

Statute of the General Synod

Chapter XV of 2003

**THE CONSTITUTION  
OF THE  
CHURCH OF IRELAND**

AS SET OUT IN THE FIRST SCHEDULE TO THE SAID  
STATUTE  
and  
AN APPENDIX

comprising

The standing orders of the General Synod,

The provisions relating to the constitution, duties and powers of the Standing Committee and the Board of Education of the General Synod,

Section twenty of the Irish Church Act, 1869 (as operative),

Sections two, three, four, five and eight of the Glebe Lands, Representative Church Body, Ireland, Act 1875,

Sections one to five of the Trustee Churches (Ireland) Act, 1884, and

Index to the provisions of the Constitution

edited by

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PUBLISHED BY THE GENERAL SYNOD  
OF THE CHURCH OF IRELAND

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DUBLIN

2003

## PREFACE

In the fifteen years since the last consolidation of the Constitution in 1988 there have been substantial changes not least in respect of clergy pensions where ten statutes have effected further improvements in the scheme for the provision of pensions for clergy and for the surviving spouses of deceased members of the Clergy Pensions Fund.

Probably the single most significant change in the Constitution since 1988 has been that effected in 1990 when provision was made to permit the ordination of women to the priesthood and to the episcopate. It is appropriate, therefore, that this edition of the Constitution should be drafted in inclusive language.

The Standing Committee of the General Synod decided that a consolidation Bill should be submitted to the General Synod of 2003; this Bill was passed and became the Statute Chapter XV of 2003. It has followed the precedent of earlier such statutes; the former edition of the Constitution is repealed with effect from 1st October 2003 and the new edition of the Constitution, as contained in the First Schedule to the Statute, will come into effect on that date. The provisions of the Constitution are preceded, as before, by the Preamble and Declaration adopted by the General Synod in 1870.

As the consolidation Bill could not include any change of substance the Standing Committee, in anticipation of this consolidation, authorised the introduction of two other Bills to make miscellaneous amendments to the provisions of various Chapters of the Constitution; these are Statutes Chapter IX of 2002 and Chapter XIV of 2003 and their provisions have been incorporated into the text. Hence the text as it appears in the First Schedule is up to date.

Each of the last five editions of the Constitution contained an Appendix which included the Standing Orders of the General Synod, the Constitutions of the Standing Committee and the Board of Education and extracts from certain relevant Statutes. This, the thirteenth edition of the Constitution, contains a similar Appendix revised in inclusive language.

The index has been revised and simplified.

The process of adopting inclusive language throughout the Constitution entailed painstaking work. While responsibility in the Parliamentary sense rests with the Honorary Secretaries of the General Synod and the Legislation Committee, they wish recognition to be given for their work and commitment to Mr John Buttimore, Miss Elaine Whitehouse and Mr Derek Phillips, Synod Officer, and to Mrs Claire Burrows, whose legal expertise proved invaluable

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## STATUTE

### To consolidate enactments in regard to the Constitution.

WHEREAS it is expedient to consolidate enactments of the General Synod in regard to the Constitution of the Church of Ireland and for that purpose to repeal the Constitution of the Church of Ireland, 1988 (save as regards the Preamble and Declaration prefixed thereto and the Rules annexed to Chapter XIII thereof), as amended by subsequent Statutes of the General Synod.

BE IT ENACTED by the Archbishops and Bishops and the Clergy and Laity of the Church of Ireland in General Synod assembled in Dublin in the year 2003, and by the authority of the same as follows:

1. From and after 1st October 2003 the several provisions contained in the first Schedule to this Statute shall be in force in the Church of Ireland and the said Schedule shall be read and construed as part of this Statute.

2. In the said Schedule and in any Statute amending the same

the term "Constitution" shall mean the said Schedule with such amendments thereof as from time to time for the time being shall be in force;

the term "Statute" shall mean a Statute of the General Synod;

the term "Representative Body" shall mean the Body to represent the Church of Ireland and to hold property for the uses and purposes thereof called in the Irish Church Act, 1869, the Representative Body of the said Church;

wherever the context so admits the word "diocese" shall include any diocese or united diocese or united dioceses under the jurisdiction of one bishop;

the term "member of the clergy" or "clergy" shall, unless otherwise specifically provided, mean a deacon or priest of the Church of Ireland or of a church in full communion with that Church.

3. From and after 1st October 2003 the several Statutes and portions of Statutes mentioned in the second Schedule to this Statute shall be and the same are hereby repealed: Provided always that such repeal shall not invalidate or affect any act or thing heretofore done or any right or liability heretofore acquired or incurred under or in pursuance of the provisions hereby repealed.

## FIRST SCHEDULE

### THE CONSTITUTION OF THE CHURCH OF IRELAND

#### PREAMBLE AND DECLARATION

ADOPTED BY THE GENERAL CONVENTION IN THE YEAR 1870

**In the Name of the Father, and of the Son, and of the Holy Ghost. Amen:** Whereas it hath been determined by the Legislature that on and after the 1st day of January, 1871, the Church of Ireland shall cease to be established by law; and that the ecclesiastical law of Ireland shall cease to exist as law save as provided in the "Irish Church Act, 1869", and it hath thus become necessary that the Church of Ireland should provide for its own regulation:

We, the archbishops and bishops of this the Ancient Catholic and Apostolic Church of Ireland, together with the representatives of the clergy and laity of the same, in General Convention assembled in Dublin in the year of our Lord God one thousand eight hundred and seventy, before entering on this work, do solemnly declare as follows:

#### I

1. The Church of Ireland doth, as heretofore, accept and unfeignedly believe all the Canonical Scriptures of the Old and New Testament, as given by inspiration of God, and containing all things necessary to salvation; and doth continue to profess the faith of Christ as professed by the Primitive Church.
2. The Church of Ireland will continue to minister the doctrine, and sacraments, and the discipline of Christ, as the Lord hath commanded; and will maintain inviolate the three orders of bishops, priests or presbyters, and deacons in the sacred ministry.
3. The Church of Ireland, as a reformed and Protestant Church, doth hereby reaffirm its constant witness against all those innovations in doctrine and worship, whereby the Primitive Faith hath been from time to time defaced or overlaid, and which at the Reformation this Church did disown and reject.

#### II

The Church of Ireland doth receive and approve **The Book of the Articles of Religion**, commonly called the Thirty-nine Articles, received and approved by the archbishops and bishops and the rest of the clergy of Ireland in the synod holden in Dublin, A.D. 1634; also, **The Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the use of the Church of Ireland; and the Form and Manner of Making, Ordaining and Consecrating of Bishops, Priests and Deacons**, as approved and adopted by the synod holden in Dublin, A.D. 1662, and hitherto in use in this Church. And this Church will continue to use the same, subject to such alterations only as may be made therein from time to time by the lawful authority of the Church.

#### III

The Church of Ireland will maintain communion with the sister Church of England, and with all other Christian Churches agreeing in the principles of this Declaration; and will set forward, so far as in it lieth, quietness, peace, and love, among all christian people.

#### IV

The Church of Ireland, deriving its authority from Christ, Who is the Head over all things to the Church, doth declare that a General Synod of the Church of Ireland, consisting of the archbishops and bishops, and of representatives of the clergy and laity, shall have chief legislative power therein, and such administrative power as may be necessary for the Church, and consistent with its episcopal constitution.

**SECOND SCHEDULE**

## STATUTES REPEALED

<b>Statutes of 1988:</b>	Chapter III (save as regards the Preamble and Declaration prefixed to the first Schedule).
<b>Statutes of 1989:</b>	Chapters II and III.
<b>Statutes of 1990:</b>	Chapters III, IV, V and VI.
<b>Statute of 1992:</b>	Chapter III.
<b>Statute of 1993:</b>	Chapter I.
<b>Statutes of 1994:</b>	Chapters I and II.
<b>Statutes of 1995:</b>	Chapters I and II.
<b>Statutes of 1996:</b>	Chapters III and IV.
<b>Statute of 1997:</b>	Chapter I.
<b>Statutes of 1998:</b>	Chapters I and II.
<b>Statutes of 1999:</b>	Chapters III, IV and V.
<b>Statute of 2001:</b>	Chapter V.
<b>Statute of 2002:</b>	Chapter IX.

## Chapter I

### THE GENERAL SYNOD

#### PART I.

##### HOUSE OF BISHOPS; HOUSE OF REPRESENTATIVES; ELECTION OF REPRESENTATIVES.

1. The General Synod of the Church of Ireland shall consist of three distinct orders, namely, the bishops, the clergy, and the laity.
2. The General Synod shall consist of two Houses, namely, the House of Bishops and the House of Representatives; but both Houses shall sit together in full synod for deliberation and transaction of business, except in such cases as shall be hereinafter provided for.
3. The House of Bishops shall consist of all the archbishops and bishops of the Church of Ireland for the time being.
4. (1) (a) The House of Representatives shall consist of representatives of the clergy and representatives of the laity in the proportion of two lay members for each clerical member, to be elected as hereinafter provided.
  - (b) Subject to section 4(2), the number of representatives to be returned to the General Synod by each diocese or united diocese shall be in the proportion of one representative to every cure within that diocese or united diocese as the case may be.
  - (c) In addition, to ensure that the voices of the smaller dioceses can be heard, further places will be awarded, one to the diocese with the largest number of cures, two to the next largest and so on. Where two or more dioceses have the same number of cures, they shall all receive the same number of additional places, which shall be calculated as one less than the additional places awarded to the next smallest diocese; provided that the total number of representative positions for each diocese or united diocese[s] is divisible by three or, where this is not the case, shall be rounded up to the next number divisible by three.
  - (d) Subject to section 4(2), on the occasion of the amalgamation of any two or more dioceses, representation at the time of amalgamation shall be fixed until the review as therein prescribed.
- (2) (a) The number of representatives, clerical and lay, specified for the triennia from 2024 to 2032, to be returned to represent General Synod and the several dioceses and united dioceses shall be as set out in the following Table, providing for a phased introduction in the triennial periods commencing in 2024 and 2027 respectively. Number of Representatives based on a House of Representatives at General Synod equal to the number of cures plus the 1 to 12 sliding scale of additional places

	2024-2026		2027-2032	
	Clerical	Lay	Clerical	Lay
Armagh	17	34	16	32
Clogher	14	28	13	26
Derry & Raphoe	19	38	18	36
Down & Dromore	28	56	26	52
Connor	29	58	26	52
Kilmore, Elphin & Ardagh	12	24	11	22
Tuam, Killala & Achonry	7	14	7	14
Dublin & Glendalough	21	42	19	38
Meath & Kildare	10	20	9	18
Cashel Ferns & Ossory	17	34	13	26
Cork Cloyne & Ross	13	26	11	22
Limerick & Killaloe	12	24	9	18
Total Representation	597		534	

- (b) A review of General Synod representation shall commence in the first year of the triennium beginning in 2030, with any consequent changes agreed by General Synod to take effect in 2033, and a review shall take place every third triennium thereafter.
- (c) Any such review shall take the following into consideration:
- the life and ministry of the Church of Ireland at that time;
  - the establishment of new forms of ministry other than cures;
  - provincial boundaries and balance so that neither province thereafter has two-thirds or more, of the overall representation;
  - diocesan balance, so that no diocese thereafter has less than half or more than twice the average number of representatives.
- (3) The diocesan synod[s] of the several dioceses composing each united diocese[s] may from time to time make such mutual arrangements as to them shall seem fit for apportioning among such dioceses respectively the number of representatives allotted to the several united dioceses in accordance with section 4. In default of agreement being reached the apportionment shall be made by the bishop, whose decision shall be final.
- (4) Each diocesan synod may make such arrangements as to it shall seem fit for dividing the diocese into districts for the purpose of the election of representatives, and for apportioning the number of representatives among such districts. It shall be lawful for each diocesan synod from time to time to repeal or vary any such arrangement.
- (5) The number of representatives which shall be so apportioned to each several diocese or district shall be elected by the clerical and lay synod members respectively of that diocese or district.
5. (1) In the year 2005, and triennially thereafter, each diocesan synod shall meet and elect its due number of clerical and lay representatives, together with such number of supplemental clerical and lay representatives as it shall determine either by resolution or by diocesan regulation, the clerical synod members voting for clerical representatives only, and the lay synod members for lay representatives only. At each such election the representatives and supplementals shall be elected for a period of three years commencing on the day preceding the next ordinary session of the General Synod next following. Should additional supplementals be required, they may be



elected at any meeting of the diocesan synod.

- (2) Should two or more persons receive an equal number of votes and the result of the election, or the order of names on the supplemental list, be thereby in doubt, the matter shall be determined by lot.
  - (3) Whenever the seat of any member shall become vacant before the expiration of the period for which such member shall have been elected, such vacancy shall be filled for the unexpired period by the person whose name stands highest in order on the relevant list of supplemental representatives.
  - (4) No diocesan synod shall make provision whereby nomination procedures applied to outgoing members of the General Synod differ from those applied to persons who are not outgoing members of the General Synod.
6. Every beneficed or licensed member of the clergy of the Church of Ireland who is not a deacon serving in an internship or in receipt of a retiring annuity under the provisions of Chapter XIV and who on 1st January preceding election had not attained the age of seventy-four years shall be qualified to be elected as a clerical representative or supplemental clerical representative for a diocese whether or not such person resides in that diocese.
  7. Every lay person who, on 1st January preceding election, had attained the age of seventeen years and had not attained the age of seventy-four years, being a member of the Church of Ireland and a communicant of the said Church and not being a deacon serving an internship, shall be qualified to be elected as a lay representative or supplemental lay representative for any diocese; provided that clergy residing in the diocese who are neither beneficed nor licensed shall be deemed to be lay persons for the purpose of this section and provided that a lay person who has become a deacon serving in an internship since election as a lay representative or supplemental lay representative for any diocese shall be deemed to have resigned from General Synod as a lay representative or supplemental lay representative for any diocese.
  8. All representatives and supplemental representatives shall be notified forthwith of their election by the secretaries of the synod of the diocese for which they shall have been elected, who shall also furnish each lay representative and supplemental lay representative with a copy of the form prescribed by section 9 of this Chapter.
  9. All lay representatives and supplemental lay representatives so elected shall within one month of the date of the notification aforesaid sign and transmit to the secretaries of the synod of the diocese for which they shall have been elected a declaration in the following form:

I, A.B., of \_\_\_\_\_ do hereby solemnly declare that, on 1st January last preceding, I had attained the age of seventeen years and had not attained the age of seventy four years, and I further solemnly declare that I am a member of the Church of Ireland and a communicant of the said Church.

