

1970 No. 1009

ECCLESIASTICAL LAW

The Compensation of Clergy Rules 1970

*Made (Approved by the
Church Assembly)*

8th July 1970

Laid before Parliament

15th July 1970

Coming into Operation

1st August 1970

We, the Church Commissioners for England, in exercise of the powers conferred on us by paragraph 15(1) of Schedule 4 of the Pastoral Measure 1968^(a) do hereby order as follows :—

1.—(1) These Rules may be cited as the Compensation of Clergy Rules 1970 and shall come into operation on the 1st day of August 1970.

(2) The Interpretation Measure 1925^(b) shall apply to the interpretation of these Rules as it applies to the interpretation of a Measure of the Church Assembly.

2. In these Rules unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

“the Committee” means, in relation to a claim and other proceedings, the Pastoral Committee for the diocese in which the incumbent, vicar in a team ministry or archdeacon concerned in the proceedings, was serving before the date of the coming into operation of the relevant provision of the pastoral scheme or order affecting his benefice or office or, in the case of a claim made before that date, the diocese in which the claimant is serving ;

“the registrar of the diocese” and “chancellor of the diocese” mean the registrar and chancellor of the aforesaid diocese ;

“the Measure” means the Pastoral Measure 1968 ;

“the secretary” means the secretary of the Committee.

3.—(1) A claim for compensation under Schedule 4 to the Measure by any incumbent, vicar in a team ministry or archdeacon, shall be in writing and shall be sent or delivered to the secretary.

(2) A claim for such compensation may be made before the date on which the relevant provision of the pastoral scheme or order comes into operation and shall be made not later than thirteen weeks after that date ; but the Committee may extend the time for making a claim, and the making of a claim shall not preclude the giving of supplementary information in writing or the making of any addition to or amendment of the claim.

4.—(1) The claim shall give particulars of the loss suffered by way of loss of stipend or otherwise, including any loss arising from the claimant's ceasing to occupy the parsonage house or other official residence and any expenses arising from his change of residence, and shall also give particulars of any ecclesiastical office to which he has been appointed or which has been offered to him, and any other remunerated employment in which he is or is to be engaged.

(2) The claim shall state the amount of compensation claimed, whether by way of periodical payments or a lump sum payment, or partly of one and partly the other, and in the latter case shall state the amounts claimed under each head.

(3) The secretary may by notice in writing request the claimant to give such further information, and to verify any information in such manner as the Committee may reasonably require.

5.—(1) The claimant shall have a right to an interview with the Committee before the determination of his claim, and shall inform the secretary in writing, either in his claim or otherwise, whether he wishes to exercise that right; and, if he does not exercise it, the Committee may nevertheless, if they think fit, require him to attend a meeting of the Committee for the purpose of being interviewed.

(2) The secretary shall give reasonable notice of the time and place of the meeting of the Committee at which any such interview is to take place.

(3) At any such interview the claimant may be represented by a barrister or solicitor or may be assisted by a friend.

6.—(1) The Committee shall give their decision in writing within twenty-eight days of the making of the claim or, if the claimant is interviewed, within twenty-eight days after the interview, or if there be more than one interview, the last of such interviews, and shall state the reasons for their decision and explain how the amount of compensation is calculated, and they shall not be limited to the amount claimed or be bound to award the compensation in the form claimed, and may, in the case of periodical payments, date them back to such date not earlier than the date of operation of the relevant position of the pastoral scheme or order as they may specify.

(2) A copy of the decision shall forthwith be sent to the claimant by the secretary.

7.—(1) If compensation is awarded in the form of periodical payments, the recipient shall give an undertaking in the form contained in the Appendix to these Rules to furnish information to the secretary as to the matters set out in that form and payments may be suspended until the undertaking is given.

(2) The secretary may at any time require a person who is in receipt of such compensation to furnish or verify information as to any of the said matters, but without prejudice to the obligation of the recipient to furnish such information in pursuance of his undertaking without any such requirement.

8.—(1) Before the Committee exercise, in relation to any person, any of their powers under paragraph 8, paragraph 10 or paragraph 11 of Schedule 4 to the Measure, being powers to suspend or reduce the amount of compensation, to terminate the payment of compensation, or to recover payments of

compensation, the secretary shall give notice in writing to the person concerned that the Committee are considering the exercise of the powers in question on grounds specified in the notice.

(2) Within fourteen days after the giving of the notice the said person may send representations in writing to the secretary with respect to any matters relevant to the exercise of the powers in question, and rule 4(3) and rule 5 of these Rules shall apply for the purpose of the proceedings as they apply for the purposes of a claim for compensation.

(3) The Committee shall give their decision in writing and shall state the reasons therefor.

9.—(1) An application under paragraph 9 of Schedule 4 to the Measure for a grant or renewal of compensation under that Schedule or for an increase of such compensation on the ground that circumstances have materially altered to the disadvantage of the applicant, shall be in writing and shall be sent or delivered to the secretary.

(2) The application shall give particulars of the change of circumstances, and, if it is for the grant of compensation or an increase of compensation, shall state the amount claimed, whether by way of periodical payments or a lump sum payment, or partly of one and partly the other, and in the latter case shall state the amounts claimed under each head.

(3) Rules 4(3), 5 and 6 of these Rules shall apply for the purposes of the application as it applies for the purposes of an original claim for compensation.

