



# Cathedrals Measure 2021

2021 No. 2

## *Roles and responsibilities*

### **9 The bishop**

- (1) The bishop continues to have the principal seat and dignity in the cathedral.
- (2) The bishop may, after consultation with the Chapter and subject to provision in the statutes, officiate in the cathedral and use it in the bishop's work of teaching and mission, for ordinations and synods and for other diocesan occasions and purposes.
- (3) The bishop must attend the special meeting of the Chapter held under section 11(2).
- (4) It is for the bishop, with the approval of the dean, to appoint each residentiary canon who is not appointed by the Crown.
- (5) The bishop may seek the advice of the Chapter on any matter.
- (6) The bishop may commission a review of such aspects of the cathedral's financial affairs, governance, management, operations or mission as the bishop considers necessary or appropriate.
- (7) In commissioning a review under subsection (6), the bishop must have due regard to any guidance issued by the Church Commissioners in relation to such reviews; and the arrangements for appointing persons to carry out a review under that subsection must require those persons to have due regard to any such guidance.
- (8) Where a review under subsection (6) is being carried out, the Chapter of the cathedral concerned must co-operate with the persons carrying it out.
- (9) The Chapter must, in exercising its functions, have due regard to the conclusions reached on a review under subsection (6) and any recommendations made in the review.
- (10) Where the Charity Commission makes a decision, direction or order under the Charities Act 2011 which affects a cathedral, the bishop is to be treated for the purposes of Schedule 6 to that Act (appeals and applications to Charity Tribunal) as a person who is or may be affected by the decision, direction or order.

## 10 The Visitor

- (1) The constitution must continue to provide for the bishop to be the Visitor of the cathedral.
- (2) It is for the bishop as Visitor to hear and determine any question as to the construction of the constitution or statutes.
- (3) The bishop may hold a visitation of the cathedral—
  - (a) when the bishop considers it necessary or desirable to do so, or
  - (b) when requested to do so by the Chapter.
- (4) In the course of a visitation, the bishop may give such directions to the Chapter, the holder of an office in the cathedral or a person employed by the Chapter or engaged to provide services in connection with the cathedral as will, in the opinion of the bishop, better serve the due observance of the constitution and statutes.
- (5) A person on whom a function is conferred by or under this Measure must, in exercising that function, act in accordance with a determination made under subsection (2) or a direction given under subsection (4).
- (6) The bishop must, in the exercise of functions as Visitor, have due regard to any guidance issued by the Church Commissioners in relation to the Visitor's functions.
- (7) This section does not affect the powers that the bishop has generally as Visitor.

## 11 The Chapter

- (1) The Chapter must direct and oversee the administration of the affairs of the cathedral; and in performing that duty the Chapter must in particular—
  - (a) order the worship of the cathedral and promote its mission;
  - (b) formulate, after consultation with the bishop, proposals relating to the general direction and mission of the cathedral;
  - (c) prepare an annual budget for the Chapter;
  - (d) prepare an annual report for the Chapter and annual accounts for audit and subsequent approval;
  - (e) keep under review the constitution and statutes;
  - (f) manage the property vested in the Chapter and the income accruing from it and, in particular, ensure that necessary repairs and maintenance in respect of the cathedral and its contents and other buildings and monuments are carried out.
- (2) The Chapter must each year hold a special meeting at which—
  - (a) the Chapter must consult the bishop on the general direction and mission of the cathedral, and
  - (b) the bishop may, in reliance on section 9(5), seek the advice of the Chapter on any particular matter.
- (3) Before deciding who to invite to a special meeting under subsection (2) (apart from the members of the Chapter and the bishop), the Chapter must consult the bishop.

## 12 The dean

- (1) The dean of a cathedral continues to be its principal dignitary, next after the bishop.