Signature .....  
 Date of Birth .....  
 Email Address .....

Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord

And such declaration shall be prima facie evidence of such qualifications;

And, should any representative fail to do so within the time prescribed, the place of such representative shall become vacant and shall thereupon be filled by the person whose name stands highest on the relevant list of supplemental lay representatives: Provided that the secretaries of the diocesan synod shall have power to extend by not more than twenty-one days the time for signing the above declaration if they are satisfied that unavoidable circumstances have delayed the signing of the said declaration.

10. (1) The secretaries of each diocesan synod shall, after the election of representatives by such synod, return to the secretaries of the General Synod:

**AMENDED 2011 & 2013**  
**AMENDED 2013 & 2017**  
**AMENDED 2023**  
**AMENDED 2013**

- (a) within one week, the names, addresses, telephone numbers and email addresses of all such representatives and supplemental representatives;
  - (b) within two months, the forms of declaration signed in accordance with the provisions of section 9 of this Chapter.
- (2) Whenever it shall occur that the same person shall have been elected as representative for two or more dioceses or districts, the secretaries of the General Synod shall transmit notice thereof to the bishop of each diocese for which such person shall have been returned, as also to such representative, who shall choose for which diocese or district to serve, and signify such choice in writing to the bishop of each diocese for which such person may have been elected, within one week after receiving notice of having been so elected; and, in case such person shall omit to do so, the said bishops or bishop, as the case may be, shall decide for which diocese or district such person shall serve, and make known such decision to that person and to the secretaries of the General Synod; and thereupon the seat of such representative for any other diocese or district for which that person shall have been elected shall be filled from the relevant list of supplemental representatives.
11. Any representative may, in writing addressed to the secretaries of the synod of the diocese for which such representative has been elected, resign from the General Synod, and, on the receipt of such resignation, the seat of such representative shall become vacant and shall be filled from the relevant list of supplemental representatives.
12. In the event of any change taking place in the representation of a diocese, the secretaries of the diocesan synod shall forthwith notify the same to the secretaries of the General Synod.
13. The failure of any diocese to return representatives, or the return by any diocese of an incomplete number of representatives, shall not prevent the General Synod from proceeding to the transaction of business.

PART II.

MEETINGS: PROCEDURE

14. (1) There shall be an ordinary meeting of the General Synod in every year, at such time and place as shall from time to time be prescribed in that behalf by the General Synod.
- (2) For the avoidance of doubt, the reference to 'place' in subsection (1) shall include a meeting held by electronic communications technology, provided that such electronically held meeting complies with the requirements and procedures prescribed in subsections (3) to (9).
- (3) The General Synod may conduct its meetings wholly or partly by the use of electronic communications technology provided that all attendees have a reasonable opportunity to participate in the meeting in accordance with the provisions of this section.
- (4) The Standing Committee may provide for participation in meetings of the General Synod by providing or facilitating for that purpose, the use of electronic communications technology, including a mechanism for casting votes by a member during the meeting.
- (5) The mechanism referred to in subsection (4) shall not require the member to be physically present at the meeting.
- (6) The use of electronic communications technology pursuant to subsection (4) may be made subject only to such requirements or restrictions put in place by the Standing Committee as are necessary to ensure the identification of attendees and the security of the electronic communications technology.

- (7) The Standing Committee shall inform the members of General Synod before the meeting concerned, of any requirements or restrictions which it has put in place pursuant to subsection (6).
- (8) If the Standing Committee determines that electronic communications technology is to be used for all or part of a meeting of the General Synod, it shall ensure as far as practicable that –
- (a) in the case of any failure or disruption of such technology, that failure or disruption is remedied as soon as practicable; and
  - (b) such technology enables the members of General Synod to hear what is said by the President or other member of the House of Bishops having the Chair, as well as anyone else addressing the meeting; and
  - (c) speak and submit questions and comments during the meeting to the President or other member of the House of Bishops having the Chair.
- (9) Any temporary failure or disruption of electronic communications technology shall not invalidate the meeting or any proceedings relating to the meeting.
15. The Archbishop of Armagh or, in the case of that Archbishop's death, absence or incapacity, the Archbishop of Dublin or, in case both archbishops shall be unable to act, then the bishop next in order of precedence may at such archbishop's or bishop's own discretion, and shall, on the application in writing of not less than one third of the members of any one order of the General Synod, convene a special meeting of the General Synod, to be held within two months of the date of receipt of such application and at such place as such archbishop or bishop may determine. The business to be transacted shall be specified in the notice convening the synod and no other business shall be transacted at such special meeting.
16. Notice of all meetings of the General Synod shall be given to every member thereof at such time and in such manner as the General Synod shall determine.
17. When both Houses meet in full synod, the meeting shall be presided over by the Archbishop of Armagh or, in that Archbishop's absence, by the Archbishop of Dublin or, in the absence of both archbishops, by the bishop next in order of precedence
18. The President may exercise discretion in inviting any member of the House of Bishops to take the Chair for such period during a session as the President may determine; and the person so taking the Chair shall have, and may exercise, all the powers and functions conferred by Standing Orders on the President.
19. The presence of at least two bishops, thirty clerical and sixty lay representatives, shall be necessary to constitute a meeting in full synod.
- The presence of at least five bishops shall be necessary to constitute a House of Bishops; and the presence of at least thirty clerical and sixty lay representatives shall be necessary to constitute a House of Representatives:
- Provided always that any business which shall have been transacted by the Synod or the House of Representatives in the absence of a quorum and before attention shall have been directed to the absence of a quorum shall be valid and be deemed to have been lawfully transacted, notwithstanding the absence of the quorum hereby named, unless the Synod or House of Representatives, as the case may be, shall in the same session otherwise determine.
20. If at any time the bishops express their wish to consider separately any matter in debate, the further discussion of that matter shall be postponed until the bishops shall have had an opportunity of so doing.
21. The bishops shall vote separately from the representatives, and no question shall be deemed to have been carried unless there be in its favour a majority of the bishops present, if they desire to vote, and a majority of the clerical and lay representatives present and voting conjointly or by orders: Provided always that, if a question affirmed by a majority of the clerical and lay representatives present and voting, conjointly or by orders, but in favour of which there shall not be a majority of the bishops, shall

be re-affirmed at the next ordinary session of the General Synod by not less than two-thirds of the clerical and lay representatives present and voting conjointly or by orders, it shall be deemed to be carried, unless it be negatived by not less than two-thirds of the then members of the House of Bishops, the said two-thirds being present and voting and giving their reasons in writing.

22. The bishops shall not vote until after the declaration of the votes of the clerical and lay representatives. If they desire to vote, the bishops may withdraw from the General Synod for that purpose, and may reserve the declaration of their vote until the following day.
23. The members of the House of Representatives shall vote together unless ten members then present of either order shall require the votes to be taken by orders; whereupon the votes shall be taken accordingly. No question shall be deemed to be carried in the House of Representatives unless, in case of both orders voting together, there is a majority in favour of the same of the representatives voting thereon, or in case of the votes being taken by orders there is a majority in favour of the same of the representatives of each order voting thereon.
24. The General Synod may make such standing orders for the regulation of its procedure as it shall think fit, provided that the same be not inconsistent with anything herein enacted, and may from time to time rescind or vary the same. Such standing orders shall not lapse or cease to be in force by reason of the adjournment of the Synod or of its dissolution at the end of the period of three years for which the representatives in it shall have been elected.
25. Every proposed statute shall be introduced as a bill, leave to introduce having been given by a resolution passed in full Synod. When a bill shall have been passed in accordance with Standing Orders, it shall become a Statute of the General Synod, and shall thenceforth be a law of the Church of Ireland and binding on all the members thereof.
26. (1) No modification or alteration shall at any time hereafter be made in the articles, doctrines, rites, rubrics or formularies of the Church, unless by a bill duly passed, as hereinbefore provided. No bill for such purpose shall be introduced except on a resolution passed in full synod at an ordinary meeting thereof, stating the nature of the proposed modification or alteration; and no such bill or resolution shall be deemed to have passed the House of Representatives except it have the consent of not less than two-thirds of each order of the said House present and voting on such bill or resolution: Provided that no bill for such purpose shall be introduced until the ordinary meeting of the General Synod next after the passing of such resolution. Copies of any such resolution shall be transmitted forthwith by the secretaries of the General Synod to the secretaries of each diocesan synod.
- (2) In the case of any bill for the modification or alteration of any of the articles, doctrines, rites, rubrics or formularies of the Church, which has been introduced upon a resolution duly passed in accordance with the provisions of sub-section (1) of this Section, the consent of not less than two-thirds of each order of the House of Representatives present and voting on such bill, required by sub-section (1) of this Section for the passing of such bill, shall be necessary only upon the motions for the approval of the bill in principle and for its final consideration and decision stages.
- (3) Any form of Service and any Lectionary and any Catechism which the Liturgical Advisory Committee of the General Synod has recommended for experimental use with a view to its permanent use being authorised by resolution and bill under the provisions of this Section may be used without the enactment of a statute from such date and for such period, not exceeding fifteen years, as may be appointed by the House of Bishops and notified by it to the Standing Committee of the General Synod, subject to the following conditions:
  - (a) It shall be certified by the House of Bishops as being in its opinion neither contrary to, nor indicative of any departure from, the doctrine of the Church of Ireland.
  - (b) Any such experimental use shall be under the supervision and control of the bishop of the diocese or other ordinary.
  - (c) In the case of a cathedral which is not a parish church, such experimental use shall require the approval of the dean, the chapter, and the cathedral wardens if any.

- (d) In the case of any other church or place, such experimental use shall require the approval of the incumbent and of the churchwardens
27. Resolutions passed in full synod, which are required for the purpose of introducing a bill founded thereon, shall not lapse by the dissolution of the synod in which they shall be passed, but shall continue, and suffice for the purpose of introducing a bill at any ordinary session of the General Synod after the passing of such resolutions, in like manner as if such dissolution had not taken place.

### PART III.

#### POWERS

28. The General Synod shall have power to make general regulations as to how and by whom all patronage shall be exercised; and generally to make all such regulations as shall be necessary for the order, good government, and efficiency of the Church of Ireland.
29. The General Synod shall have power to control, alter, repeal, or supersede any regulation made by a diocesan synod, so far as may be necessary to provide against the admission of any principle inexpedient for the common interest of the Church.
30. The existing territorial arrangements of the two provinces under the government of their respective archbishops, of the several dioceses under the government of their respective bishops, and of the several parishes and districts under the spiritual care of their respective incumbents, shall continue as at present, unless and until the same respectively be altered by the lawful authority of the Church.
31. (1) The General Synod shall have the power of uniting, dividing, or altering the boundaries of, provinces; of uniting under one bishop any two or more dioceses; of separating any dioceses which are at present so united; of sub-dividing any existing dioceses; of transferring any portion of a diocese to another diocese or union of dioceses contiguous to such transferred portion; and of creating a new diocese out of contiguous portions of existing dioceses: Provided that no alteration shall be made without the consent of the diocesan synod of any diocese to be thereby affected; nor shall such alteration be made as to any province during the incumbency of its archbishop without the consent of such archbishop.
- (2) The power of transferring any portion of a diocese to another diocese or union of dioceses contiguous to such transferred portion may in any particular case be exercised on behalf of the General Synod by the Standing Committee, if it is requested to do so by the synod or synods of every diocese affected thereby.
32. (1) It shall be lawful for the General Synod to appoint such committees as it may deem fit, to fix the quorum for each such committee, and to appoint the date by which each such committee shall report.
- (2) Notwithstanding the dissolution of the Synod which appointed it, unless the Synod determines otherwise, each such committee shall continue to exist and to exercise all powers vested in it until the expiration of the first session of the next following General Synod: Provided that any such continuing committee may be dissolved by the Synod at any time during such first session.

### PART IV.

#### AUTHENTICATION OF PROCEEDINGS AND DOCUMENTS

33. (1) At the meeting of the Standing Committee next following the conclusion of the business of the General Synod, the proceedings shall be authenticated by the signature of the Archbishop of Armagh or other president.

- (2) The secretaries of the General Synod shall cause the resolutions of the synod to be duly recorded and shall cause the same, together with such parts of the proceedings as shall be ordered to be published, to be printed for the general use of the Church.
34.
  - (1) The General Synod shall have an official seal.
  - (2) The seal of the General Synod shall not be used to authenticate any statute, resolution, rule or other act of the General Synod, or any copy thereof, except in the presence and by the authority of at least two members of the Record Committee, appointed as hereinafter provided.
35.
  - (1) Each General Synod shall at its first session appoint from its own number a Record Committee, and vacancies occurring therein shall be filled by resolution of the General Synod, and the powers and functions of such committee shall continue notwithstanding the termination of the sessions of the General Synod: Provided that if any member of such committee shall cease to be a member of the General Synod such person shall be deemed to have thereupon ceased to be a member of the said committee.
  - (2) The common seal, books, muniments and records of the General Convention and of the General Synod shall be entrusted to the Record Committee for safe keeping.
  - (3) Each of the statutes of the General Synod shall be printed in duplicate under the direction of the Record Committee and when so printed shall be compared and certified as correct by at least two members of the Record Committee and shall be signed by the Archbishop of Armagh, or, in that Archbishop's absence, by the Archbishop of Dublin, and shall be sealed with the seal of the General Synod, and shall be filed in books, one of which shall be deposited in the General Synod office and one of which shall be deposited in the Representative Church Body Library.
36.
  - (1) Written or printed copies of the statutes of the General Convention and of the General Synod, or of any such statutes, may be authenticated by the seal of the General Synod, and by a certificate that they are true copies, or a true copy as the case may be, signed by at least two members of the Record Committee, and all copies of statutes purporting to be so authenticated shall be prima facie evidence thereof, without further proof, and as such shall be received in evidence in all the tribunals of the Church.
  - (2) Written or printed copies of resolutions, rules, or other acts of the General Convention or General Synod (not being statutes), and of rules and orders under section 52 of Chapter VIII, or of any of such resolutions, rules, or other acts or orders, may be authenticated by the seal of the General Synod, and copies purporting to be so authenticated shall be prima facie evidence thereof, without further proof, and as such shall be received in evidence in all the tribunals of the Church.