10.—(1) The claimant may appeal from any decision of the Committee made on a claim for compensation or in the exercise of the powers referred to in rule 8 of these Rules or on an application referred to in rule 9 thereof to the Appeal Tribunal constituted for the Province comprising the diocese of the Committee.

(2) Any such appeal shall be made by sending or delivering a notice of appeal to the secretary of the Appeal Tribunal and a copy thereof to the secretary of the Committee, and shall be made within twenty-eight days after the decision of the Committee was sent to the claimant ; but the time may be extended by the secretary, chairman or deputy chairman of the Appeal Tribunal or by the person nominated to preside over the appeal or by the Tribunal.

(3) The notice of appeal shall set out the grounds of appeal, and if the relief claimed is a grant of compensation or an increase in the amount thereof and the compensation claimed differs in amount or form from that stated in the claim or application made to the Committee, shall state the compensation claimed.

(4) The secretary of the Committee shall, on receipt of a copy of the notice of appeal, send to the secretary of the Appeal Tribunal the appellant's claim in writing and other documents relating to the claim, and a note of what took place at any interview with the Committee ; and a copy of the said note shall be sent to the appellant.

11.—(1) The secretary of the Appeal Tribunal shall give to the appellant not less than fourteen days' notice of the time and place fixed for the hearing of the appeal.

(2) The Appeal Tribunal :—

- (a) may, if they think fit, receive oral or written evidence, and shall not be bound to observe strict rules as to the admissibility of evidence ;
- (b) may require evidence to be given on oath, but need not do so ;
- (c) may confirm the decision of the Committee or substitute such other decision as they think just, or send the case back to the Committee for reconsideration, with such directions as they think fit.

(3) At any hearing before the Appeal Tribunal the appellant may be represented by a barrister or solicitor or may be assisted by a friend.

12.—(1) An application for the refunding in accordance with paragraph 16 of Schedule 4 to the Measure of costs reasonably incurred in proceedings under that Schedule shall—

- (a) be made in writing to the registrar of the diocese and sent or delivered to him at his office ; and
- (b) give particulars of the costs incurred and be accompanied by vouchers and other documents relating thereto ;

and the registrar shall determine whether any such costs have been reasonably so incurred and, if so, the amount thereof.

(2) The registrar may by notice in writing request the applicant to give such further information and supply such further documents as he may reasonably require and shall, if the applicant so wishes, arrange for a hearing.

(3) The registrar shall give his decision in writing and send it to the applicant and, unless he grants the application in full, shall state the reasons therefor ; and the applicant may, by notice sent or delivered to the registrar within fourteen days after the decision was sent to the applicant, appeal from it to the chancellor of the diocese.

(4) On receipt of the notice of appeal, the registrar shall—

- (a) send to the chancellor the application and all other documents relating thereto and a note of what took place at any hearing before him, and send a copy of any such note to the applicant ;
- (b) if the applicant so wishes, arrange for a hearing before the chancellor, and give to the applicant not less than seven days' notice of the time and place thereof.

(5) At any hearing before the registrar or chancellor under this rule the applicant may be represented by a barrister or solicitor or may be assisted by a friend ; and the costs of proceedings under this rule shall be dealt with in those proceedings.

(6) The registrar shall certify to the Central Board of Finance the amount of any costs determined under this rule to have been reasonably incurred as aforesaid.

13. The Committee shall take steps to inform all persons who have or may have a right to compensation under Schedule 4 to the Measure of the name of the secretary and the address to which documents shall be sent or delivered to him, and it shall be the duty of the secretary to give assistance to such persons in connection with claims or other proceedings under these rules, and, if the Committee make a determination or decision from which an appeal lies to the Appeal Tribunal, to inform the person concerned of the name and address of the secretary of the Appeal Tribunal.

The Common Seal of the Church Commissioners was hereunto affixed
this 19th day of May 1970.

L. N. King,
Assistant Secretary.

Approved by the Church Assembly the 8th July 1970.

John Guillum Scott,
Secretary.

APPENDIX

FORM OF UNDERTAKING UNDER RULE 7(1)

Diocese

I _____, of _____,
having been awarded compensation under Schedule 4 to the Pastoral Measure
1968, hereby undertake to give to the secretary of the Pastoral Committee of
the above diocese, the information specified below:—

- (a) If at any time I am appointed to any ecclesiastical office or engage in any
other remunerated employment, I will forthwith inform the secretary and
give him full particulars of the office or employment.
- (b) If at any time I am offered an ecclesiastical office which I intend to refuse
or have refused, I will forthwith inform the secretary and give him full
particulars of the office and my reasons for refusing.
- (c) If at any time:—
 - (i) I execute a deed of relinquishment under the Clerical Disabilities Act
1870(a); or
 - (ii) I become a member of a religious body which is not in communion
with the Church of England; or
 - (iii) I become disqualified under the Ecclesiastical Jurisdiction Measure
1963(b) from holding preferment in the Church of England;

I will inform the secretary and give him full particulars of the circumstances.

Signed.....

DATED the _____ day of _____, 19 ____.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules provide a uniform code of procedure to be followed in claiming
and determining rights to and amounts of compensation under Schedule 4
(Compensation of Clergy) of the Pastoral Measure 1968, and in altering
terminating or suspending payments of compensation, and in proceedings
before the Appeal Tribunal and in any other proceedings under the Schedule.