



Church Dignitaries (Retirement) Measure 1949

1949 No. 1 12 13 and 14 Geo 6

PART I **E**

RETIREMENT FOR INCAPACITY

1 Investigation of alleged incapacity of dignitaries. **E**

- (1) In any case where the bishop is satisfied that such action is proper, he may by notice in writing require that a special meeting of the cathedral chapter of his diocese be summoned for the purpose of considering and reporting to him whether in their opinion a dignitary to whom this Measure applies holding office within the 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, whether it is desirable that he should retire from his office, and (except in the case where the office held by the dignitary is an honorary one) whether on such retirement any, and if so what, annual sum should be secured to him by way of pension in addition to the pension or pensions (if any) to which he would be entitled had he retired voluntarily on account of age or infirmity. A copy of the notice shall at the same time be sent by the bishop to the dignitary.
- (2) The bishop may, if he so desires, appoint in writing a clerk in Holy Orders as his representative to attend the meeting of the chapter when invited by them to do so.
- (3) The chapter shall consider the questions so put to them and shall invite the dignitary concerned and the bishop's representative, if any, to confer with them, either together or separately, and after such conference, or after there has been a reasonable opportunity for such conference, shall make their report in writing answering the questions put to them by the bishop:
Provided that they shall not report that it is desirable that the dignitary should retire from his office unless at least two-thirds of the members present and voting at the meeting of the chapter have voted in favour of such a report.

Changes to legislation: There are currently no known outstanding effects for the Church Dignitaries (Retirement) Measure 1949, Part I. (See end of Document for details)

- (4) At any meeting of the chapter to which the dignitary is invited he may, if he so desires, be assisted, or in his absence represented, by a friend or adviser.
- (5) The chapter may at any time before making their report request the bishop or his representative (if any) to make further enquiry into any matter and to communicate the result of such enquiry to the chapter.
- (6) The chapter shall send a copy of their report to the dignitary.

2 Powers of bishop. **E**

- (1) In any case where the cathedral chapter have reported that it is desirable that the dignitary should retire from his office the bishop shall have power within six months from the receipt of the report—
 - (a) if the office held by the dignitary is one the right of appointment to which is vested in His Majesty, to petition His Majesty to declare the office vacant, and thereupon it shall be lawful for His Majesty by Order in Council to make such a declaration;
 - (b) in any other case, himself to execute an instrument in the prescribed form declaring the office vacant as from a date specified in the declaration not being less than three nor more than six months after the date thereof:

Provided that the bishop shall not present such a petition or execute such an instrument unless he is satisfied that the provisions hereinafter contained respecting the pensioning of the dignitary will be fulfilled.
- (2) The bishop shall cause a record of the exercise by him of a power under subsection (1) of this section and a copy of every declaration of vacation of an office made by him or on his petition, to be filed in the registry of the diocese.

3 Pension rights of dignitary on vacation of office. **E**

- (1) A dignitary whose office is vacated by a declaration under this Part of this Measure shall as from the date of vacation—
 - [^{F1}(a) shall be entitled to receive a pension under the ^{M1}Clergy Pensions Measure 1961 at the rate specified in Part I of the First Schedule to that Measure if he has attained the retiring age within the meaning of that Measure or, if he has not attained that age, a pension at the rate specified in Part II of that Schedule];
 - (b) where by the report of the cathedral chapter the grant of an additional pension has been recommended, be granted such additional pension as may be agreed, if the dignitary is a member of the said cathedral chapter, between the bishop and the administrative chapter or cathedral council of the cathedral church or, if the dignitary is not a member of the said cathedral chapter, as may be agreed between the bishop and the diocesan board of finance; so however that the annual sum secured to the dignitary by way of additional pension shall not be less than the amount recommended by the report:

Provided that—

- (i) where the dignitary is an archdeacon who is also a member of the said cathedral chapter, and the proceedings under this Part of this Measure have been instituted in respect of him in his capacity of archdeacon, this paragraph shall apply as if he were not a member of such chapter; and

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- (ii) where the person entitled to any such additional pension accepts any preferment or office of profit or is otherwise engaged in a gainful occupation, the body by whom the additional pension is payable may with the consent of the bishop suspend the pension or reduce the pension by such amount as they think fit, so long as he holds the preferment or office or is so engaged.
- (2) F2
- (3) Any sums payable in respect of such additional pension shall be paid by the administrative chapter or cathedral council, or by the diocesan board of finance which agreed to the grant thereof, in such manner, at such times and in such instalments as may be prescribed.
- (4) For the purpose of providing such additional pension, an administrative chapter or cathedral council may charge the capitular revenues, or such part thereof as is applicable to the provision or augmentation of the stipends of members of the chapter, with the amount payable by way of additional pension.

Textual Amendments

- F1** S. 3(1)(a) substituted by [Clergy Pensions Measure 1961 \(No. 3\), Sch. 2](#)
F2 S. 3(2) repealed by [Clergy Pensions Measure 1961 \(No. 3\), Sch. 2](#)
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Marginal Citations

- M1** 1961 No. 3.

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