- (2) The dean, in that capacity, must govern and direct on behalf of the Chapter the life and work of the cathedral; and in performing that duty the dean must in particular—
  - (a) ensure that Divine Service is duly performed in the cathedral;
  - (b) ensure that the constitution and statutes are faithfully observed;
  - (c) oversee the work undertaken by the clergy and staff of the cathedral in relation to the cathedral;
  - (d) maintain good order and proper reverence in the cathedral;
  - (e) secure the pastoral care of all members of the cathedral community;
  - (f) provide leadership on matters relating to the safeguarding of any children or vulnerable adults who work, volunteer or worship in the cathedral or who visit the cathedral (with “child” and “vulnerable adult” each having the meaning given in section 39(1));
  - (g) take all decisions necessary to deal with an emergency affecting the cathedral, pending consideration of the matter by the Chapter.
- (3) None of the following may be done without the consent of the dean—
  - (a) an alteration of the ordering of services in the cathedral;
  - (b) the settlement of the Chapter’s budget;
  - (c) the implementation of a decision taken by the Chapter in the dean’s absence.
- (4) In the case of a decision taken by the Chapter on a matter other than one mentioned in subsection (3)(a) or (b), the dean is to be taken as having consented for the purposes of subsection (3)(c) after the expiry of one month beginning with the day after that on which the decision was taken.
- (5) But subsection (4) does not apply if, during the one-month period referred to in that subsection, the dean asks the Chapter to reconsider the decision at its next meeting; and the decision is to be taken by a majority vote of those present and voting at the meeting (as to which, see paragraph 6 of Schedule 1).
- (6) The dean is, in respect of his or her functions relating to the cathedral, accountable to the Chapter in accordance with arrangements made by the Chapter.
- (7) The clergy of the cathedral are, in respect of their functions relating to the cathedral, accountable to the Chapter through the dean in accordance with arrangements made by the Chapter.
- (8) The dean, the clergy of the cathedral and the Chapter must each have due regard to any guidance issued by the Church Commissioners on accountability in relation to cathedrals.
- (9) Before issuing guidance of the kind referred to in subsection (8), the Church Commissioners must consult such bodies as appear to them to represent cathedrals.
- (10) The references in subsections (6) and (7) to the functions a person has in relation to the cathedral include, in the case of the dean or a residentiary canon, a reference to the functions he or she has under the Canons.
- (11) Subsections (6) and (7) do not apply to functions exercisable as a charity trustee.
- (12) A reference in this section to the clergy of the cathedral is a reference to each residentiary canon or other clerk in Holy Orders who carries out cathedral duties.

### **13 Interim dean**

- (1) If the office of dean of a cathedral is vacant or the dean is unable to discharge functions because of illness, absence or any other reason, the bishop must appoint a residentiary canon, or another clerk in Holy Orders, who is qualified to hold the office of dean to carry out the functions concerned during the period concerned.
- (2) An appointment under subsection (1) is to be on such terms and for such period as the bishop may determine; and, accordingly, in section 1 of the Ecclesiastical Offices (Terms of Service) Measure 2009 (common tenure), in subsection (1)(d), after “office in a cathedral” insert “other than the office under section 13(1) of the Cathedrals Measure 2021 (interim dean)”.
- (3) Before making an appointment under subsection (1), the bishop must consult the Chapter.
- (4) An appointment under subsection (1) must be made before the end of 30 days beginning with the day on which the vacancy arises or (as the case may be) the dean becomes unable to discharge the functions concerned.
- (5) Where a person is appointed under this section, the references in this Measure to the dean are to be read as references to the person so appointed.
- (6) Any question arising as to whether an appointment under this section is justified is to be determined by the archbishop of the province; and the archbishop’s determination is final.
- (7) A reference in this section to being qualified to hold the office of dean is a reference to satisfying the requirements imposed by a Measure, Act of Parliament or Canon for appointment to the office of dean.
- (8) Where a dean is suspended, removed or disqualified from office, the dean is, for the duration of the period of the suspension or from the time when the removal or disqualification takes effect, to be treated for the purposes of this section as unable to discharge the dean’s functions.

### **14 Residentiary canons**

- (1) In the case of each cathedral, at least two full-time equivalent residentiary canons must continue to be engaged exclusively on cathedral duties.
- (2) But the archbishop of the province and the Church Commissioners acting jointly may in special circumstances direct that a residentiary canon who is normally engaged exclusively on cathedral duties is, for the period specified in the direction, to be treated as so engaged for the purposes of this section, even though the canon is performing duties other than cathedral duties.
- (3) If a question arises as to whether a person is exclusively engaged on cathedral duties, the question is to be decided by the Church Commissioners, after consultation with the Visitor and the Chapter.
- (4) A person who is dissatisfied with a determination under subsection (3) may appeal against the determination to the archbishop of the province; and the archbishop’s decision on the appeal is final.
- (5) Where there is a vacancy in the see of the bishop who is the Visitor of the cathedral, the reference to the Visitor in subsection (3) is to be ignored.

- (6) In the application of this section to each cathedral of the diocese of Leeds, subsection (1) has effect as if for “two full-time equivalent residentiary canons” there were substituted “one full-time equivalent residentiary canon”; but, in the case of each of those cathedrals, this subsection applies to that cathedral only if the Bishop of Leeds has given consent for it to apply to it.

