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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Incumbents (Vacation of Benefices) Measure 1977, Part III. (See end of Document for details)*

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## SCHEDULE

### CONSTITUTION AND PROCEDURE OF DIOCESAN COMMITTEES AND PROVINCIAL TRIBUNALS

#### PART III

#### PROCEDURE

- 11 A diocesan committee of enquiry (hereafter referred to as “the committee”) shall elect a chairman and shall appoint one of its members to act as secretary of the committee.
- 12 (1) Any person may make written representations to the committee or the provincial tribunal (hereafter referred to as “the tribunal”).
- (2) Where any person, other than the incumbent concerned, makes written representations to the committee or tribunal, the incumbent concerned shall be entitled to be supplied with a copy of those representations and within three weeks after such copy is supplied to him to send his comments thereon in writing to the committee or tribunal, as the case may be.
- 13 (1) The incumbent concerned shall be entitled to appear before, and to be heard by, the committee or tribunal, to give oral evidence in the proceedings on the enquiry and to call witnesses.
- (2) The committee or tribunal—
- (a) shall, at the written request of any other party to the proceedings on the enquiry, invite any person named in the request to address it or give oral evidence in those proceedings or both; and
- (b) may invite any other person who may in its opinion be able to assist it to address it or give such evidence or both.
- (3) The tribunal may require oral evidence by any person in such proceedings to be given on oath and for that purpose the chairman of the tribunal may administer oaths.
- (4) The incumbent concerned shall be entitled to attend any meeting of the committee or tribunal at which any other person is to give evidence to, or be heard by, the committee or tribunal and, unless represented by counsel or a solicitor, to put questions to that person.
- 14 (1) Subject to sub-paragraphs (2) and (3) below, the proceedings at any meeting of the committee or tribunal shall be held in private.
- (2) If the incumbent concerned so requests, the proceedings at any meeting of the committee or tribunal, being a meeting at which the committee or tribunal hears him or any other person invited to address it or receives oral evidence, shall be held in public.

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- (3) The committee or tribunal by which an enquiry under Part I of this Measure was conducted shall pronounce its findings in public.
- 15 (1) Not less than fourteen days' notice of the date, time and place at which any meeting of the committee or tribunal is to be held, being a meeting at which the committee or tribunal intends to hear any person, to receive oral evidence or to pronounce its findings, shall be given to the bishop, the incumbent concerned, the secretary of the parochial church council of any parish belonging to the benefice of which the incumbent concerned is the incumbent, the archdeacon in whose archdeaconry any such parish is and the designated representative, if any.
- (2) A notice under this paragraph shall state that the person to whom the notice is given and, in the case of a notice given to the designated representative, that the other person specified in the relevant request as being willing to act as a representative of the persons making the request, may attend the meeting to which the notice relates.
- (3) Where the request for an enquiry under Part I of this Measure was made by the persons mentioned in section 1(1)(c) or (d) thereof, none of those persons shall, subject to sub-paragraph (2) above, be entitled to attend any meeting of the committee or tribunal by which the enquiry is being conducted without the consent of the chairman of the committee or tribunal, as the case may be, unless the meeting is one which is held in public by virtue of paragraph 14(2) or (3) above.
- 16 (1) If during the course of any enquiry any one member of the committee or tribunal, as the case may be, dies or becomes incapable of acting as such, then, subject to sub-paragraph (2) below, a fresh enquiry shall be instituted unless either—
- (a) before the occurrence of the death or incapacity the committee or tribunal had agreed on its findings and on the recommendations to be made in its report to the bishop under section 9 of this Measure; or
- (b) all the parties to the proceedings on the enquiry consent to the continuation of those proceedings.
- (2) If, in the case of an enquiry conducted by the tribunal, it is the chairman of the tribunal who dies or becomes incapable of acting as such, sub-paragraph 1(b) above shall not apply.
- (3) The findings of the committee or tribunal may be pronounced by a single member of the committee or tribunal, as the case may be.
- 17 For the purposes of this Part of this Schedule the parties to proceedings on an enquiry are—
- (a) the incumbent concerned;
- (b) the parochial church council of the parish to which the enquiry relates;
- (c) where the request for the enquiry was made by the person mentioned in section 1(1)(b) of this Measure, that person;
- (d) where the request for the enquiry was made by the persons mentioned in section 1(1)(c) or (d) thereof, the persons specified in the request as being willing to act as the representatives of the first mentioned persons.

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- 18 Subject to the provisions of this Measure and of any rules made under section 18 thereof, the procedure of the committee or tribunal at and in connection with its meetings shall be such as the committee or tribunal, as the case may be, may from time to time determine.

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