



Church Dignitaries (Retirement) Measure 1949

1949 No. 1 12 13 and 14 Geo 6

PART III **E**

GENERAL

12 Application of Measure. **E**

This Measure applies to deans and provosts of cathedral churches, archdeacons, canons and prebendaries, whether stipendiary or not, and clerks in Holy Orders holding any other ecclesiastical offices of freehold tenure, not being parochial benefices (except holders of offices in a Royal Peculiar, members of the dean and chapter of the cathedral church of Christ in Oxford and lay canons) and the persons to whom this Measure so applies are in this Measure referred to as dignitaries.

13 Proceedings at special meetings of cathedral chapters. **E**

- (1) The cathedral chapter to be summoned to consider a matter under Part I . . . ^{F1} of this Measure shall—
- (a) in the case of a cathedral not being a parish church cathedral, be the dean and chapter as constituted when performing functions within the jurisdiction of the greater or general chapter; and
 - (b) in the case of a parish church cathedral, be the chapter as constituted by scheme under the ^{M1}Cathedral Measures 1931 and ^{M2}1934, or the ^{M3}Southwark Cathedral Measure 1937.

In this subsection, “parish church cathedral” means a cathedral church mentioned in the Second Schedule to the ^{M4}Cathedrals Measure 1931.

- (2) A notice from the bishop requiring the summoning of a special meeting of a cathedral chapter under this Measure shall be addressed to the dean or provost:
Provided that, if the dean or provost is the dignitary concerned, it shall be addressed to such other member of the cathedral chapter as the bishop may determine, and that

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member shall notwithstanding anything in the statutes of the cathedral have power to summon the meeting.

- (3) The summons shall be effected by a notice sent by post to each of the members of the cathedral chapter stating the purpose for which the meeting is summoned.
- (4) Subject to the provisions of subsection (3) of section one . . . ^{F1} of this Measure, any question before the cathedral chapter shall be determined by a majority of the members present and voting on the question, and in the case of an equality of votes the dean or provost shall have a second or a casting vote: the special meeting may be adjourned from time to time.
- (5) Where a dignitary in respect of whom proceedings are taken under this Measure is a member of the cathedral chapter, he shall not sit or vote at a special meeting of the chapter summoned to consider his case.
- (6) Subject to the provisions of this section, the rules of procedure applicable to special meetings of the cathedral chapter in question shall apply.

Textual Amendments

F1 Words repealed by [Ecclesiastical Jurisdiction Measure 1963 \(No. 1\)](#), [Sch. 5](#)

Marginal Citations

M1 [1931 No. 7.](#)
M2 [1934 No. 3.](#)
M3 [1937 No. 3.](#)
M4 [1931 No. 7.](#)

[^{F2}14 Provisions where dignitary also an incumbent. **E**

- (1) Where a dignitary, being a dean, provost or archdeacon, is also the incumbent of a parochial benefice, a declaration of vacation of his office as dean, provost or archdeacon made under this Measure shall have the effect also of vacating his benefice, whether the office is annexed to the benefice or the benefice to the office.
- (2) Where a dignitary, being an archdeacon, canon or prebendary,—
 - (a) is also the incumbent of a parochial benefice, and
 - (b) resigns his benefice consequent upon a notification from the bishop under subsection (2)(a) of section 11 of the Incumbents (Vacation of Benefices) Measure 1977 (powers of bishop where enquiry under that Measure results in a finding of mental or physical incapacity), or the bishop has declared his benefice vacant under that section,

the powers of the bishop under section 2 of this Measure shall be exercisable as if the report of the diocesan committee of provincial tribunal under the said Measure of 1977 had been a report by the cathedral chapter under this Measure, and the bishop may execute an instrument declaring the archdeaconry, canonry or prebend, as the case may be, vacant in accordance with that section or, if the case so requires, petition Her Majesty to make such a declaration, and there shall be no appeal against the exercise of those powers by the bishop.]

Textual Amendments

F2 S. 14 substituted by [Incumbents \(Vacation of Benefices\) Measure 1977 \(No. 1, SIF 21:4\)](#), s. 20(1)

15 Effect of declaration of vacancy in an office. **E**

Where an office held by a dignitary has been declared vacant in pursuance of this Measure, the vacancy may be filled up in the same manner and with the like incidents in all respects as if the dignitary were dead.

16 Notices. **E**

Any notice or other document authorised or required to be sent or given by or under this Measure shall be deemed to have been duly sent or given if sent through the post in a pre-paid registered letter addressed, in the case of a dignitary having an official residence to that residence, and in any other case to the dignitary at his last known place of residence.

17 Rules. **E**

The Rule Committee appointed under section fourteen of the ^{M5}Incumbents (Discipline) Measure 1947 may make rules for carrying this Measure into effect and for all matters not otherwise provided for incidental to and connected with the administration of justice under this Measure and for prescribing anything which under this Measure is to be prescribed, and the said section fourteen shall have effect as if herein re-enacted and in terms made applicable to this Measure.

Marginal Citations

M5 [1947 No. 1.](#)

18 Definitions. **E**

For the purposes of this Measure, unless the context otherwise requires—

- the expression “the bishop” means the archbishop or bishop of the diocese in which the office of the dignitary concerned is held;
- the expression “administrative chapter” means the dean and chapter acting by or as an administrative chapter by whatever name known;
- the expression “cathedral council” in relation to the cathedral of St. Alban means the dean’s council;
- the expression “prescribed” means prescribed by rules under . . . ^{F3} this Measure.

Textual Amendments

F3 Words repealed by [Ecclesiastical Jurisdiction Measure 1963 \(No. 1\)](#), [Sch. 5](#)

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19 **Extent.** **E**

This Measure shall extend to the whole of the Provinces of Canterbury and York except the Channel Islands and the Isle of Man, but may be applied to the Channel Islands or either of them, as defined in the ^{M6}Channel Islands (Church Legislation) Measure 1931 in accordance with that Measure.

Marginal Citations
M6 1931 No. 4.

20 **Short Title.** **E**

This Measure may be cited as the Church Dignitaries (Retirement) Measure 1949.

Changes to legislation:

There are currently no known outstanding effects for the Church Dignitaries (Retirement) Measure 1949, Part III.