## **15 Nominations Committee**

- (1) It is for the Chapter to appoint the members of the Nominations Committee (the establishment of which is provided for in the constitution by virtue of section 5(1)(h)).
- (2) The chair of the Committee need not be a member of the Chapter but, if he or she is a member of the Chapter, must not be an executive member.
- (3) At least one member of the Committee must be a non-executive member of the Chapter (and that may be the person who is the chair of the Committee).
- (4) The membership of the Committee may include persons who are not members of the Chapter.
- (5) The Committee has the function of advising the Chapter on—
- (a) the recruitment of non-executive members,
  - (b) the recruitment of members of committees of the Chapter, and
  - (c) the training needs of members of the Chapter.
- (6) The Committee also has the function of—
- (a) keeping under review the skills, knowledge and experience of, and the diversity among, members of the Chapter, and
  - (b) where, in light of a review under paragraph (a), the Committee identifies areas where improvements are required, making recommendations to the Chapter on how to make those improvements.
- (7) Subject to the preceding provisions of this section, the statutes must make provision as to the composition, functions and proceedings of the Committee.
- (8) The Chapter may set terms of reference for the Committee; and the terms of reference may include provision which supplements the provision made by the constitution or statutes.

## **16 Finance Committee and Audit and Risk Committee**

- (1) It is for the Chapter to appoint the members of the Finance Committee and (if there is one) the members of the Audit and Risk Committee (the establishment of which is provided for in the constitution by virtue of section 5(1)(i)).
- (2) The chair of the Finance Committee must be a non-executive member of the Chapter who has recent and relevant financial experience.
- (3) The dean must not be a member of the Finance Committee or (if there is one) of the Audit and Risk Committee but is entitled to attend any meeting that either committee holds; and, at any meeting which the dean attends, he or she may speak but may not vote.

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*Status: This is the original version (as it was originally enacted).*

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- (4) The chair of the Audit and Risk Committee (if there is one) must not be a member of the Chapter and must have recent and relevant financial experience.
- (5) The membership of the Audit and Risk Committee (if there is one) must include at least one non-executive member of the Chapter.
- (6) The membership of the Finance Committee and (if there is one) the membership of the Audit and Risk Committee may each include persons who are not members of the Chapter.
- (7) The Finance Committee and (if there is one) the Audit and Risk Committee must each keep under review the activities and management of the cathedral in relation to such matters as the Chapter may specify in terms of reference for the committee.
- (8) In providing terms of reference for the purposes of this section, the Chapter must have due regard to any guidance issued by the Church Commissioners on the responsibilities of a Finance Committee and of an Audit and Risk Committee.
- (9) Before issuing guidance of the kind referred to in subsection (8), the Church Commissioners must consult such bodies as appear to them to represent cathedrals in relation to their financial affairs.
- (10) Subject to the preceding provisions of this section, the statutes must make provision as to the composition, functions and proceedings of the Finance Committee and (if there is one) of the Audit and Risk Committee.
- (11) The terms of reference set by the Chapter for a Finance Committee or (if there is one) an Audit and Risk Committee may include provision which supplements the provision made by the constitution or statutes.

## **17 Other committees**

- (1) The constitution may include provision for the establishment of any committees or sub-committees of the Chapter of a cathedral.
- (2) The constitution must provide that any committee or sub-committee of the Chapter of a cathedral established by virtue of subsection (1) may include persons who are not members of the Chapter.
- (3) The statutes must include provision as to the chairing of each committee or sub-committee established by virtue of subsection (1) (including provision as to whether the chair must be a member of the Chapter).
- (4) The statutes must include provision for each committee or sub-committee established by virtue of subsection (1) to report its proceedings to the Chapter.
- (5) Subject to the preceding provisions of this section, the statutes must include provision as to the composition and proceedings of committees or sub-committees of the Chapter of a cathedral established by virtue of subsection (1).
- (6) The Chapter must set terms of reference for each committee or sub-committee established by virtue of subsection (1); and the terms of reference—
  - (a) must include provision as to the functions of the committee or sub-committee;
  - (b) may include provision which supplements the provision made by the constitution or statutes.

## **18 Advisory bodies**

- (1) The constitution may include provision for the establishment of one or more advisory bodies, including bodies the purpose of which would be to enable engagement with persons in the local area who have an interest in the affairs of the cathedral.
- (2) A body established under this section is not a committee of the Chapter.
- (3) The statutes may include provision as to the composition, functions or proceedings of a body established under this section.
- (4) The Chapter may set terms of reference for a body established under this section; and the terms of reference may include provision which supplements the provision made by the constitution or statutes.
- (5) Subsections (1) to (4) are not to be read as limiting the provision which may be made under section 7(1) for the good government of a cathedral.

## **19 Senior management group**

- (1) The members of the group concerned with the management of a cathedral (the establishment of which is provided for in the statutes by virtue of section 7(3)), must include—
  - (a) the dean,
  - (b) each residentiary canon with responsibility for a department of the cathedral or for part of its operations,
  - (c) the chief officers, and
  - (d) such other members of staff (whether lay or clergy) as the Chapter considers appropriate.
- (2) The statutes must make provision as to—
  - (a) the functions and proceedings of the group, and
  - (b) the accountability of the group to the Chapter.