STATUTORY INSTRUMENTS

1986 No. 1143

ECCLESIASTICAL LAW, ENGLAND

The Church Dignitaries (Retirement) Rules 1986

Made (Approved by the General Synod) - -	*5th July* 1986
Laid before Parliament	*8th July* 1986
Coming into Operation	*1st October* 1986

In pursuance of section 17 of the Church Dignitaries (Retirement) Measure 1949(**a**) the Rule Committee constituted in accordance with the said Measure hereby make the following Rules:—

Citation, commencement and interpretation

1.(1) These Rules may be cited as the Church Dignitaries (Retirement) Rules 1986 and shall come into operation on the first day of October 1986.

(2) In these Rules:—

"the chapter" in the case of a dean and chapter cathedral means the general or greater chapter consisting of the dean and all the canons or prebendaries (whether residentiary or not) and in the case of a parish church cathedral means the cathedral chapter consisting of the provost, all the canons (whether residentiary or not) and the archdeacons.

"the chapter clerk" means the officer appointed under the statutes of the cathedral church to assist the dean or provost in dealing with the business of the chapter. For the purposes of the Measure and these Rules—

(i) where the chapter clerk is not qualified as a barrister or a solicitor he shall (after consultation with the dean or provost) appoint a deputy who is so qualified;

(ii) where for any other reason the chapter clerk desires to appoint a deputy, he may, after the like consultation, appoint a deputy who is either a barrister or a solicitor.

"the dean or provost" means the dean or provost of the cathedral church or, if there is a vacancy in that office, or, if the dean or provost is the dignitary concerned, the expression means such other member of the chapter as the bishop may determine and that member shall have all the powers of the dean or provost under the Measure or these Rules.

"the dignitary concerned" means the person whose alleged incapacity is to be investigated.

(**a**) 1949 No. 1.

"the Measure" means the Church Dignitaries (Retirement) Measure 1949.

"medical examination" means an examination into the bodily or mental abilities of the dignitary concerned by a medical practitioner agreed on between that person and the bishop or, failing such agreement, appointed by the President of the Royal College of Physicians.

(3) The Interpretation Measure 1925(**a**) shall apply for the interpretation of these Rules as it applies for the interpretation of Measures passed by the General Synod.

Notices by the Bishop

2.(1) Form 1 The notice by the bishop requiring that a special meeting of the chapter be summoned for the purposes referred to in section 1(1) of the Measure shall be in the form set out in the Appendix to these Rules and shall provide that the said meeting be held within the period of twelve weeks from the date of the notice. The notice sent by the bishop shall be addressed to the dean or provost and, at the same time, the bishop shall send a copy of the notice to the dignitary concerned together with a copy of these Rules.

(2) Form 2 Where the bishop appoints a clerk in Holy Orders as his representative to attend the meeting of the chapter, the appointment shall be in the form set out in the Appendix and a copy thereof shall be sent at the same time to the dean or provost and to the dignitary concerned.

Request for a Medical Examination

3.(1) Within fifteen days of receiving a copy of the notice to the dean or provost, the dignitary concerned may send to the bishop a request for a medical examination and the meeting of the chapter shall not be summoned until the report of the medical examination has been forwarded to the dean or provost and, at the same time, to the dignitary concerned.

(2) The expenses of the medical examination shall be defrayed by the diocesan board of finance.

(3) The time limits in these Rules shall take no account of the period during which a request for a medical examination has been made and a report is awaited by the dean or provost.

Summoning of Meetings of Chapter

4.(1) Form 3 On the instructions of the dean or provost the chapter clerk shall summon a special meeting of the chapter giving not less than twenty-one days' notice thereof, in the form set out in the Appendix, to transact the business referred to in the notice of the bishop (Form 1). No other business of the chapter shall be transacted at the said meeting. Any subsequent meeting shall be summoned in like

(**a**) 1925 No. 1.

manner and no other business of the Chapter shall be transacted thereat.

