



Ecclesiastical Jurisdiction and Care of Churches Measure 2018

2018 No. 3

PART 2

LEGAL OFFICERS

28 Provincial registrar: continuation of office

- (1) For the province of Canterbury, there is to continue to be an office the holder of which is known as the registrar of the province of Canterbury; and the holder of that office is also the legal adviser to the Archbishop of Canterbury.
- (2) For the province of York, there is to continue to be an office the holder of which is known as the registrar of the province of York; and the holder of that office is also the legal adviser to the Archbishop of York.
- (3) The registrar of a province is appointed by the archbishop of the province.
- (4) The registrar of the province of Canterbury must exercise the functions conferred or imposed by or under an enactment or Canon on that registrar or on the registrar of the Arches Court of Canterbury.
- (5) The registrar of the province of York must exercise the functions conferred or imposed by or under an enactment or Canon on that registrar or on the registrar of the Chancery Court of York.
- (6) The office of registrar of a province may be held by two persons jointly; but either of those persons may exercise any of the functions mentioned in subsection (4) or (5).
- (7) The references in subsections (4) and (5) to functions conferred or imposed on the registrar include a reference to any function which—
 - (a) had been exercisable by the archbishop's legal secretary before the abolition of that office under section 6(4) of the Ecclesiastical Judges and Legal Officers Measure 1976, and

- (b) was exercisable by the registrar by virtue of section 3(2) of that Measure immediately before the commencement of this section.
- (8) Before appointing a person as the registrar of a province, the archbishop of the province must consult the Archbishops' Council if the person would, in acting under that appointment, be exercising—
- (a) functions exercisable as Joint Registrar of the General Synod (see Article 4(3) of the Constitution of the General Synod in Schedule 2 to the Synodical Government Measure 1969), or
 - (b) functions relating to or connected with the election or choice of members of either Convocation or the House of Laity of the General Synod.

29 Provincial registrar: deputy etc.

- (1) The registrar of a province may, with the consent of the archbishop of the province, appoint a fit and proper person to act as deputy registrar of the province for such period or for such purpose as is specified in the instrument of appointment.
- (2) A person appointed as deputy under subsection (1) has the same powers and duties as the registrar; but, in the case of an appointment for a specified purpose, the reference to having those powers and duties is a reference to having them for that purpose only.
- (3) Where the registrar of a province ceases to hold that office, a person appointed as deputy under subsection (1) ceases to hold that office when a new registrar is appointed.
- (4) Subsection (5) applies if—
 - (a) in the opinion of the archbishop, the registrar of the province is for any reason unable or unwilling to exercise the duties of registrar or it would be inappropriate for him or her to exercise them, and
 - (b) there is no person appointed as deputy under subsection (1) able to perform those duties.
- (5) The archbishop may request the registrar of the other province to appoint a fit and proper person to perform the duties for such period as is specified in the instrument of appointment.
- (6) A person appointed under subsection (5) has the same powers and duties as the registrar referred to in subsection (4).
- (7) Before the appointment of a person as deputy registrar of a province is made, the archbishop of the province must consult the Archbishops' Council if the person would, in acting under that appointment, be exercising functions of the description given in section 28(8).

30 Diocesan registrar: continuation

- (1) For each diocese, there is to continue to be an office the holder of which is known as the registrar of the diocese; and the holder of that office is also the legal adviser to the bishop of the diocese.
- (2) The registrar of a diocese is appointed by the bishop of the diocese.
- (3) Before making an appointment under subsection (2), the bishop must consult the bishop's council and standing committee of the diocesan synod.

- (4) The registrar of a diocese must exercise the functions conferred or imposed by or under an enactment or Canon on the registrar or on the registrar of the consistory court of the diocese.
- (5) The office of registrar of a diocese may be held by two persons jointly; but either of those persons may exercise any of the functions referred to in subsection (4).
- (6) The reference in subsection (4) to functions conferred or imposed on the registrar includes a reference to any function which—
 - (a) had been exercisable by the bishop’s legal secretary before the abolition of that office under section 6(4) of the Ecclesiastical Judges and Legal Officers Measure 1976, and
 - (b) was exercisable by the registrar by virtue of section 4(2) of that Measure immediately before the commencement of this section.