## Chapter II

### DIOCESES AND DIOCESAN ORGANISATION

#### PART I.

##### DIOCESAN SYNODS

1. In each diocese there shall be a diocesan synod: Provided that each diocese shall have the right of uniting in synod with any other diocese or dioceses under the same bishop, if the union shall seem to the dioceses desirable. Any diocese now or hereafter constituted may, if the diocesan synod so think fit, be divided into two districts for the purpose of holding the diocesan synod in two parts.
2. Each diocesan synod shall consist of the bishop, of the beneficed and licensed clergy of the diocese, and of the synod members hereinafter mentioned.
3. The Provost and Fellows of Trinity College and professors in the University of Dublin, being in priest's orders and in communion with the Church of Ireland, shall be members of the Dublin diocesan synod.
4. In the year 2005 and triennially thereafter diocesan synod members shall be elected of the number and in the manner hereinafter provided.
5. In the year 2004 and triennially thereafter each diocesan synod shall determine the number of synod members to be elected in respect of each cure for which there shall be a register or registers of vestry members duly qualified as in Chapter III provided, the number in every case to be in the proportion of not less than two, and not more than five, synod members for each member of the clergy normally officiating in such cure: Provided that a deacon serving in an internship ministering in a cure shall not be taken into consideration in determining the number of clergy normally officiating in that cure for the purposes of this section. The diocesan synod shall in like manner determine the number of synod members to be elected in respect of each cathedral church to which a parish is not attached, but without prejudice to the provisions of any Statute of the General Synod concerning any of the cathedrals referred to in section 18 of Chapter VII.
6. Where in any cure there shall be more than one church or chapel with a separate register of vestry members, the diocesan council may in its discretion make special arrangements for the return of separate synod members in respect of any such church or chapel: Provided that the total number of synod members to be returned in respect of such cure shall be the number determined in accordance with section 5 of this Chapter.
7. The synod members referred to in section 5 of this Chapter shall be elected by the registered vestry members of the cure or cathedral church concerned in the year 2005 and triennially thereafter at the Easter general vestry or at such other time as the diocesan council shall determine, and an equal number of supplemental synod members shall be elected at the same time.
8. The diocesan synod shall make regulations for the mode of voting at elections of synod members, for determining the validity of disputed returns and for ensuring the proper conduct of such elections.
9. The return of the election of synod members and supplemental synod members shall be signed by the person chairing the general vestry at which the election took place, and shall be made to the secretaries of the diocesan synod, and shall show on the face of the same that the persons returned have been duly elected.
10. The lay members of the diocesan council shall elect not more than two synod members for each member of the clergy who shall be qualified to sit as a member of the diocesan synod by virtue of a licence from the bishop to officiate or preach in the diocese at large, and for whom no parish, church or chapel in the diocese shall be entitled to return synod members, and may fill any vacancies which may occur among such synod members.

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- 11. If the diocesan council shall so resolve, it may elect additional synod members not exceeding eight in number, and may fill any vacancies which may occur among such synod members.
- 12. Every layperson who has attained the age of eighteen years, being a member of the Church of Ireland and a communicant member of the said Church, shall be qualified to be elected as a synod member or supplemental synod member: Provided that a member of the clergy who is neither beneficed nor licensed in the diocese shall be considered as a layperson qualified to be elected as a synod member for a parish provided such person either resides therein or is an accustomed member of the congregation of a church within that parish.
- 13. (1) All synod members and supplemental synod members shall be notified forthwith of their election and shall each be furnished with a copy of the form prescribed by sub-section (2) of this section
  - (a) in the case of election by the general vestry, by the person chairing such vestry; and
  - (b) in the case of election in accordance with the provisions of sections 10 and 11 of this Chapter, by the secretary of the diocesan council.

(2) (a) Every synod member and supplemental synod member elected by their parish, parochial district or union or group of parishes, shall, within one month from the date of the notification aforesaid sign and transmit to the secretaries of the diocesan synod a declaration in the following form:

I, [A.B.....], do solemnly declare that I have attained the age of eighteen years, and am a member of the Church of Ireland and a communicant of the said Church and a registered vestry member of the parish, parochial district or union or group of parishes, by whom I was elected as a diocesan synod member or supplemental diocesan synod member.

(b) Every synod member and supplemental synod member elected in accordance with the provisions of Sections 10 and 11 of this chapter, shall, within one month from the date of the notification aforesaid sign and transmit to the secretaries of the diocesan synod a declaration in the following form:

I, [A.B.....], do solemnly declare that I have attained the age of eighteen years, and am a member of the Church of Ireland and a communicant of the said Church.

And such declaration shall be *prima facie* evidence of such qualifications; and failure to do so within the time prescribed will result in the place becoming vacant: Provided that the secretaries of the diocesan synod shall have power to extend by not more than twenty-one days the time for signing the above declaration if they are satisfied that unavoidable circumstances have delayed the signing of such declaration.

- 14. If any person be elected a synod member for two or more parishes in the same diocese, the secretaries of the diocesan synod shall transmit to such person a notice of such multiple election, whereupon such person shall choose for which parish to serve, and shall, within one fortnight after having had notice of being so elected, signify such choice in writing to the secretaries of the diocesan synod, and thereupon any seat for any other parish for which such person shall have been elected shall become vacant. If any such synod member shall fail to signify such choice as aforesaid, the bishop shall decide for which parish such member shall serve, and shall notify the same to that member, and thereupon any seat to which that member had been elected for any other parish shall become vacant.
- 15. Synod members shall remain in office until the next general diocesan election.
- 16. Any synod member may, in writing addressed to the bishop, resign from the diocesan synod; and upon the receipt of such resignation by the bishop the seat of such synod member shall become vacant.
- 17. Whenever the seat of any synod member shall become vacant for any cause before the expiration of the period for which such member shall have been elected, such vacancy shall be filled for the unexpired period by the person whose name stands highest on the relevant list of supplemental synod members; if such list shall have been exhausted, the bishop shall direct the election of a new synod member and



supplemental synod members.

18. The failure of one or more parishes to return synod members, or the return by any parish of an incomplete number of synod members, shall not prevent the diocesan synod from proceeding to the despatch of business.
19. The diocesan council shall, seven days at least before the first meeting of each session of the diocesan synod, prepare and publish a list of the members thereof, and the said list when signed by the bishop shall be conclusive evidence that those named therein, and none others, are the members of the said synod; but the same shall be subject to appeal or amendment as the diocesan synod may direct.
20. If a parish fails to obey or comply with any resolution of the diocesan synod which has become effective, the synod may by resolution order that the synod members from that parish shall not be admitted to meetings of the synod during such default.
21. (1) There shall be an ordinary meeting of the diocesan synod each year at such time and place as shall be prescribed by the bishop.
- (2) A special meeting of the diocesan synod may be convened at any time or place by the bishop, or the bishop's commissary specially authorised, or, in the event of the bishop's incapacity, death, or resignation, by the archbishop, or the bishop of the province next in order of precedence, or that bishop's commissary specially authorised; and a special meeting thereof shall be convened at any time by the like authority within one month of the receipt of a written requisition signed by not less than half the members of the diocesan council or by not less than one-third of the members of either order of the diocesan synod, which requisition shall state the business to be transacted.
- (3) No meeting of a diocesan synod shall be held during a session of the General Synod.

#### 21A.

- 1 For the avoidance of doubt, the references to 'place' in section 21 shall include a meeting held by electronic communications technology, provided that such electronically held meeting complies with the requirements and procedures prescribed in subsections (2) to (8).
- 2 The Diocesan Synod may conduct its meetings wholly or partly by the use of electronic communications technology provided that all attendees have a reasonable opportunity to participate in the meeting in accordance with the provisions of this section.
- 3 The Diocesan Council may provide for participation in meetings of the Diocesan Synod by providing or facilitating for that purpose, the use of electronic communications technology, including a mechanism for casting votes by a member during the meeting.
- 4 The mechanism referred to in subsection (3) shall not require the member to be physically present at the meeting.
- 5 The use of electronic communications technology pursuant to subsection (4) may be made subject only to such requirements or restrictions put in place by the Diocesan Council as are necessary to ensure the identification of attendees and the security of the electronic communications technology.
- 6 The Diocesan Council shall inform the members of the Diocesan Synod before the meeting concerned, of any requirements or restrictions which it has put in place pursuant to subsection (5).
- 7 If the Diocesan Council determines that electronic communications technology is to be used for all or part of a meeting of the Diocesan Synod, it shall ensure as far as practicable that –
  - a. in the case of any failure or disruption of such technology, that failure or disruption is remedied as soon as practicable; and
  - b. such technology enables the members of Diocesan Synod to hear what is said by the President as well as anyone else addressing the meeting; and
  - c. speak and submit questions and comments during the meeting to the President.

- 8 Any temporary failure or disruption of electronic communications technology shall not invalidate the meeting or any proceedings relating to the meeting.
22. Notice of all meetings of the diocesan synod shall be given to every member thereof, at such time and in such manner as the diocesan synod shall determine.
23. (1) When a meeting of a diocesan synod is convened, if the bishop or other person convening the meeting is satisfied that any synod member is unable to attend that meeting by reason of illness or other reasonable cause, the convener may direct that the supplemental synod member whose name stands highest on the relevant list of supplemental synod members and who is available shall be summoned instead, and such supplemental synod member may, subject to the provisions of sub-sections (2) and (3) of this section, exercise all the rights and duties of the absent synod member at that meeting and at any adjournment hereof.
- (2) A supplemental synod member summoned under the provisions of sub-section (1) of this section shall not be eligible for election to any office or to membership of any council or other body for which membership of the diocesan synod is a necessary qualification.
- (3) In any diocese in which elections are conducted by voting papers issued before or after the meeting of the synod, the diocesan synod may by regulation determine the circumstances in which such voting papers may be completed by a supplemental synod member summoned under the provisions of sub-section (1) of this section.
24. The bishop, or the bishop's commissary specially authorised, shall preside at all meetings of the synod; and in case of the death, resignation, or incapacity of the bishop, or of the bishop's absence without having appointed a commissary for the purpose, then the archbishop, or in the event of the archbishop's absence or incapacity the bishop of the province next in order of precedence, shall preside or shall appoint a commissary who shall preside accordingly; and every such presiding archbishop, bishop or commissary shall exercise all the powers ordinarily exercised by the bishop of the diocese in the diocesan synod.
25. The presence of the president as provided in the foregoing section, of one-fourth of the clergy qualified to be members of the synod, and of one-fourth of the lay synod members, shall be necessary to constitute a meeting of the synod: Provided always that any diocesan synod may by its standing orders provide that it shall be necessary for a greater number of the members of each order, clerical and lay, to be present in order to constitute a meeting of the synod.
26. The bishop, clergy and laity shall sit together in the diocesan synod for the transaction of all business, and shall debate all questions together.
27. If a vote be called for upon any question, all the members, except the bishop or other president, shall vote together, unless six members at least of either order present shall require the vote to be taken by orders; in which case it shall be so taken.
28. Subject to the provisions of sections 32 and 33 of this Chapter, every act of the diocesan synod assented to by the presiding bishop or commissary, and by a majority of the clergy and lay synod members present and voting conjointly, or by a majority of the members of each order present and voting by orders, shall bind the synod and other members of the Church in the diocese.
29. If a majority of the clergy and of the lay synod members present shall be in favour of any resolution or motion, the bishop or other president may take reasonable time, not exceeding one month, to consider whether to assent to or dissent from the same.
30. In case the president dissent from the other two orders with respect to any proposed act of the synod, all action thereupon shall be suspended until the next annual meeting of the synod; and should such act be then re-affirmed by two-thirds of each of the other orders, present and voting, and the president still dissent, it shall be submitted to the General Synod, whose decision shall be final: Provided always that, where any proposed act has been affirmed by a majority of each order, it shall be competent for the president to refer the question to the next session of the General Synod for decision.
31. The diocesan synod may make standing orders for the regulation of its procedure not inconsistent with anything herein enacted, and may from time to time rescind or vary the same. Such standing orders

shall not lapse or cease to be in force by reason of the adjournment of the synod or of its dissolution at the end of the period of three years for which the synod members in it shall have been elected.

**31A.**

- (1) The diocesan synod shall make regulations for the recording of its proceedings and for the safe keeping of those records. Such records shall be in writing and signed by the president of the synod.
  - (2) The diocesan synod shall also make regulations for the maintenance of written records of the proceedings of diocesan councils, general vestries, select vestries, boards of nomination and cathedral chapters in its diocese and for the authentication and safekeeping of such records.
- 32.** Every diocesan synod may exercise all such powers and make all such regulations as to the temporalities of the Church appertaining to the diocese (not being repugnant to any law of the Church or to any regulation of the General Synod, or to any special trusts on which such temporalities may be held) as the synod may deem necessary for the welfare of the Church in such diocese. Any person who may feel aggrieved by an act of the diocesan synod may, in the case of property held under or administered by the diocesan synod, appeal to the Court of the General Synod, and in other cases to the General Synod, and the decision of such Court or of the General Synod, as the case may be, shall be final. When notice of such appeal has been given, no action shall be taken to implement the act of the diocesan synod until the appeal has been determined.
- 33.** If any act of the diocesan synod be varied, repealed, or superseded by the General Synod, and shall be re-enacted by the diocesan synod, wholly or in part, such act shall not come into operation until it shall have received the assent of the General Synod.

PART II.