(2) Forms 4 and 5 The notices of invitation to the dignitary concerned and to the bishop's representative (if any) to confer with the chapter at a special meeting to be held at not less than twenty-one days after the date of the notice shall be sent by the chapter clerk and shall be in the form set out in the Appendix.

(3) The chapter clerk shall send a copy of the notice summoning the meeting of the chapter (Form 1) and, at the same time or as they are received, copies of all representations made by or on behalf of the bishop or the dignitary concerned to every member of the chapter, the dignitary concerned and the bishop's representative (if any).

Procedure at Meetings of Chapter

5.(1) The dignitary concerned shall be entitled to appear before, and to be heard by, the chapter, to give oral evidence in the proceedings on the enquiry and to call witnesses.

(2) The chapter shall, at the written request of the dignitary concerned or the bishop's representative, invite any person named in the request to address them or give oral evidence in those proceedings or both.

(3) The chapter may invite any other person who may in their opinion be able to assist them to address them or given oral evidence in those proceedings or both.

(4) The dignitary concerned shall be entitled to attend any meeting of the chapter at which any other person is to give evidence to, or be heard by, the chapter and, shall be entitled either himself or by a friend or adviser to put questions to that person.

6. The quorum at any meeting shall be at least one half of those members entitled to attend unless the statutes of the cathedral church require a greater number when that higher quorum shall apply.

7.(1) Subject to paragraph (2) below, the proceedings of any special meeting of the chapter shall be held in private.

(2) If the dignitary concerned so requests, the proceedings at any meeting of the chapter, being a meeting at which the chapter hear him or any other person invited to address them or receive oral evidence, shall be held in public.

8. Form 6. If the chapter decide to request the bishop or his representative to make further enquiry into any matter, the request shall be in the form set out in the Appendix.

9. The dean or provost shall ensure that when a vote is taken on the matters set out in the bishop's notice, the votes shall only be recorded of those members

of the chapter who have been present throughout all special meetings of the chapter at which the alleged incapacity of the dignitary concerned has been considered.

10. Subject to section 13 of the Measure and to these Rules, the rules of procedure applicable to ordinary meetings of the chapter shall apply to the special meeting or meetings required under these Rules subject to such modification as the special meeting of the chapter may from time to time determine.

Report to the Bishop

11.(1) The report of the chapter shall be in the form set out in the Form 7 Appendix and shall be sent to the bishop by the chapter clerk within fourteen days of the chapter's decision, copies being sent at the same time to the dignitary concerned and to the bishop's representative (if any).

(2) The report of the chapter shall include full voting figures, including abstentions, on the matters set out in the bishop's notice.

(3) A copy of the report shall be bound up in the minute book of the chapter.

Powers of Bishop

12.(1) Where the chapter have reported by the requisite majority that it is Form 8 desirable that the dignitary concerned should retire from office the bishop shall (where the appointment is not vested in Her Majesty) declare the office vacant in the form set out in the Appendix.

(2) The declaration so made shall be sent to the dignitary concerned and copies shall be sent to the dean or provost, to the bishop's representative (if any) and to the diocesan registrar for filing in the registry.

(3) Where the appointment is vested in Her Majesty, copies of the petition required by section 2(1)*(a)* of the Measure to be sent to Her Majesty by the bishop shall be sent to the persons referred to in rule 12(2) above.

General Provisions

13. Any document authorised or required to be sent by or under these Rules shall be deemed to have been duly sent if sent by recorded delivery addressed in the case of a dignitary having an official residence to that residence or in the case of any other person at his last known place of residence.

14.(1) The bishop may, on the application of a party to these proceedings, extend the time within which anything is required to be done by these Rules and the application may be made notwithstanding that the time has expired.

(2) Any such application may be granted on such terms as the bishop may think just.

