consultation has taken place a decision must be made. The legislation is worded in such a way that the Bishop makes the decision with the consent of the Diocesan Pastoral Committee (DPC). However, Dioceses seem to interpret this in two ways. Some follow what seems to be the intent of the legislation that the proposals are effectively put by the Bishop - he is the one doing the consulting - and the Diocesan Pastoral Committee acts as a sort of panel who consider the responses and say yes or no. This allows parties to make specific representation to the Committee which is largely an elected body. Other Dioceses treat the DPC as the planning body which conducts the consultation and then the Bishop decides whether to accept the proposals or not based on responses he has received. It is the view of Church Society Trust that this latter process is less open and is not what is envisaged by the Measure.