DIOCESAN COUNCILS

- 34.** The diocesan synod shall make provision for the appointment from among its members of a diocesan council which shall consist of the bishop and such number of clergy and laypersons as it shall determine.
- 35.** (1) The diocesan council shall be appointed annually unless the diocesan synod shall resolve that it be appointed triennially at the first ordinary meeting of the synod after each triennial election of synod members.
- (2) Not less than four-fifths of the clerical members and not less than four-fifths of the lay members of the diocesan council shall be elected by the members of the diocesan synod, voting by orders. The total number of members of the diocesan council which may be appointed by a method other than by votes of the synod shall not exceed three members of the clergy and three laypersons.
- (3) The diocesan synod shall make provision for the filling of casual vacancies in the membership of the diocesan council.
- (4) It shall be competent for a diocesan synod to make rules providing for an intermission from time to time in the period during which a person may serve on its diocesan council.
- 36.** The diocesan council shall exercise such of the powers of the diocesan synod as the synod shall assign to it, and shall be subject to such rules as the synod shall prescribe.
- 37.** The bishop, or the bishop's commissary specially authorised, shall ex officio chair the diocesan council.

## PART III.

## ARCHDEACONS AND RURAL DEANS

38. In each diocese there shall be an archdeacon: Provided that:
- (a) if the diocesan synod, with the consent of the Standing Committee of the General Synod, shall so determine, there may be two or more archdeacons in any diocese;
  - (b) when two or more dioceses are under the jurisdiction of one bishop, the bishop may appoint the same person to be the archdeacon of more than one diocese or archdeaconry.
39. Where two or more archdeacons are approved for any diocese, the diocesan synod shall determine the boundaries of the archdeaconries and shall have power to alter such boundaries from time to time.
40. The appointment of an archdeacon shall be made by the bishop of the diocese from among the beneficed or licensed clergy thereof; and it may be retained until such person has ceased to be beneficed or licensed in the diocese, or shall have been granted a retiring annuity under Chapter XIV, or shall have attained the age of seventy-five years, whichever be the earlier.
41. It is the duty and office of an archdeacon, from ancient times, to aid and assist the bishop in the bishop's pastoral care and office. The archdeacon is at all times to watch, inquire, and report whatever may need the consideration and control of the bishop, and more especially when the bishop may direct the archdeacon to make inquiry. The archdeacon is also generally to assist the bishop in such administration as the bishop may require. It belongs also to the office of an archdeacon to examine, or assist in examining, such persons as are to be promoted to holy orders, or to be instituted into ecclesiastical benefices, and to present persons, examined and approved, unto the bishop for imposition of hands and canonical institution.
42. Each diocese or united dioceses under the jurisdiction of one bishop, or any archdeaconry in such diocese or united dioceses, may be divided into such number of rural deaneries as the diocesan synod or diocesan synods of the said diocese or united dioceses, shall from time to time determine, and the parishes to be included in each such rural deanery shall be determined by the said diocesan synod or diocesan synods.
43. Rural deans shall be appointed by the bishop of the diocese from among the beneficed or licensed clergy of the diocese or the united dioceses and shall hold office during the bishop's will and pleasure.
44. Rural deans shall supervise the care of Church property in their rural deaneries in accordance with the provisions of Part IV of Chapter III, and of Chapter XIII and the rules annexed thereto, and perform such other duties as may be assigned to them by the bishop.

## Chapter III

### PARISHES AND PAROCHIAL ORGANISATION

#### PART I.

#### VESTRIES

1. The word “parish” in this Chapter shall include every church or chapel or church hall in which a beneficed or licensed member of the clergy of the Church of Ireland officiates, and in which there shall be a register of vestry members duly qualified as hereinafter provided, except where the context is inconsistent with such meaning. The terms “other member of the clergy officiating in the parish” and “other officiating member of the clergy” in this Chapter shall not include a deacon serving in an internship.

#### Vestry Members

2. Every layperson who has attained the age of eighteen years, and any member of the clergy who is neither beneficed nor licensed in the diocese, who possesses the qualifications stated in either of the forms of declaration contained in the schedule to this Chapter shall, subject to the provisions of section 3 of this Chapter, be qualified to be registered as a vestry member: Provided that nothing herein contained shall affect any special qualifications of vestry members for any cathedral.
3. Any diocesan synod may require as a further qualification that a vestry member shall be a subscriber to the church funds, and may make regulations accordingly.
4. In every parish there shall be a list of persons qualified to be vestry members, which shall have been settled at a meeting of all persons claiming to be so qualified: Provided that the name of a person shall not be placed on the list until that person has signed either of the forms of declaration contained in the schedule to this Chapter.

Public notice shall be given of the holding of such meeting and of the place and hour of the same, and such notice shall be authorised by the incumbent or other member of the clergy officiating in the parish or, failing such person, by a churchwarden, and shall be widely communicated in advance and announced at all services in the parish for at least the two Sundays next preceding the day appointed for the meeting.

The list so formed shall be recorded in a book to be kept for that purpose by the incumbent and churchwardens and shall thereupon be the register of vestry members of the parish.

5. The register of vestry members shall be revised at least once in each year at such time and in such manner as the diocesan synod shall appoint. A select vestry may decide to review the register of vestry members at other times during the year, provided public notice of such review is given in accordance with Chapter III, Part 1, Section 4 above, and such review does not take place less than one calendar month before the date of a meeting of the General Vestry, including the Easter Vestry. At each revision of the register of vestry members, there shall be added to the register the name of any qualified person who has produced to the registering authority the appropriate form of declaration signed by such person not more than one month before the date of revision and there shall be removed the names of those who are no longer qualified.
6. An appeal shall lie to the diocesan council, in such manner as the diocesan synod shall provide, against the admission or rejection of any person in such registration or revision, and the decision of the diocesan council shall be final.
7. The original register until the first revision, and thenceforth the last revised register, shall, subject to appeal as aforesaid, be deemed conclusive evidence that the persons registered therein and none others are vestry members of such parish and entitled to vote. If any register of vestry members shall not have been settled as is hereinbefore provided, or revised at such time and in such manner as shall have been

by the diocesan synod appointed, the diocesan council shall make arrangements for the settlement or revision of such register, and the register so settled or revised shall thereupon be the register of the vestry members of the parish.

### General Vestry

8. In each parish for which a separate register of vestry members is maintained in accordance with the provisions of the Constitution there shall be a general vestry which shall consist of the incumbent or other member of the clergy officiating in the parish, the curates assistant and the registered vestry members of the parish.
  9. At meetings of the general vestry all members may speak but only registered vestry members may vote.
  10. Subject to the provisions of section 16 of this Chapter, the general vestry shall be chaired by the incumbent or other member of the clergy officiating in the parish or, in the absence of such person, the senior curate assistant present or, failing them, one of the churchwardens.
  11. Public notice shall be given of the holding of such meeting and of the place and hour of the same, and such notice shall be authorised by the incumbent or other member of the clergy officiating in the parish or, failing such person, by a churchwarden, and shall be widely communicated in advance and announced at all services in the parish for at least the two Sundays next preceding the day appointed for the meeting of the vestry.
- 11A. (1) For the avoidance of doubt, the references to 'place' in section 4 and section 11 shall include a meeting held by electronic communications technology, provided that such electronically held meeting complies with the requirements and procedures prescribed in subsections (2) to (8).
- (2) The General Vestry may conduct its meetings wholly or partly by the use of electronic communications technology provided that all attendees have a reasonable opportunity to participate in the meeting in accordance with the provisions of this section.
  - (3) The Select Vestry may provide for participation in meetings of the General Vestry by providing or facilitating for that purpose, the use of electronic communications technology, including a mechanism for casting votes by a member during the meeting.
  - (4) The mechanism referred to in subsection (3) shall not require the member to be physically present at the meeting.
  - (5) The use of electronic communications technology pursuant to subsection (3) may be made subject only to such requirements or restrictions put in place by the Select Vestry as are necessary to ensure the identification of attendees and the security of the electronic communications technology.
  - (6) The Select Vestry shall inform the members of the General Vestry before the meeting concerned, of any requirements or restrictions which it has put in place pursuant to subsection (5).
  - (7) If the Select Vestry determines that electronic communications technology is to be used for all or part of a meeting of the General Vestry, it shall ensure as far as practicable that –
    - (a) in the case of any failure or disruption of such technology, that failure or disruption is remedied as soon as practicable; and
    - (b) such technology enables the members of the General Vestry to hear what is said by the chairperson as well as anyone else addressing the meeting; and
    - (c) speak and submit questions and comments during the meeting to the Chairperson.
  - (8) Any temporary failure or disruption of electronic communications technology shall not invalidate the meeting or any proceedings relating to the meeting.
  - (9) For the purposes of this section the phrase 'the General Vestry' shall include a meeting of persons pursuant to section 4.

12. A meeting of the general vestry of each parish, to be known as the Easter vestry, shall be held each year not earlier than twenty seven days before, and not later than twenty days after, Easter Day and this meeting may be adjourned from time to time to any day or days not later than the sixth Monday after Easter Day: Provided that the general vestry meeting may not be held on, or adjourned to, a day within the period from the Sunday next before Easter (Palm Sunday) to Easter Day (inclusive)..

13. At the Easter vestry each year there shall be appointed from among the registered vestry members:

(a) Churchwardens as follows:

(i) an incumbent's churchwarden nominated by the incumbent or other member of the clergy officiating in the parish, which nomination may be in writing. If there is no such nomination at the Easter vestry such churchwarden shall be elected by the registered vestry members at the same meeting or at some adjournment thereof;

(ii) a people's churchwarden elected by the registered vestry members;

(iii) where there are two or more churches in the parish to which the Easter vestry pertains, and the diocesan council so orders, two churchwardens for each or any of such churches other than the principal church for which there are already two churchwardens, which additional churchwardens shall be appointed in the manner provided in (i) and (ii) above.

(iv) In this section "church" shall be deemed to include a hall or chapel which has been dedicated for public worship.

(b) Glebewardens as follows

Where the glebe appropriated to the use of the incumbent is situated in the parish to which the Easter vestry pertains,

(i) an incumbent's glebewarden nominated by the incumbent or other member of the clergy officiating in the parish, which nomination may be in writing. If there is no such nomination at the Easter vestry such glebewarden shall be elected by the registered vestry members at the same meeting or at some adjournment thereof;

(ii) a people's glebewarden elected by the registered vestry members.

Where the glebe appropriated to the use of the incumbent is not situated in the parish to which the Easter vestry pertains, a glebewarden or glebewardens, if the diocesan council so order, elected by the registered vestry members in such numbers and for such glebes in the union or group as the diocesan council may appoint.

(c) Not more than twelve other persons elected by the registered vestry members to be members of the select vestry; Provided that the diocesan council may direct an alternative number of other persons be elected by the registered vestry members to be members of the select vestry. Such number shall not be less than twelve nor more than twenty. Any directions given by the diocesan council in accordance with this provision shall be reviewed at least every seven years and the reasons for such directions shall be reported in writing to the diocesan synod.

(d) Should the Easter General Vestry fail to elect the full complement of select vestry members, the select vestry may subsequently, at its discretion, co-opt suitable registered vestry members on to the select vestry, to bring the select vestry up to its full complement provided that the total number co-opted be less than the number elected

14. In the year 2005 and triennially thereafter, there shall be elected:

(a) Diocesan synod members and supplementals in accordance with the provisions of Part I of Chapter II;

(b) Parochial nominators and supplementals in accordance with the provisions of Part II of Chapter IV.

15. In any election, should two or more persons receive an equal number of votes and the result of the election, or the order of names on a supplemental list, be thereby in doubt, the matter shall be determined by lot.
16. Should default be made in any parish in convening or holding the Easter vestry, or should such vestry, if held, omit to discharge any of the business or duties entrusted to it under the Constitution, or make any default in the manner of the discharge of such business or duties, the diocesan council, upon such default or omission being brought to its notice, shall by notice in writing under the hand of its secretary, by registered or recorded letter addressed to the incumbent or other member of the clergy officiating in the parish, or to a churchwarden, require such vestry to be convened forthwith and such default or omission rectified thereat. Should such vestry not be held within one month from the date of the posting of such notice, or should it, if so held, fail to rectify such omission as aforesaid, the diocesan council shall convene a meeting of such vestry for such time and place and for the discharge of all such business and duties as it shall specify in the notice convening the same, and shall provide for an appointment to the chair thereat, and it shall thereupon be the duty of such meeting to discharge the business and duties so specified.
17. Nothing in this Chapter shall be deemed to require or authorise the general vestry of any proprietary or trustee church coming within the provisions of the Irish Church Act, 1869, section 70, to discharge any business or duties which shall be otherwise provided for by the trusts under which such church is held, or which may be in conflict with the same.

#### Select Vestry

18. The select vestry of every parish shall consist of the incumbent or other member of the clergy officiating in the parish, the assistant curates, the churchwardens, the glebewardens, and the persons elected as provided in section 13 (c) of this Chapter, and such select vestry shall continue in office until the next election subject to the provisions of section 32 (b) of this Chapter.

18A. If, within twenty-one days of being duly called upon to do so, a lay member of the Select Vestry, shall fail, refuse or neglect to execute any documentation that may be required of him or her, as a charity trustee, under the Charities Act (Northern Ireland) 2008 or the Charities Act 2009 (as applicable), that person shall automatically vacate office as a member of the Select Vestry and the casual vacancy thereby arising shall be filled in accordance with the provisions of Section 22 or 23, as applicable, of this Chapter.

18B. If, within twenty-one days of being duly called upon to do so, a member of the clergy who is a member of the Select Vestry, shall fail, refuse or neglect to execute any documentation that may be required of him or her, as a charity trustee, under the Charities Act (Northern Ireland) 2008 or the Charities Act 2009 (as applicable) that person shall be liable to disciplinary action pursuant to Part IV of Chapter VIII and shall not be entitled to receive notice of, or to attend or vote at meetings of the Select Vestry for so long as he or she shall fail, refuse or neglect to execute the said documentation.