15. Where any of these Rules requires a document to be in a form set out in the Appendix, and that form is not in all respects appropriate, the Rules shall be construed as requiring a form of the like character, with such variations as circumstances may require, to be used.

O. Wright Holmes (Chairman)
C. R. Campling (Dean of Ripon)
J. A. Dale (Worcester Diocesan Registrar)
F. W. Harvey (Archdeacon of London)
F. S. Telfer (Canon Residentiary, Guildford Cathedral)

Dated this 21st day of May 1986

Approved by the General Synod the 5th day of July 1986

W. D. Pattinson,
Secretary-General

APPENDIX

FORMS

Rule 2(1)

No. 1.

Notice Requiring a Special Meeting of the Chapter to be Summoned

Diocese of _____
To the Dean/Provost of _____

I _____ Bishop of _____ being satisfied that it is proper for me so to do hereby require you to summon a special meeting or meetings of the Chapter of the Cathedral Church of _____ within the period of twelve weeks from the date of this notice for the purpose of considering and reporting to me whether in the opinion of the said Chapter

(a) [name of dignitary concerned] presently holding the office of _____ within this Diocese is unable through disability arising from age of infirmity (whether bodily or mental) to discharge adequately the duties attaching to his office; and, if so,

(b) whether it is desirable that he should retire from his office; and

(c) whether it is desirable on such retirement that any and, if so, what annual sum should be secured to him by way of pension in addition to provision under the Pensions Measures 1961 to 1982.

Dated this day of 19

_____
Bishop of the Diocese

NOTE: A copy of this notice must, at the same time, be sent to the dignitary concerned together with a copy of the Church Dignitaries (Retirement) Rules.

Rule 2(2)

No. 2

Appointment of Bishop's Representative

Diocese of _____

In the matter of _____

To the Chapter Clerk

Take note that, pursuant to section 1(2) of the Church Dignitaries (Retirement) Measure 1949 I hereby appoint the Reverend _____ of _____ as my representative to attend the special meeting or meetings of the Chapter of the Cathedral Church of _____ when so invited by the said Chapter.

Dated this day of 19

_____

Bishop of the Diocese

NOTE: A copy of this notice must, at the same time, be sent to the dean or provost and to the dignitary concerned.

Rule 4(1)

No. 3

Notice Summoning a Special Meeting or a subsequent Special Meeting of the Chapter

Diocese of _____

In the matter of _____

In accordance with the Notice from the Bishop of the Diocese dated the _____ day of _____ 19____ , a copy of which is annexed hereto, I am directed by the Dean/Provost to notify you that the special meeting of the Chapter of the Cathedral Church of _____ will be held at _____ on the day of 19____ at ____ a.m./p.m. to transact the business referred to in the said Notice and no other business.

You are required to attend the special meeting of the Chapter throughout unless the Dean/Provost should grant you leave of absence.

EITHER

The attached representations have been made by the bishop or by the dignitary concerned.

OR

No representations have thus far been made by the bishop or by the dignitary concerned.

Dated this day of 19____

_____

Chapter Clerk

Rule 4(2)

No. 4

Notice to Dignitary of Invitation to Attend the Chapter

Diocese of _____

To [the dignitary concerned]

In accordance with the Notice from the Bishop of the Diocese dated the _____ day of _____ 19____, a copy of which has been served on you, I am directed to give you notice that the special meeting of the Chapter of the Cathedral Church of _____ will be held at _____ on the _____ day of _____ 19____ at _____ a.m./p.m.

You are invited to be present at the said meeting and, in accordance with the provisions of the Church Dignitaries (Retirement) Measure 1949 section 1(4), I have to advise you that, if you so desire, you may be assisted, or in your absence represented, by a friend or adviser. If you are to be accompanied or represented by a friend or adviser please inform me of his name and address by the ____ day of _____ 19____ but it is for you to nofity him of the above arrangements for the meeting.

Section 13(5) of the Measure provides that you shall not sit or vote as a member of the Chapter at this special meeting.