31 Diocesan registrar: deputy

- (1) The registrar of a diocese may, with the consent of the bishop of the diocese, appoint a fit and proper person to act as deputy registrar of the diocese for such period or for such purpose as is specified in the instrument of appointment.
- (2) A person appointed as deputy under subsection (1) has the same powers and duties as the registrar; but, in the case of an appointment for a specified purpose, the reference to having those powers and duties is a reference to having them for that purpose only.
- (3) Where the registrar of a diocese ceases to hold that office, a person appointed as deputy under subsection (1) ceases to hold that office when a new registrar is appointed.
- (4) Subsection (5) applies if—
 - (a) in the opinion of the bishop of the diocese, the registrar of the diocese is for any reason unable or unwilling to exercise the duties of registrar or it would be inappropriate for him or her to exercise them, and
 - (b) there is no person appointed as deputy under subsection (1) able to perform those duties.
- (5) The bishop may request the registrar of the province in which the diocese is situated to appoint a fit and proper person to perform the duties for such period as is specified in the instrument of appointment.
- (6) A person appointed under subsection (5) has the same powers and duties as the registrar of the diocese.
- (7) In a case where the registrar of a diocese is also the registrar of the province within which the diocese is situated, subsection (5) has effect as if the reference to the registrar of that province were a reference to the registrar of the other province.

32 Registrars: term of office

- (1) The term of a person’s appointment as registrar of a province or diocese ends with the day on which the person reaches—
 - (a) the age of 70, or
 - (b) such lower age as the House of Bishops may specify in regulations.

- (2) Provision made in regulations under subsection (1)(b) does not apply to a person who, at the date on which the provision comes into force, is the holder of an office to which the provision applies.
- (3) The registrar of a province may resign the office by instrument in writing signed by him or her and addressed to, and served on, the archbishop of the province.
- (4) The registrar of a diocese may resign the office by instrument in writing signed by him or her and addressed to, and served on, the bishop of the diocese.
- (5) An instrument of the kind referred to in subsection (3) or (4) must specify the date on which the resignation is to take effect; and that date must be—
 - (a) at least twelve months after the service of the instrument, or
 - (b) such earlier date as the archbishop or bishop in question may allow.
- (6) The archbishop of a province may, with the consent of the other archbishop, terminate the appointment of a person as registrar of the province; the power is exercisable by instrument in writing signed by the archbishop and addressed to, and served on, the person.
- (7) The bishop of a diocese may, with the consent of the archbishop of the province in which the diocese is situated, terminate the appointment of a person as registrar of the diocese; the power is exercisable by instrument in writing signed by the bishop and addressed to, and served on, the person.
- (8) An instrument of the kind referred to in subsection (6) or (7) must specify the date on which the termination is to take effect; and that date must be at least twelve months after the service of the instrument.
- (9) Regulations under this section—
 - (a) must be laid before the General Synod, and
 - (b) may not come into force unless they have been approved by the Synod.

33 Regulations as to maximum number of offices held

- (1) The House of Bishops may by regulations make provision with respect to the maximum number of registrarships, whether of a province or of a diocese, which any one person may hold.
- (2) Regulations under subsection (1) may not prohibit a person who, at the time the provision comes into force, holds more than the specified maximum number of registrarships from continuing to do so.
- (3) Regulations under subsection (1)—
 - (a) must be laid before the General Synod, and
 - (b) may not come into force unless they have been approved by the Synod.

34 Prohibition on appointment as archdeacon's official principal or registrar

- (1) The prohibition on making an appointment to the office of official principal of an archdeacon or to the office of registrar of an archdeacon (imposed by section 7 of the Ecclesiastical Judges and Legal Officers Measure 1976) is to continue.

- (2) Any duty which, immediately before the commencement of this section, was exercisable by virtue of section 7(2) of the Ecclesiastical Judges and Legal Officers Measure 1976 (duty of chancellor to exercise duties of official principal and duty of diocesan registrar to exercise duties of registrar) is to continue to be exercisable on the same basis.
- (3) For the avoidance of doubt, it is hereby declared that the registrar of an archdeacon has no duty to attend at a visitation of the archdeacon; and, accordingly, the registrar of a diocese has no duty by virtue of subsection (2) to attend at an archdeacon's visitation.