19. The select vestry shall meet at such times as shall be fixed by itself or by the diocesan synod. Special meetings may be convened at any time by the incumbent or other officiating member of the clergy. In the event of the churchwardens or either of them requesting a special meeting to be summoned and of the failure of the incumbent or other officiating member of the clergy to do so within ten days of such request, then the churchwardens or either of them may summon such special meeting.
20. (1) The select vestry shall be chaired by the incumbent or other member of the clergy officiating in the parish or, in the absence of such person, the senior curate assistant present or, failing them, one of the churchwardens.
  - (2) At all meetings the person chairing meetings of the select vestry shall have an ordinary as well as a casting vote.
  - (3) It shall be established from the chair that there is a quorum of not less than half the voting membership of the select vestry present, before proceeding to any business.
21. The select vestry shall at its first meeting after the Easter vestry appoint from among its members a secretary (to act also as secretary of the general vestry) and also a parochial treasurer or treasurers,



and shall fill any casual vacancies in these offices; such appointed persons to hold office until the first ordinary meeting of the select vestry held after the next Easter vestry: Provided that if the circumstances require it, a secretary and treasurer may be appointed who are not members of the select vestry but who are members of the general vestry.

22. A casual vacancy in the office of incumbent's churchwarden or glebewarden shall be filled by the incumbent or other member of the clergy officiating in the parish or, in the case of default by such person for the space of one month after having been required by the select vestry to fill the same, then by the select vestry; and any person appointed to fill any such vacancy shall continue in office until the next ordinary election.
23. Casual vacancies in the places of elected churchwardens, glebewardens, select vestry members, or other parochial officers, by death, resignation or otherwise, shall be filled by the select vestry; and any persons chosen to fill such vacancies shall continue in office until the next ordinary election.
24. (1) Subject to any regulation of the diocesan synod, the select vestry shall have the control and charge of all parochial charity and church funds not excluded from the operation of this clause by the trusts on which the same are held.
  - (2) The select vestry shall ensure that the churches and other parochial buildings are kept in a proper state of repair and maintenance.
  - (3) The select vestry shall ensure that churches and their furnishings are kept in a proper state of cleanliness.
  - (4) The select vestry shall keep the churches and other parochial buildings insured against fire. The amount for which a church or a glebe house is insured shall be not less than such amount as the diocesan council, having taken account of all the circumstances of the particular case, shall fix: Provided always that the diocesan council may delegate to a committee of its members the duty conferred on it in this sub-section.
  - (5) The select vestry shall provide for each ecclesiastical residence such carpets, curtains and equipment as may be determined by regulation of the diocesan council.
  - (6) The select vestry shall provide from the funds at its disposal all the requisites for Divine Service, including
    - (a) one or two Books of Common Prayer;
    - (b) one or two books of the Communion Office;
    - (c) where the whole or part of Divine Service is conducted in the Irish language, one Book of Common Prayer and one book of the Communion Office in the said language;
    - (d) a Bible in a version authorised for use in churches of the Church of Ireland;
    - (e) one or two copies of the Church Hymnal;
    - (f) a reading desk;
    - (g) a pulpit;
    - (h) a font;
    - (i) a suitable table, a chalice or chalices, a paten or patens, a flagon or cruet, a fair linen cloth and a fair linen napkin, for the celebration of the Holy Communion;
    - (j) subject to the advice and direction of the member of the clergy officiating in the parish, for each celebration of the Holy Communion a quantity of fine white bread and of good and wholesome wine sufficient for the number of communicants;
    - (k) a surplice for each officiating member of the clergy.

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- (7) The select vestry shall provide from the funds at its disposal an adequate safe for the custody of the Communion plate and the registers.
  - (8) The select vestry shall ensure that the churchyards are adequately fenced and maintained.
  - (9) Save as otherwise prescribed herein or by the diocesan synod, the select vestry shall appoint and control all church and parochial officers and servants, and may provide for their payment from the funds at its disposal.
25. (1) The select vestry shall provide for each church or chapel or church hall, where there is authority to baptise or to bury, a register or registers which shall be in the custody of the incumbent or other member of the clergy officiating in the parish and in which shall be written the day and year of each baptism or burial of a member of the Church of Ireland which shall take place in the parish or district attached to such church or chapel or church hall: Provided that, where there is in a parish a public cemetery for which records of burials are maintained, it shall not be necessary to record such burials in the burial register of the parish.
- (1A) The select vestry shall also provide in each parish a Marriage Record Book in which shall be recorded any marriages which may be celebrated in that parish according to the rites and ceremonies of the Church of Ireland.<sup>1</sup>
  - (1B) The select vestry shall also provide in each parish a Confirmation Register in which the incumbent or other member of the clergy officiating in the parish shall maintain records of those who are confirmed by the Bishop in that parish.
- (2) Every incumbent or other member of the clergy officiating in the parish, who shall have the custody for the time being of any registers of baptisms, or of confirmations, or of marriages, or of burials, shall at all reasonable times, on demand, allow search in such registers, and shall give a signed certified copy of any entry or entries in the same, on payment of the fee hereinafter mentioned; that is to say, for every search in a register of baptisms, or of confirmations, or of burials and for every single certificate of baptism, or of confirmation, or of burial the fees prescribed from time to time by the Standing Committee of the General Synod; and for every search in a register of marriages, and for each certified copy of an entry therein, the statutory fees prescribed by the State in which is situated the church to which the relevant register of marriages pertains.
26. It shall be the duty of the churchwardens
- (a) to ensure that the churches, chapels, church halls and churchyards under their care are not used for any common or profane purpose;
  - (b) to ensure that, during the time of Divine Service, peace and order are maintained in the church, the church porch and churchyard, and to prevent any disturbance which may hinder the officiating member of the clergy or the congregation.

<sup>1</sup>In accordance with Statute Chapter I of 2005, the provisions of Sub-section 1A of Section 25 came into effect on 12 May 2005 in respect of parishes all or part of which are located in Northern Ireland, and shall come into effect on a day to be appointed by the Standing Committee in respect of parishes which are located in the Republic of Ireland.

## PART II.

## UNIONS AND GROUPS

27. The diocesan synod (or the diocesan council if the powers of the diocesan synod have been assigned to it in accordance with the provisions of section 36 of Chapter II) may, with the consent of the Representative Body,
- (a) group any number of parishes together under one incumbent;
  - (b) unite two or more parishes;
  - (c) alter the boundaries of existing parishes;
  - (d) divide any parishes now united;
  - (e) dissolve any group of parishes;
  - (f) form any portion of a parish into a separate parish;
  - (g) unite a portion of a parish to any other parish or portion of a parish;
  - (h) unite a parish or portion of a parish to any church without a district;
- such grouping, union or division to take effect either immediately or prospectively.
28. When a union of parishes shall have become effective the several parishes included in such union shall cease to exist as separate parishes for the purposes of this Chapter, and the separate registers of vestry members of such parishes shall no longer be maintained unless the diocesan council shall otherwise order. Notwithstanding the foregoing, the diocesan council may make such regulations as it may think fit to provide for the separate representation of an individual parish or parishes comprised in a union on the select vestry of such union.
29. A group of parishes constituted in accordance with the provisions of section 27 of this Chapter shall for the purposes of
- (a) the election of diocesan synod members, and the number thereof,
  - (b) the election of parochial nominators, and the number thereof,
  - (c) the appointment of the incumbent,
  - (d) the stipend and locomotory allowance, and
  - (e) the residence of the incumbent
- be deemed to be a union of parishes under one incumbent; and the provisions of the Constitution applicable to a union of parishes under one incumbent, in relation to the said purposes, shall apply to such group and the several parishes comprised in the same accordingly. For all other purposes, the several parishes comprised in such group shall continue to exist as separate parishes, with their separate rights, duties, registers of vestry members, and general and select vestries, and other organisations.
30. Upon the formation of a new cure or cures, to take effect either immediately or prospectively, in accordance with the provisions of section 27 of this Chapter, the diocesan council shall:
- (a) notify the same forthwith to the incumbents and churchwardens of the several parishes affected by the formation of the new cure or cures;
  - (b) determine:

- (i) in the case of a union or group, which parish shall be the principal parish for the purposes of section 33 of this Chapter;
  - (ii) in the case of a union, whether the existing registers of vestry members shall be maintained until further order or a new register of vestry members for the whole union be formed forthwith in accordance with the provisions of paragraph (c) of this section;
  - (iii) where separate registers of vestry members are to be maintained for the several parishes of a union or group, whether diocesan synod members and parochial nominators are to be elected at a combined general vestry of the whole union or group, or at the separate general vestries of the several parishes and, in the latter case, the number of diocesan synod members and the number of parochial nominators to be elected by each such general vestry, the total number of diocesan synod members being in accordance with the provisions of section 5 of Chapter II and the total number of parochial nominators being four;
  - (iv) which glebe in the union or group shall be appropriated to the use of the incumbent; and
  - (v) in the case of a group, or a union where separate select vestries are to be maintained for the constituent parishes thereof, what liabilities and expenses of the cure are for the common benefit of the parishes comprised in the union or group, and in what manner and proportion the said liabilities and expenses shall be borne by each of the said parishes;
- (c) when necessary, appoint a person who shall summon forthwith, and preside at, a meeting of the incumbents, churchwardens and registered vestry members of the parishes affected by the formation of the new cure or cures, by notice posted on the principal doors of, and by announcement at all services in, every church in each of the said parishes on the two Sundays next preceding the day fixed for the holding of the said meeting. This meeting shall form, from the existing lists of registered vestry members, new lists of registered vestry members for the new cure or for each new cure, as the case may be, having regard to the decisions of the diocesan council made in accordance with the provisions of paragraph (b) of this section. The vestry members whose names are so placed on such list or lists, as the case may be, shall (subject to the right of appeal hereinafter given) be the vestry members for such new cure or cures, and shall proceed at the same meeting, with power of adjournment, to elect parochial nominators for such new cure, or each such new cure. The nominators so elected shall thenceforth be the parochial nominators of such cure or cures, and shall form portion of the Board of Nomination, although a vacancy in any such new cure may exist at the time of their election, notwithstanding the provisions of section 10 of Chapter IV, and shall hold office until the next election of nominators under the provisions of section 14 of this Chapter: Provided always that any person aggrieved by any act of such meeting or vestry shall have the right of appeal to the diocesan council, whose decision shall be final.
31. If parochial nominators shall have been previously appointed for any parish forming a part of a new cure, the said parochial nominators, upon the formation of such new cure and the election of parochial nominators therefor, as hereinbefore provided, shall cease to be parochial nominators for such parish.
32. When a new cure or new cures shall have been formed to take effect prospectively in accordance with the provisions of section 27 of this Chapter, the diocesan council
- (a) may order for any such prospective new cure that all elections shall thenceforth be held, and returns of diocesan synod members made, as if such new cure had actually come into being; and
  - (b) shall determine if a select vestry be required for any such new cure and, if so, which of the officiating clergy and churchwardens of the existing parishes shall be ex officio members of such select vestry and in what order they shall have the right of summoning and presiding at the meetings thereof. The elected members of such select vestry shall be elected by the registered vestry members enrolled in accordance with the provisions of section 30 (c) of this Chapter at a meeting duly convened by notices posted on the principal doors of, and announced at all services in, every church in the parish or parishes affected by the formation of such new cure on the two Sundays next preceding the date of such meeting.
33. On the occurrence of a vacancy in the incumbency of any of the parishes included in a prospective new cure, a member of the clergy shall be nominated by the Board of Nomination to discharge the duties of

the parish, but such person shall not be regarded as an incumbent, nor instituted by the bishop, save as hereinafter provided; and should such person be already incumbent or curate of any other parish in the new cure, or of any parish adjoining the vacant parish, that person shall not of necessity vacate that incumbency or curacy in consequence of having been so nominated: Provided always that should the vacant parish be the principal parish in the new cure, the Board of Nomination may nominate such person to be incumbent, in which case that person may be instituted by the bishop to the vacant parish in accordance with the provisions of Chapter IV, and to the other parishes of the new cure as they become vacant: Provided also that if the person nominated by the Board of Nomination to discharge the duties of the vacant parish is the incumbent of the principal parish of the new cure, the Board may nominate such person to be incumbent of the vacant parish, in which case that person may be instituted by the bishop thereto, and to the other parishes of the new cure as they become vacant.

34. When during an existing incumbency the diocesan synod, with the consent of the Representative Body, shall have prospectively divided a benefice into two or more cures, or shall have prospectively annexed any portion or portions of the area of a benefice to any other cure or cures, the incumbent may at any time, with the consent of the bishop and of the diocesan council, resign the cure of souls and all interest as incumbent in any one or more of the said new cures, or in any of the portion or portions of the area of the benefice so annexed to any other cure or cures, and shall be entitled to retain all rights as incumbent in respect of the remainder of the benefice. Any such resignation of the cure of souls in part of an existing benefice shall be subject to the provisions of section 32 of Chapter IV.

### PART III.

#### GENERAL PROVISIONS

35. The diocesan synod shall define the powers and duties of the general vestry, the select vestry, and the churchwardens in all matters not herein prescribed.
36. Whenssoever any dispute shall arise as to the election of any churchwarden, glebewarden, or of any select vestry member, or other official, who shall be the subject of election by a general or select vestry, an appeal shall lie to the diocesan council in such manner as the diocesan synod shall provide, and the decision of the council shall be final.
37. None of the provisions of this Chapter shall apply to or affect the Cathedral of St Patrick, Armagh; the Cathedral of the Holy Trinity, commonly called Christ Church, Dublin; the Collegiate and Cathedral Church of St Patrick, Dublin; the Cathedral of the Holy Trinity, Down; or the Cathedral of St Anne, Belfast; insofar as they conflict with the prerogatives, rights, privileges, or constitution of any or either of them.

### PART IV.

#### CHURCH PLATE AND PAROCHIAL DOCUMENTS

38. (1) The incumbent and churchwardens of each parish shall furnish to the Representative Body, on a form to be supplied by it, a complete statement of the church plate and parochial documents of the parish which are in the custody of the incumbent and/or churchwardens, together with a statement of the arrangements for their safe custody; and shall retain in their custody a copy of the said form as completed by them.
- (2) The Representative Body shall furnish to the diocesan council of the diocese concerned two copies of each statement so received, and the diocesan council shall, within one month of receiving a statement, furnish one copy to the rural dean of the parish concerned.
- (3) In this section and in sections 39, 41 and 42 of this Chapter the term "incumbent" shall be deemed

to include a member of the clergy appointed to discharge the duties of a cure.

