



Cathedrals Measure 1963

1963 No. 2

PROVISIONS WHICH MAY BE INCLUDED IN THE CONSTITUTIONS AND STATUTES OF CATHEDRAL CHURCHES

11 Further provisions which may be included in constitutions and statutes of cathedral churches.

- (1) In addition to the matters for which the constitution and statutes of each cathedral church are required to provide under the foregoing provisions of this Measure, the constitution and statutes may make provision for the good government of the cathedral church and in particular may—
 - (a) constitute any body or create any office for the purpose of the performance of functions in relation to the cathedral church;
 - (b) specify the functions of that body or the person holding that office in relation to the cathedral church and, where applicable, the diocese;
 - (c) provide for the appointment and terms of service of persons holding office in the cathedral church or employed in connection with it;
 - (d) provide for the regulation and superintendence of the services, fabric, fittings, ornaments, furniture and monuments of the cathedral church;
 - (e) provide for the administration of all property and revenues of, or held in connection with, the cathedral church, including any trust fund applicable to any special purpose in connection with the cathedral church;
 - (f) provide for the abolition, suspension or termination of suspension of any dignity, office or body in the cathedral church; and
 - (g) provide for any incidental and supplementary matters for which the Commission thinks it expedient to provide.
- (2) Without prejudice to the generality of the last foregoing subsection, the constitution and statutes of any such cathedral church may—
 - (a) provide for the appointment by the administrative body of a committee consisting of such members of that body as may be specified in the constitution and statutes, and for the delegation to that body of such functions of the administrative body as may be so specified;

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- (b) provide for the vacation of office by residentiary canons at such age as may be specified in the scheme, unless the bishop, after such consultation (if any) as may be specified in the scheme, otherwise determines;
- (c) provide for the creation of residentiary canonries the holders of which shall continue in office for a specified term of years only, either with or without eligibility for re-appointment;
- (d) provide that where a clerk in Holy Orders who is appointed to an archdeaconry or any other diocesan office becomes, whether at the time he is so appointed or at a later date, a canon on the understanding that he will hold the office of canon so long as he holds that archdeaconry or other diocesan office, he shall on ceasing to hold the archdeaconry or other diocesan office vacate office as a canon, unless the bishop otherwise determines;
- (e) provide that a non-residentiary canon shall vacate office upon ceasing to reside in the diocese, unless requested in writing to continue in office by the bishop of the diocese, so, however, that a non-residentiary canon who has been appointed in connection with an office held or function performed by him, shall, so long as he holds that office or performs that function, continue as a non-residentiary canon notwithstanding that he no longer resides in the diocese;
- (f) provide for the appointment of non-residentiary canons who are not resident in the diocese and for the exclusion of these canons from any provision made under the last foregoing paragraph;
- (g) provide for the annexation of a canonry to any such office as may be specified in the scheme and for the severance of a canonry from any office to which it is annexed;
- (h) provide for the payment of pensions to retired laymen who were employed in connection with the cathedral church and to the widows and dependants of such laymen;
- (i) provide, where a cathedral church is the parish church, that part of that cathedral church shall be a parish church or, where part of a cathedral church is a parish church, that the cathedral church or any other part thereof shall be the parish church;
- (j) provide for the establishment of a college of lay canons and specify their functions;
- (k) empower the bishop to confer the designation of dean emeritus, provost emeritus, canon emeritus or prebendary emeritus upon any person who retires immediately after holding the office of dean, provost, canon or prebendary as the case may be;
- (l) provide in any case in which it is expedient for assigning part of the capitular revenues or property of the cathedral church for the promotion of the study of theology or any other branch of sacred learning, sacred music or ecclesiastical art; and
- (m) provide, in the case of a parish church cathedral which has a cathedral council, that any functions of the cathedral council relating to the duties of the provost and canons and to the ordering of services shall be exercised by such members of the cathedral council as are clerks in Holy Orders.

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12 Provisions as to parishes of parish church cathedrals.