*The attached representations have been made by the Bishop.

Dated this day of 19____

Chapter Clerk

*Delete if not applicable.

Rule 4(2)

No. 5

Notice to Bishop's Representative of Invitation to Attend the Chapter

Diocese of _____

To [the Bishop's Representative]

In accordance with the Notice from the Bishop of the Diocese dated the _____ day of _____ 19____ a copy of which has been served on you, I am directed to give you notice that the special meeting of the Chapter of the Cathedral Church of _____ will be held at _____ on the _____ day of _____ 19____ at _____ a.m./p.m.

EITHER

The attached representations have been made by the dignitary concerned.

OR

No representations have thus far been made by the dignitary concerned.

Dated this day of 19____

Chapter Clerk

Rule 8

No. 6

Request to the Bishop or his Representative to make Further Enquiry

Diocese of _____

To the [Representative of the] Bishop of _____

In the matter of _____

I am directed by the Chapter of the Cathedral Church of _____ to request you to make further enquiry into the matter(s) specified in the Schedule to this Request and, in due course, to communicate the result of such enquiry to the Chapter.

Dated this day of 19____

Chapter Clerk

The Schedule

[Matters to be set out]

NOTE: A copy of this request must, at the same time, be sent to the dignitary concerned.

Rule 11(1)

No. 7

Report of the Chapter

Diocese of _____

To the Bishop of _____

In the matter of _____

I have to report to you that the Chapter of the Cathedral Church of _____ duly met in special session on the _____ day of _____ 19___ [and specify other dates if applicable] for the purpose of considering and reporting to you whether in the opinion of the Chapter

(a) [name of dignitary concerned] presently holding the office of _____ within this Diocese is unable through disability arising from age or infirmity (whether bodily or mental) to discharge adequately the duties attaching to his office; and, if so

(b) whether it is desirable that he should retire from his office; and

(c) whether it is desirable on such retirement that any and, if so, what annual sum should be secured to him by way of pension in addition to provision under the Pensions Measures 1961 to 1982.

EITHER (if retirement recommended)

The Report of the Chapter is set out in the Schedule hereto.

The procedures laid down in the Measure and the Rules have been complied with and the recommendation concerning retirement was carried by at least two-thirds of the qualified members present and voting at the meeting of the Chapter.

OR (if retirement not recommended)

The Report of the Chapter is set out in the Schedule hereto.

The procedures laid down in the Measure and the Rules have been complied with.

The full voting figures were as follows ...

Dated this day of 19___

_____

Dean/Provost of _____

The Schedule

[The Report to be set out]

NOTE: A copy of this report must, at the same time, be sent to the dignitary concerned.

Rule 12(1)

No. 8

Declaration of Vacancy

Diocese of _____

Whereas, pursuant to the powers contained in the Church Dignitaries (Retirement) Measure 1949, the Chapter of the Cathedral Church of _____ have been requested to hold a special meeting or meetings of the said Chapter for the purpose of considering whether in their opinion

(a) [name of dignitary concerned] presently holding the office of _____ within this Diocese is unable through disability arising from age or infirmity (whether bodily or mental) to discharge adequately the duties attaching to his office; and, if so,

(b) whether it is desirable that he should retire from his office; and

(c) whether it is desirable on such retirement that any and, if so, what annual sum should be secured to him by way of pension in addition to provision under the Pensions Measures 1961 to 1982.

And whereas by a Report dated the day of 19____ the said Chapter reported by the requisite majority that it is desirable that he should retire from his office.

Now therefore having considered the said report and being satisified that the provisions contained in the said Measure respecting the pensioning of the dignitary will be fulfilled, I _____ Bishop of _____, hereby declare the office of _____ currently held by _____ vacant as from the _____ day of _____ 19____*

Dated this day of 19____

Bishop of the Diocese

*This date must be not less than three or more than six months after the date of this Instrument.

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