39. Each rural dean, in each year, shall examine the church plate and parochial documents then in the custody of the incumbent and churchwardens, or any of them, of each parish in the rural deanery and shall report to the diocesan council whether the same are correctly recorded in the statement received by the rural dean from the diocesan council and, if not, in what respects the said statement requires alteration and amendment to render it a correct record of the said plate and documents.
40. Each diocesan council shall, on or before the 31st day of December in each year, furnish to the Representative Body particulars of all such alterations and amendments as shall have been reported to the diocesan council by the rural deans as required under the last preceding section.
41. Whenever in the case of any parish any such alterations or amendments shall have been furnished by the diocesan council to the Representative Body, the Representative Body shall amend the copy of the statement held by it, and furnish to the diocesan council three copies of the same as so amended, and the diocesan council shall, within one month of receiving such amended copies, furnish copies to the incumbent and to the rural dean, and the rural dean shall, when making any subsequent examination under section 39 of this Chapter, substitute the amended copy received by the rural dean for the copy originally furnished or any previously amended copy furnished by the diocesan council.
42. When a vacancy in an incumbency shall occur, the rural dean in whose rural deanery the parish is situate, or in that rural dean's absence the archdeacon, shall take over and provide for the safe custody of the church plate and parochial documents of the parish during such vacancy, and shall with the churchwardens hand the same over to the new incumbent at the institution of the incumbent to the parish.

SCHEDULE MENTIONED IN THE FOREGOING CHAPTER

AMENDED 2023

**No 1 - Form of declaration by a resident**

I, [A.B. \_\_\_\_\_], do hereby solemnly declare that I am a member of the Church of Ireland, and that I am usually resident at the address below, in the parish or district of \_\_\_\_\_, in the diocese of \_\_\_\_\_, and that I am not registered as a vestry member in any church or chapel or church hall within the same parish or district as an accustomed member of the congregation.

Signed .....

Name (in block capitals) .....

Address .....

.....

.....

Date .....

AMENDED 2023

**No 2 - Form of declaration by an accustomed member of a congregation**

I, [A.B. \_\_\_\_\_] of the below address, do hereby solemnly declare that I am a member of the Church of Ireland, and that I have for three calendar months last past been, and now am, an accustomed member of the congregation attending the church or chapel or church hall of \_\_\_\_\_, in the parish or district of \_\_\_\_\_, in the diocese of \_\_\_\_\_, and that I am not registered as a vestry member in any church or chapel or church hall in Ireland as an accustomed member of the congregation.

Signed .....

Name (in block capitals) .....

Address .....

.....

.....

Date .....





## Chapter IV

### APPOINTMENT TO AND TENURE OF CURES

#### PART I.

##### DIOCESAN COMMITTEE OF PATRONAGE

###### Mode of Election and Filling of Vacancies

1. (1) There shall be a Committee of Patronage in each diocese, consisting of the bishop or the bishop's commissary and the diocesan nominators, namely four members of the clergy and one layperson elected in the year 2005 and triennially thereafter by the diocesan synod from among its own number in the manner hereinafter provided.
- (2) Whenever two or more dioceses shall be united in one diocesan synod, each several diocese shall retain the right to have a separate Committee of Patronage.
- (3) The Committee of Patronage together with the parochial nominators elected as hereinafter provided in Part II of this Chapter shall (as provided in Part III hereof) form the Board of Nomination of a vacant cure.
- (4) The election of diocesan nominators shall be by the members of the synod for the diocese concerned, by voting papers or otherwise as the synod may direct. Every equality of votes shall be determined by lot.
- (5) The election of diocesan nominators shall be by orders, the clerical synod members voting for clerical nominators only, and the lay synod members voting for the lay nominator only.
- (6) At each election two supplemental lists shall be formed, consisting of the names of the five members of the clergy and of the three laypersons respectively who shall have received the highest number of votes next to those elected.
- (7) Vacancies in a supplemental list may be filled at any meeting of the diocesan synod.
2. (1) Whenever any diocesan nominator shall die, or resign, or declare in writing to the bishop an unwillingness to act, or shall be or become incapable of acting, or shall permanently cease to be resident in Ireland, or, being a clerical diocesan nominator, shall cease to be one of the beneficed or licensed clergy of the diocese, such diocesan nominator's place shall become vacant and shall thereupon be filled by the person, qualified and willing to act, whose name stands highest in order on the relevant supplemental list.
- (2) Whenever the bishop, after communicating or endeavouring to communicate with any diocesan nominator, shall have reason to believe that any such nominator is unable, by reason of illness, absence or other reasonable cause, to take part in the proceedings of a Board of Nomination, the bishop may direct that the person, qualified and willing to act, whose name stands highest on the relevant supplemental list shall be summoned to act in the place of such nominator on that Board of Nomination until the completion of the business for which it was summoned.
- (3) Whenever a Board of Nomination is summoned for the filling of a vacant cure and the vacancy has been caused by the resignation of a clerical diocesan nominator, such person shall be disqualified from taking part in the proceedings of the Board, and in that person's place the bishop shall summon the person, qualified and willing to act, whose name stands highest on the supplemental list of clerical diocesan nominators.
- (4) If at any meeting of a Board of Nomination summoned for the filling of a vacant cure a diocesan nominator summoned thereto is suggested for nomination to the vacant cure and does not decline to undertake the cure if nominated thereto, such nominator shall not be qualified to take any

further part in the proceedings for filling the vacant cure, and the proceedings of the Board of Nomination shall be adjourned, and the bishop shall summon to the subsequent meeting or meetings thereof the person, qualified and willing to act, whose name stands highest in order on the supplemental list of clerical diocesan nominators to act in the place of such nominator on that Board of Nomination until the vacant cure has been filled.

#### **Tenure of Office of Committee of Patronage**

3. The Committee of Patronage shall hold office from the date of election thereof until the appointment of the Committee of Patronage which shall be elected after the next ensuing election of the diocesan synod: Provided that such first-mentioned Committee shall continue to hold office for the purpose of completing any business connected with the filling of a vacant benefice for which a Board of Nomination had been summoned.

## PART II.

### PAROCHIAL NOMINATORS

#### **Qualifications**

4. Every layperson of the age of eighteen years, being a member of the Church of Ireland and a communicant of the said Church and a registered vestry member, shall be a qualified person to be a parochial nominator or a supplemental nominator for the parish, parochial district or union or group of parishes under one incumbent for which they are a registered vestry member.
5. (1) At the Easter vestry in the year 2023 and in every third year thereafter, the registered vestry members of each parish, parochial district or union or group of parishes under one incumbent, and, in the case of chapels without districts, the registered vestry members of such chapels
  - (a) shall elect the requisite number of qualified persons to be parochial nominators for the said parish, of whom at least one shall be a woman and at least one shall be a man, and
  - (b) shall then elect by ballot an equal number of persons to be supplemental nominators, of whom at least one shall be a woman and at least one shall be a man. The names of the supplemental nominators so elected shall be placed in order on a list in accordance with the number of votes received; in any case of equality of votes the order upon the list shall be determined by lot. Any vacancy in the number of parochial nominators shall be filled by the person whose name stands highest on the list of supplemental parochial nominators unless such action would result in the parochial nominators all being men or would result in the parochial nominators all being women, in which case the supplemental parochial nominator who shall fill the vacancy shall be the person whose name stands nearest to the top of the list and whose gender is such as will not result in the parochial nominators all being men or all being women, as the case may be.
- (2) The requisite number of qualified persons shall be four except where otherwise determined in accordance with the provisions of section 30 (b) (iii) of Chapter III.
- (3) The return of the election of parochial nominators and supplemental nominators shall be signed by the incumbent or other person chairing the Easter vestry at which the election took place and shall be made within one week to the diocesan secretaries.
6. (1) Upon the occurrence of a vacancy, by death or otherwise, in the number of the parochial nominators during their period of office which cannot be filled by a supplemental nominator, the registered vestry members shall, at a special general vestry duly convened in accordance with the provisions of Chapter III, elect a qualified person to fill such vacancy and shall also fill any vacancies in the list of supplemental nominators provided only that the parochial nominators must at all times include at least one man and at least one woman, as must the list of supplemental nominators.

- (2) Every notice convening such special general vestry shall state the purpose for which it is being convened.
7. In the event of a general vestry failing to elect nominators, or to supply a vacancy in their number within two months after its occurrence, it shall be competent for the diocesan council to appoint nominators, or to supply such vacancy; provided that the person or persons so appointed shall hold office only until the next Easter vestry, when the registered vestry members shall be at liberty to fill the vacancy, and provided also that at all times at least one of the nominators shall be a man and at least one shall be a woman.
8. (1) All parochial nominators and supplemental parochial nominators shall be notified forthwith of their election and shall each be furnished with a copy of the form prescribed by sub-section (2) of this section
- (a) in the case of election by general vestry, by the person chairing such vestry; and
- (b) in the case of appointment in accordance with the provisions of section 7 of this Chapter, by the secretary of the diocesan council.
- (2) Every parochial nominator and supplemental nominator shall, within one month from the date of the notification, sign and transmit to the bishop the following declaration:
- I, A.B., do solemnly declare that I am a member of the Church of Ireland and a communicant of the said Church and a registered vestry member of the parish, parochial district or union or group of parishes under one incumbent by whom I have been elected.
- (3) If a nominator or supplemental nominator fails to comply with the provisions of sub-section (2) of this section, the bishop shall order a new election for a nominator or supplemental nominator as the case may be; provided that the bishop shall have power to extend the time for such compliance if it be certified to the bishop that the failure to comply has been caused by absence or other unavoidable circumstances. Any election which has been so ordered by the bishop shall be required to ensure that, as a result, at least one of the nominators or supplemental nominators, as the case may be, shall be a man and at least one shall be a woman.
9. Whenever a vacancy in a cure of souls shall occur, if the bishop, after communicating or endeavouring to communicate with the parochial nominators, has reason to believe that any one or more of them is unable, by reason of illness, absence or other reasonable cause, to take part in the proceedings for filling the said vacancy, the bishop shall direct that a supplemental nominator shall be summoned and shall act in the place of each absent parochial nominator in such proceedings, until the said vacancy has been filled. The supplemental nominators shall be summoned in their order as returned by the vestry, unless the effect of such action would result in all those acting as parochial nominators being men or all being women, in which case the bishop shall summon the supplemental parochial nominator the person whose name stands nearest to the top of the list and whose gender is such as will not result in the parochial nominators all being men or all being women, as the case may be.
10. The parochial nominators in office at the time of a cure becoming vacant, or at the time that the bishop informs them of having accepted the resignation of the incumbent concerned, shall continue in office until the cure has been filled, without prejudice to the election of nominators at any Easter vestry which may occur pending the nomination or institution of a member of the clergy to the said cure.

### PART III.

#### BOARDS OF NOMINATION

#### Membership

11. (1) When a vacancy in a cure of souls shall occur, the Committee of Patronage of the diocese with the parochial nominators of the cure so vacant shall form a Board of Nomination, which shall be chaired by the bishop or, in the bishop's absence, the bishop's commissary;
- (2) If the bishop is unable to be present and the bishop's commissary presides at a meeting of a Board of Nomination, the following provisions shall apply:
  - (a) Where the commissary would otherwise have attended such meeting as a diocesan nominator, the bishop, or the bishop's commissary, shall, if time permits, summon the person, qualified and willing to act, whose name stands highest on the supplemental list of clerical diocesan nominators, to act as a diocesan nominator at such meeting: Provided that if the meeting is adjourned the said supplemental clerical diocesan nominator shall be summoned to all subsequent meetings but shall participate without vote if the bishop is present.
  - (b) Where the commissary is a member of the clergy who would not otherwise have attended such a meeting, if the meeting is adjourned the said commissary shall be summoned to all subsequent meetings but shall participate without vote if the bishop is present.
12. No person shall act, or be capable of acting, as a diocesan nominator with respect to any parish of which such person shall be at the time parochial nominator and/or a registered vestry member, and the bishop shall summon in that person's place to act as diocesan nominator on the Board of Nomination the person whose name stands highest on the lay supplemental list of the Committee of Patronage.
13. (1) The Board of Nomination for a vacant cure shall not be summoned unless and until the diocesan council, or a sub-committee appointed for the purpose by the council with the consent of the bishop, shall have reported to the bishop that it is satisfied that the approved stipend for the parish, the expenses of office allowance, the allowance for locomotory expenses and the free residence, as provided by Part XII of this Chapter, will be available for the person nominated to the vacant cure.
- (2) In any case where a parish during the two years next preceding the vacancy has not paid in full its assessment for stipend, the expenses of office allowance and locomotory allowance or has failed to provide a free residence or has failed to meet its liabilities in respect of a State social security scheme or has failed to meet its liabilities under sections 8 and 36 of Chapter XIV of the Constitution or has failed to meet its liabilities under section 38 of Chapter VI of the Constitution the diocesan council shall not make the report required by this section until the arrears have been made good and it is satisfied that adequate provision has been made for the payment of the assessment, the provision of the free residence, and the liability in respect of a State social security scheme, and the liability under sections 8 and 36 of Chapter XIV of the Constitution and the liability under section 38 of Chapter VI of the Constitution in future.
- (3) For the purpose of this section, the stipend or approved stipend, as the case may be, shall be regarded as abating to the extent to which the cost of the provision of living accommodation in an official residence is defrayed from parochial or other funds. Such cost shall be taken to include the cost of heating, lighting and cleaning such residence and the cost of upkeep of the garden and curtilage attached thereto but shall be taken to exclude expenses incurred in the provision of a "free residence" as defined in Part XII of this Chapter.
14. The summoning of a Board of Nomination for a vacant cure shall be suspended until after the next meeting of the diocesan synod if in the opinion of the bishop and the diocesan council it is desirable that the diocesan synod should have the opportunity of exercising in respect of the vacant cure any of the powers conferred upon it by section 27 of Chapter III, and the diocesan council shall inform the parochial nominators and churchwardens of the vacant cure accordingly.
15. Subject to the provisions of sections 13 and 14 of this Chapter, the Board of Nomination for a vacant cure shall be summoned by the bishop, or the bishop's commissary, within two months of receipt by the bishop or the bishop's commissary of the report required by section 13 of this Chapter.