- (1) The constitution and statutes of a parish church cathedral may provide for the transfer to the administrative body of the cathedral church of all functions theretofore exercisable, in relation to the parish of that cathedral, by the parochial church council.
- (2) Where the constitution and statutes provide for such a transfer as aforesaid, they shall also provide—
 - (a) where the functions are transferred to a cathedral council, that at least one-third of the lay members of the council shall be elected at the annual parochial church meeting;
 - (b) where the functions are transferred to an administrative chapter, that at least one-third of either—
 - (i) the lay persons appointed as additional members of the administrative chapter for the purpose of considering questions relating to the finances and property of the cathedral, or
 - (ii) the lay members of the committee appointed under sub-paragraph (ii) of paragraph (c) of section eight of this Measure,as the case may be, shall be elected at the said meeting; or
 - (c) where the functions are transferred to the cathedral chapter, that at least one-third of either—
 - (i) the lay persons appointed as additional members of the administrative committee for the purpose of considering questions relating to the finance and property of the cathedral, or
 - (ii) the lay members of the committee appointed under sub-paragraph (ii) of paragraph (d) of the said section eight.as the case may be, shall be elected at the said meeting.

[^{F1}(3) Upon the transfer of the functions of the parochial church council of any parish under subsection (1) of this section, the Church Representation Rules contained in ^{F2}Schedule 3 to the ^{M1}Synodical Government Measure 1969 shall have effect in relation to that parish subject to the following modifications—

- (a) for any reference to the parochial church council there shall be substituted a reference to the administrative body;
- (b) paragraphs (3) and [^{F2}(5)]of Rule 8, Rules 12 to 17B, paragraphs (2) and (3) and the words “or extraordinary” in paragraph (4) of Rule 18 and Appendix II shall not apply;
- (c) in paragraph (9) of Rule 8 for the reference to the secretary of the parochial church council there shall be substituted a reference to the clerk to the administrative body; and
- (d) in paragraph (1) of Rule ^{F3}18 for the reference to a written representation by not less than one-third of the lay members of the parochial church council there shall be substituted a reference to a written representation by not less than one-half of the lay members of the administrative body:

Provided that an annual parochial church meeting shall not be entitled by virtue of this section to receive under paragraph (1) of Rule 8 of the said Rules any information or accounts which they would not have been entitled to receive thereunder if the said transfer had not taken place.]

(4) Upon the transfer of the functions of the parochial church council of any parish under subsection (1) of this section, the ^{M2}Parochial Church Councils (Powers) Measure

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1956 shall have effect in relation to that parish subject to the following modifications:

- (a) for any reference to the parochial church council there shall be substituted a reference to the administrative body; and
 - (b) section three, subsection (1) of section five, section six, paragraphs (iii) and (iv) of section seven and sections eight and nine shall not apply.
- (5) Upon the transfer of the functions of the parochial church council of any parish as aforesaid, all property held by that council and all property vested in the diocesan authority under subsection (2) of section six of the ^{M3}Parochial Church Councils (Powers) Measure 1956 or vested in that authority as a custodian trustee on behalf of the parochial church council, shall by virtue of this section and without any conveyance, assignment, transfer or other assurance vest in the capitular body of the cathedral church:

Provided that—

- (a) any stock which is only transferable in books kept by a company shall not vest in the capitular body by virtue of this subsection, but any person in whom the stock is vested shall, at the request of the capitular body, forthwith apply to the company to transfer the stock into the name of that body; and
 - (b) the vesting or transfer of property by virtue of this subsection shall not affect any previously existing trust or contract or any mortgage or other charge affecting the property.
- (6) Where the constitution and statutes of a parish church cathedral provide for such a transfer as aforesaid, they may confer on the administrative body of the cathedral church power to appoint a parochial committee to which that body may delegate such of the functions transferred to it under this section as it thinks fit.
- (7) For the purposes of this section the functions of a parochial church council shall include any power to act in the administration of a charity established for ecclesiastical purposes.

Textual Amendments

- F1** S. 12(3) substituted (Provinces of Canterbury and York except Channel Islands and Isle of Man) (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 17\(1\), Sch. 3 para.10](#); Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York.
- F2** Words substituted by virtue of [Interpretation Measure 1925 \(No. 1\), s. 1](#).
- F3** Word substituted by virtue of [Interpretation Measure 1925 \(No. 1\), s. 1](#).

Marginal Citations

- M1** 1969 No. 2
- M2** 1956 No. 3.
- M3** 1956 No. 3.

13 Power to make rules or bye-laws.

The constitution and statutes of any cathedral church may confer on the administrative body of the cathedral church and also in the case of a parish church cathedral, on the capitular body thereof, power to make rules or byelaws regulating any matter

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within the jurisdiction of that body as defined by the constitution and statutes; and the constitution or statutes—

- (a) may provide that the consent of such body or person as may be specified in the constitution and statutes shall be required before any rule or byelaw is made relating to any such matter as is so specified; and
- (b) may provide for the settling of questions and disputes arising in relation to any rules or byelaws made under this section.

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