#### Duties and Procedure

16. The mode of procedure insofar as it is not prescribed by this Chapter and the quorum of a Board of Nomination shall be determined by the diocesan synod.

17. Members of the Board of Nomination shall not be capable of performing any of the duties of office until they shall have signed the following declaration:

I, A.B., [1] (do solemnly declare that I am a member of the Church of Ireland, and a communicant of the said Church, and a registered vestry member of the parish, parochial district or union or group of parishes, and) being fully sensible how important it is that the cure of souls should be committed only to those well fitted and qualified to undertake the same, do (further) solemnly declare that I will nominate such person only as I believe in my conscience to be of such virtuous and godly character as to be fitted for admission to the cure of souls in the parish \_\_\_\_\_, and that I am not acting herein through favour or affection, but in singleness of heart, for the glory of God, the good of his Church, and the welfare of his people.

And I further declare that I will not disclose to any person whatsoever any information regarding the proceedings of the Board of Nomination other than that which may be agreed upon by the Board for publication.

(Signed), \_\_\_\_\_ A.B.

Dated \_\_\_\_\_ day of \_\_\_\_\_

18. At every meeting of the Board the members shall have before them a roll of the clergy of the diocese or united diocese, duly verified by the registrar, and in such roll shall be specified the standing in the ministry, and in the diocese or united diocese, of each of the clergy therein mentioned.

19. The Board shall either

- (1) (a) nominate one person in priest's orders who is fitted and has already signified willingness to undertake the cure and return such person's name to the bishop, or
- (b) choose a person qualified as aforesaid and, if such person shall signify willingness to undertake the cure, return such person's name to the bishop, or
- (c) choose two or more clergy qualified as aforesaid to whom in succession the cure shall be offered, and when one of them shall signify willingness to undertake the same, such person's name shall be returned to the bishop as that of the person nominated by the Board.

If none of the clergy chosen in accordance with (b) or (c) above shall signify willingness to undertake the cure, the bishop shall be informed of the fact and the Board shall be re-summoned.

- (2) No member of the clergy shall be nominated or chosen unless such person shall have received the affirmative votes of six or more members of the Board (if the person chairing the Board is not voting) or of seven or more members of the Board (if the person chairing the Board is voting). The person chairing the Board shall have an ordinary, but not a casting, vote.
- (3) When the name of more than one person has been proposed, the voting shall be by secret ballot.
- (4) When no one has received on the first vote the required number of affirmative votes, a second vote shall be taken. When no one has received on such second vote the required number of affirmative votes, a third vote shall be taken. If on such third vote no one receives the required number of affirmative votes, the appointment shall lapse to the bishop notwithstanding the fact that the period of three months prescribed in section 21 has not elapsed.
- (5) The proceedings of a Board of Nomination may be adjourned at any stage prior to the taking of the third vote.

- 20.

- (1) The person nominated as aforesaid shall immediately thereafter be notified of the fact by the person chairing the Board or the secretary of the Board. The person nominated shall be considered to have declined the nomination if such person does not accept the same by letter addressed to the bishop within a time to be fixed by the bishop. If such person shall accept, but through any

default on the part of that person shall fail to be instituted within a time to be fixed by the bishop, that person's nomination shall be null and void; and in such case, and also in case that person shall decline to accept the nomination as aforesaid, the bishop shall re-summon the Board of Nomination, provided that the time which shall have elapsed between the nomination or choice and its rejection, or default of institution, as aforesaid, shall not be counted in the three months allowed to the Board of Nomination for action.

- (2) Those clergy who have been considered for nomination to the cure, or who have indicated a willingness to be considered for nomination, but who have not been nominated shall be so informed in a timely fashion, before any announcement regarding the nomination is made by or on behalf of the bishop.

#### **Lapse of Appointment to the Bishop**

21. When no nomination shall be returned to the bishop within three months after the bishop has summoned a Board of Nomination for a vacant cure, the right of appointment shall lapse to the bishop.

### PART IV.

#### RIGHTS OF PATRONAGE

22. Nothing hereinbefore contained shall be deemed or taken as affecting the rights of patronage preserved by the 70th section of the Irish Church Act, 1869, or the right of patronage to any proprietary church which may be built and endowed out of private funds given or bequeathed for the purpose in accordance with the 14th & 15th Vict., Ch. 72, and the 21st & 22nd Vict., Ch. 59; but in all cases where such right of patronage is preserved, the ordinary shall act as heretofore legally bound to do.
23. On the occurrence of a vacancy in a benefice to which rights of patronage apply, the bishop shall remind the patron of the patron's duty to consider the requirements of the benefice and to be satisfied that the person whom the patron nominates possesses the doctrine, judgment, honesty, and innocence of life without which the office cannot adequately be discharged.

### PART V.

#### QUALIFICATIONS OF CLERGY

24. No member of the clergy shall be permitted to serve in any place until examination has been made of such person's sufficiency, sobriety, and fitness in every way for the ministration to which such person is to be appointed. On being found worthy by the bishop, such person shall be admitted by the bishop by instrument in writing under the bishop's hand and seal.
25. No member of the clergy, moving from one diocese to another, shall be admitted to serve without testimony, in writing, of the bishop of the diocese (or the bishop's commissary) from which such person came of that person's honesty, ability and conformity to the ecclesiastical laws of the Church of Ireland.
26. No bishop shall institute into a benefice, or license to minister in the diocese, any person who has been ordained by any other bishop until the bishop has been shown such person's letters of orders and brought sufficient testimony of such person's former good life and behaviour.

## PART VI.

## INSTITUTION TO BENEFICE

27. (1) When a person nominated for a vacant cure in accordance with the provisions of section 19 of this Chapter shall have accepted the nomination, in accordance with the provisions of section 20 of this Chapter, the bishop, if satisfied as to such person's fitness for the cure, shall forthwith inform such person of the appointment and make arrangements for that person's institution, notifying the churchwardens of such cure of the appointment and of the date, time and place of the institution.
- (2) If the bishop declines to institute the person nominated by the Board, the bishop shall inform the person nominated and the members of the Board of this fact and, if so required by the person nominated, give that person reasons in writing for so declining. The person so rejected, or at least one-half of the Board of Nomination, including two of the parochial nominators, with the consent of the person so rejected, may appeal against such rejection to the Court of the General Synod. The form of such appeal, and the procedure thereupon, and the time to be limited therefor, shall be settled by the said Court, which shall publish the rules and orders regulating the same.
28. When the bishop appoints a person to a vacant cure in accordance with the provisions of section 21 of this Chapter, the bishop shall inform the churchwardens of such cure of the appointment and of the date, time and place of the institution.
29. Where any person shall be nominated to a cure, who shall be already an incumbent of any other benefice in Ireland, then and in such case the institution of such person to the new benefice shall be deemed and taken to be a resignation of the benefice previously held, unless such two benefices shall form a group or union constituted in accordance with the provisions of section 27 of Chapter III, or a portion of such group or union.

**Where the person nominated holds office elsewhere than in Ireland or an office inconsistent with the nomination**

30. Where any person shall be nominated to a cure in Ireland, who shall hold office as an incumbent, rector, vicar, or licensed curate, elsewhere than in Ireland, or shall hold any other ecclesiastical office which shall be deemed by the bishop inconsistent with the nomination to said cure, the institution of such person to said cure shall be postponed until such person shall have resigned such office or benefice, and shall have produced to the bishop sufficient evidence of resignation; and in case such evidence shall not be produced within two months (or such longer period as the bishop may determine) after such nomination, the said nomination shall thereupon become null and void; and the Board of Nomination shall proceed to nominate some other person to the said cure, as if a vacancy in the same had taken place on the day of the expiration of the said period.

## PART VII.

## TENURE OF OFFICE

**Tenure of an incumbent admitted to a cure**

31. (1) A person duly admitted to a cure shall be deemed incumbent thereof, and shall not be removable except in accordance with
- (a) a resolution of the diocesan synod, approved by the bishop, that there is no longer sufficient work in the cure to justify its continued existence as a separate benefice, or

- (b) a decision of the Church Panel as defined in section 34 of this Chapter or a judgment of the Court of General Synod under section 34 of this Chapter or an order made by a Disciplinary Tribunal under section 33 (d) (v) or (vi) of Chapter VIII or an order made by an Appeal Tribunal under section 36 of Chapter VIII, or
  - (c) The provisions of section 36 of this Chapter.
- (2) An incumbent shall not be removed from a cure under sub-section 1(a) above until another cure has been offered which in the opinion of the bishop and diocesan council and the Representative Body is not less suitable.
  - (3) Whenever any member of the clergy shall be suspended from office, the bishop shall make arrangements for the discharge of the duties of such office.

### Resignations

32. (1) A member of the clergy wishing to resign a cure shall send written notice of that intent to the bishop, stating the date on which it is intended that the resignation should take effect. If the bishop determines to accept such resignation, the bishop shall forthwith
    - (a) inform such person of the acceptance of that person's resignation as from the date stated in the notice,
    - (b) cause the bishop's acceptance of the resignation to be registered in the diocesan registry, and
    - (c) notify the churchwardens and the parochial nominators of the intended resignation and the date upon which the cure will, in consequence, become vacant.
  - (2) A member of the clergy resigning shall not withdraw from the duties of the cure until the acceptance by the bishop of such resignation shall have been registered in the diocesan registry, and notified by the bishop to the churchwardens.
33. Whenever any person holding any benefice or other ecclesiastical office in Ireland shall accept any ecclesiastical office elsewhere than in Ireland, such acceptance shall be deemed and taken to be a resignation of the benefice or office held by such person in Ireland.
34.
    - (1) If in the case of a member of the clergy holding office in any diocese it shall appear to the bishop, upon such evidence as the bishop may deem sufficient, that such person may be permanently incapacitated on medical grounds from the due performance of the duties of office and also that adequate provision can be made for the future maintenance of such person, the bishop may certify the same to a panel (the "Church Panel") duly appointed to consist of (i) the Chief Officer and Secretary of the Representative Church Body, (ii) an honorary secretary of the General Synod chosen by the said honorary secretaries from within their number and (iii) an archbishop or bishop chosen by the archbishops and bishops from within their number. Following appointment, the Church Panel shall convene a medical panel (the "Medical Panel") to consist of not less than three medical experts and the member of the clergy shall attend before members of the Medical Panel on such occasions as the Medical Panel may require. The member of the clergy shall be entitled to provide medical evidence to the Church Panel which shall be duly considered.
    - (2) If, upon due enquiry and as evidenced by reports of at least two members of the Medical Panel, it is established to the reasonable satisfaction of the Church Panel that the member of the clergy is permanently incapacitated on medical grounds from the due performance of the duties of office, the Church Panel may make a decision (the "Decision to Vacate"). The Decision to Vacate shall have the same effect as if such person had notified an intention to resign and the same proceedings may be taken for the purpose of vacating the office of the said person and for the purpose of providing, in cases where arrangements can be made, for a retiring annuity. The member of the clergy, the subject matter of the Decision to Vacate, may appeal the said decision to the Court of the General Synod. In circumstances where the Church Panel does not proceed to make a Decision to



Vacate and if it is claimed that the capacity of the member of the clergy has subsequently changed, nothing in this section shall preclude a further application being made to the Church Panel.

- (3) If it is claimed that the capacity of a member of the clergy the subject of a Decision to Vacate has subsequently changed and that person desires to be eligible to seek appointment to office in any diocese, that person may notify the bishop of the diocese in which the person is then resident. The bishop shall request that the Church Panel be convened and upon due enquiry and as evidenced by reports of at least two members of a Medical Panel convened by the Church Panel, it is established to the reasonable satisfaction of the Church Panel that the said person is no longer permanently incapacitated on medical grounds from the due performance of the duties of office, the Church Panel may make a determination that (a) the person is entitled to seek appointment to office and (b) where the person secures an appointment to office which he/she wishes to take up, the Church Panel shall, in return for the person renouncing his/her entitlement to further payments and other benefits under the Decision to Vacate, set aside the Decision to Vacate to enable such appointment to proceed. The member of the clergy shall be entitled to provide medical evidence to the Church Panel which shall be duly considered.
  - (4) If it is claimed that the capacity of a member of the clergy subject to a Decision to Vacate has subsequently changed and it shall appear to the reasonable satisfaction of the Church Panel, upon due enquiry and as evidenced by reports of at least two members of a Medical Panel, that the said person is no longer permanently incapacitated on medical grounds from the due performance of the duties of office, any payments or other benefits, other than a retiring annuity, paid to the said person under the Decision to Vacate shall be reviewed and may be withdrawn. The member of the clergy shall be entitled to provide medical evidence to the Church Panel which shall be duly considered.
  - (5) Rules for carrying this section into effect may be framed from time to time by the Standing Committee of the General Synod.
35. Whenever it shall appear to the satisfaction of any bishop, either of the bishop's own knowledge or by proof laid before the bishop, that the duties of any cure within the diocese are inadequately performed by reason of the negligence or mental or bodily infirmity of the incumbent thereof, the bishop may appoint a curate at such stipend as the bishop may think fit, to be paid out of the income of the cure: Provided that such appointment, and the grounds therefor, shall be entered in the registry of the diocese: Provided also that any person who shall feel aggrieved by such appointment may appeal from the bishop to the archbishop, and from the archbishop's decision on appeal, or in the archbishop's own diocese, to the Court of the General Synod.
36. (1) Clergy who shall reach the age appointed for retirement during the period specified in the following table shall be deemed to have resigned on the last day of the quarter during which they reached such age, any benefice, curacy, dignity of any kind or other office held in the Church of Ireland, and such resignation shall be deemed to have been accepted forthwith.
- | Period                        | Age appointed for Retirement |
|-------------------------------|------------------------------|
| 1st July 1975, and thereafter | 75 years                     |
- (2) Clergy who shall have reached the age appointed for retirement prior to the commencement of the period to which such age applies shall be deemed to have resigned on the day prior to the commencement of such period any benefice, curacy, dignity of any kind, or other office held in the Church of Ireland, and such resignation shall be deemed to have been accepted forthwith.
  - (3) If it shall appear to the House of Bishops that it is not expedient that the provisions of sub-section (1) or of sub-section (2) of this section should apply in the case of a particular member of the clergy, the House of Bishops may suspend the operation of the provisions of this section in respect of such person for such period as it shall specify and may from time to time extend such period of suspension. The House of Bishops shall forthwith communicate its decision to the person concerned, to the bishop of the diocese in which such person holds office, and to the Representative Body.
  - (4) In the case of any incumbent to whom the provisions of sub-section (1) or sub-section (2) of this

section apply, the bishop as soon as may be shall cause such resignation to be recorded in the diocesan registry and shall notify to the churchwardens and the parochial nominators of the cure the date on which the resignation of such incumbent shall be deemed to become effective.

- (5) The Representative Body may at any session of the General Synod present a report on the implementation of this section or of any amendment thereof, specifying any amendments which may appear to be necessary or expedient.

## PART VIII.

### RESIDENCE OF INCUMBENTS

37. Incumbents shall reside in the residence provided for the cure or, if no residence be provided, within the parish or the city, town or place where the benefice is, and within two miles of the principal church: Provided that the bishop, by licence given under the bishop's hand and seal, may permit residence elsewhere in the following circumstances:
- (a) Where there is no ecclesiastical residence, and no suitable residence to be had within the cure, the bishop may license an incumbent to reside without the cure in such specified place as may be convenient for the discharge of such incumbent's duties;
  - (b) Where an incumbent owns and occupies a residence within or without the cure, but convenient for the discharge of the incumbent's duties, provided that the incumbent keep the residence in repair to the satisfaction of the bishop and the diocesan council;
  - (c) Where an incumbent is prevented from residing as aforesaid by any illness or infirmity of the incumbent or the incumbent's spouse or child residing as part of the incumbent's family, such illness or infirmity to be proved by such medical evidence as the bishop may think sufficient;
  - (d) Where the bishop may require an incumbent to reside near the bishop as registrar of the diocese, or as chaplain performing the duties of that office.

An incumbent who is permitted to reside outside a cure in accordance with the provisions of (c) or (d) shall make provision for the discharge of the duties of the cure to the satisfaction of the bishop.

38. In any case not provided for in section 37 of this Chapter, it shall be in the power of the bishop, with the consent of the archbishop which shall be endorsed on the licence, to give licence of non-residence subject to due provision for the discharge of the duties of the cure; the bishop may also revoke any such licence. Any incumbent who may feel aggrieved by the refusal or revocation of a licence of non-residence, or any select vestry feeling aggrieved by the grant of such licence, may appeal from the bishop to the archbishop, and from the archbishop's decision on appeal, or in the archbishop's own diocese, to the Court of the General Synod.
39. Where an incumbent is non-resident by licence, it shall be in the discretion of the bishop to appoint, by writing filed in the registry of the diocese, the salary of the curate; and where there is a residence and glebe, to assign to the curate such residence and glebe, or such part of it as the bishop may think fit, during such non-residence. And if the incumbent return to residence, such curate shall, on one month's notice in writing from such incumbent, approved in writing by the bishop, give up to such incumbent possession of such residence and glebe, subject to such claim for emblements as can be enforced in any court of law or equity, or under any arbitration agreed to by the parties. And where there is no residence, the curate shall reside within the cure, or at such other convenient place as the bishop in writing may authorise. Any act done under this section shall be subject to the same appeal as is provided in section 38 of this Chapter.

## PART IX.

## PROVISIONS FOR VACANT CURES

40. All vacant cures shall come under the immediate charge of the bishop who shall make such provision for the discharge of the spiritual duties thereof as the circumstances of each case permit.
41. The churchwardens or trustees of any church shall allow the full use of such church during a vacancy in the cure to such clergy or readers as shall be authorised by the bishop to officiate therein.
42. Whenever an incumbent cannot be appointed to a vacant cure in consequence of the provisions of section 13 of this Chapter, the bishop may appoint a bishop's curate to discharge the duties of the cure provided that the diocesan council shall certify that the approved stipend and locomotory allowance of the cure together with a free residence as defined in sub section (5) of section 51 of this Chapter will be made available from diocesan or other sources.
43. The diocesan council may make provision for a diocesan curate or diocesan curates to perform the spiritual duties of vacant cures and such other duties as the bishop may direct. Diocesan curates shall be appointed by the bishop and be under the bishop's direct supervision.

## PART X.

## VICARS

44. (1) Whenever, in the opinion of the bishop and the diocesan council, the incumbent of a parish, union or group of parishes requires the assistance of one or more vicars, the diocesan council may direct that such office or offices be established, and in such event shall forthwith inform the incumbent, churchwardens and parochial nominators of its decision.  
(2) Before the summoning of any Board of Nomination under section 45, the diocesan council shall, subject to the approval of the bishop and the consent of the Representative Body, determine the terms of the appointment, including stipend, locomotory allowance, residence, and duration of office; the diocesan council shall also, if appropriate, exercise its powers under section 30 (b) (v) of Chapter III.
45. (1) The nomination of a person in priest's orders as vicar shall be made by a Board of Nomination consisting of the Committee of Patronage of the diocese, the incumbent (whose consent and approval shall be necessary for the ratification of any nomination made) and the parochial nominators of the parish, union or group of parishes: Provided that, if the incumbent shall be a member of the Committee of Patronage of the diocese, the person whose name stands highest on the supplemental list of clerical diocesan nominators shall also be summoned.  
(2) The procedure of the Board of Nomination shall be in accordance with sections 16 to 21 of this Chapter, except where otherwise provided by this Part.  
(3) The bishop, if satisfied as to the fitness of the person nominated, shall forthwith inform such person of the appointment and make arrangements for that person's institution to the office of vicar, notifying the churchwardens of the appointment and of the date, time and place of the institution.
46. (1) A vicar shall perform all duties under the direction and general supervision of the incumbent.  
(2) A vicar shall be an ex officio member of the general vestry and of the select vestry.  
(3) In the absence of the incumbent from a meeting of the general vestry or the select vestry a vicar may take the chair. Where there is more than one vicar in a parish or union of parishes, the

incumbent may determine which vicar shall take the chair.

- (4) A vicar shall be deemed to be included in the terms “beneficed or licensed clergy” and “beneficed and licensed clergy” wherever either of such terms appears in the Constitution and the context so permits.
47. (1) A vicar shall be entitled to remain in office for the term fixed by the diocesan council under section 44, notwithstanding any vacancy which may occur in the incumbency.
- (2) The diocesan council may, at its discretion, extend the term of office of any vicar, but such extension shall not be valid unless and until it has received the consent of the bishop and of the incumbent and with the approval of the Representative Body to the terms and conditions of the extension.
48. For the purposes of this Part “vicar” shall mean a person in priest’s orders appointed in accordance with this Part.

## PART XI.

### CURATES ASSISTANT

49. Whenever, in the opinion of the bishop, circumstances so require, it shall be lawful for an incumbent to nominate to the bishop for approval a member of the clergy to act as curate assistant: Provided that the bishop shall not give approval unless and until the diocesan council, or a sub-committee appointed for the purpose by the council with the consent of the bishop, shall have reported to the bishop that the approved stipend for the office, the expenses of office allowance and the allowance for locomotory expenses together with the free residence, as provided by Part XII of this Chapter, will be available for such person.
50. Curates assistant, duly nominated and licensed, shall not be removed from office without their own consent, except
- (a) in accordance with a decision of the bishop; or
- (b) on a vacancy in the cure; or
- (c) in accordance with the provisions of section 36 of this Chapter.

## PART XII.

### APPROVED STRIPEND

51. (1) In this Chapter, unless the context otherwise requires, the expression “stipend” shall be taken to include, as applied to any member of the clergy instituted or licensed to a parish, all stipends and salaries from whatever source which
- (a) are paid to such person by right of that person’s office for the performance of duties in such office, or
- (b) will in fact be payable to such person while holding that office, or
- (c) were made known to such person, or of which such person might reasonably be expected to have been aware, before entering the duties of the office,
- together with such sum as in the opinion of the diocesan council represents the net letting value, taking one year with another, of lands held along with a residence occupied by such person by virtue of the office.

The term “approved stipend” shall mean such stipend as the diocesan council from time to time, and after all the facts that appear to be relevant in the particular case have been taken into account, shall determine to be the “approved” stipend of the office: provided that the sum of the approved stipends for incumbents, divided by the number of incumbencies in the diocese, shall not exceed 110% of the minimum stipend approved by the Standing Committee on behalf of the General Synod.

The Standing Committee on behalf of the General Synod shall in 2011 and annually thereafter shall determine by resolution, to be reported to the next ordinary session of the General Synod, the minimum stipend which may be approved for:

- (a) an incumbent or a member of the clergy appointed as bishop’s curate under the provisions of section 42 of this Chapter or a diocesan curate over the age of 30 years appointed under the provisions of section 43 of this Chapter and
- (b) a diocesan curate who is under the age of 30 years or a curate assistant:

Provided always that, in any diocese in which a scheme for parochial reorganisation has been adopted in accordance with the provisions of section 27 of Chapter III, where any incumbent refuses to accept nomination to any additional area to that to which such incumbent is already instituted, the diocesan council shall be empowered, with the consent of the Representative Body, to determine an approved stipend below the minimum stipend under this section but not being less than the approved stipend of the cure held immediately prior to the reorganisation.

- (2) In assessing the approved stipend no account shall be taken by the diocesan council of the amount payable by the diocese under section 35 of Chapter XIV as a relevant fact which would lessen the stipend to be determined.
- (3) For the purposes of this sub-section the term “incumbent” shall be regarded as including a member of the clergy appointed under the provisions of section 42 or of section 43 of this Chapter. There shall be paid to each incumbent in addition to the approved stipend of the office of incumbent an allowance for locomotory expenses. The term “locomotory expenses” shall mean such travelling expenses as are necessarily incurred by the incumbent in the due performance of duties as incumbent. Save as hereinafter provided, the diocesan council shall from time to time estimate the mileage to be covered by such incumbent in the due performance of such duties, and the allowance for locomotory expenses hereinbefore referred to shall be calculated by multiplying such mileage by the appropriate figure in the scale of allowances per mile which shall be fixed from time to time by the Representative Body.

There shall be paid to each curate assistant such allowance for locomotory expenses as the diocesan council shall deem necessary.

- (4) For the purposes of this sub-section the term “incumbent” shall be regarded as including a member of the clergy appointed under the provisions of section 42 or of section 43 of this Chapter. There shall be paid to each incumbent in addition to the approved stipend and locomotory allowance an expenses of office allowance. The term “expenses of office allowance” shall mean an allowance adequate to cover the cost of telephone, postages, stationery and maintenance of a study or office; the diocesan council shall determine the amount of such expenses of office allowance having regard to expenses necessarily incurred in the due performance of duties and shall make regulations for the payment thereof by the select vestry to the incumbent, such regulations to include a right of appeal where either the incumbent or the select vestry is aggrieved at the amount so determined.

There shall be paid to each curate assistant such expenses of office allowances as the diocesan council shall deem necessary.

- (5) Each incumbent, vicar, curate assistant and each member of the clergy appointed under the provisions of section 42 of this Chapter and each diocesan curate who is required to live in a vacant cure shall be entitled to the enjoyment of a free residence. The expression “free residence” shall mean a residence in respect of which the rent or purchase annuity, instalments on loans, rates, taxes, and charges are defrayed out of parochial or other funds and a free residence shall be deemed to be provided where a monetary allowance considered by the diocesan council to be

sufficient is made in lieu thereof.

- (6) The Representative Body shall at the session of the General Synod in 2007 and every fifth year thereafter, and may at any other session, present a report on the implementation of this section or of any amendment thereof, specifying any amendment of the Constitution which may appear to be necessary or expedient. The diocesan council of each diocese and all parochial authorities on the request of the Representative Body shall furnish any information which may appear to the Representative Body to be necessary to enable it to compile such report.

#### **Certificate of Representative Body on application of diocesan council**

52. Notwithstanding the provisions of section 51 of this Chapter, the Representative Body may at any time on the application of the diocesan council take into consideration exceptional circumstances applicable to any parish or union or group of parishes and may thereupon give, if it so thinks fit, a certificate to the following effect:
  - (a) That any further union or grouping is for some reason to be specified in such certificate impracticable or undesirable;
  - (b) That a stipend adequate in all the circumstances of the case, the expenses of office allowance, together with the allowance for locomotory expenses and the free residence as provided in section 51 of this Chapter, will be available as from the date of licence for any member of the clergy who may be appointed to the vacant office.

Such certificate shall remain in force until the occurrence of the next vacancy in the said office or until cancelled by the Representative Body whichever be the earlier. So long as such certificate shall remain in force, the bishop may license a member of the clergy to such office without obtaining from the diocesan council the appropriate report under the provisions of section 13 of this Chapter.

### PART XIII.

#### EXCHANGE OF BENEFICES

53. When two clergy desire to exchange their benefices, they shall apply in writing to the bishops of their respective dioceses for permission to do so.
54. The bishop or, in case the two parishes are in different dioceses, either bishop may decline to grant permission.
55. The bishop or bishops, if considering the exchange desirable, shall summon the respective Boards of Nomination within one month after the application for exchange has been made.
56. If the Boards of Nomination shall nominate the said clergy respectively, the exchange shall take effect accordingly, and the bishop or bishops shall name a day on which each parish shall be vacant, and shall then institute the clergy to their respective benefices.
57. If the patronage of either parish be vested otherwise than in a Board of Nomination, the bishop may accept the nomination of the patron or patrons, and proceed in other respects as hereinbefore directed.

## PART XIV.

## LEAVE OF ABSENCE FROM PARISH NOT AFFORDING ADEQUATE WORK FOR PURPOSE OF UNDERTAKING DUTIES OF CURATE ASSISTANT ELSEWHERE

58. Where any existing parish in the Church of Ireland shall have been scheduled for union with any other parish or parishes, or shall, owing to the departure therefrom of a considerable portion of its church population, have, in the opinion of the diocesan council, ceased to afford adequate work, and where the spiritual duties of such parish can to the satisfaction of the bishop be otherwise provided for without increasing the number of clergy in such diocese, the said bishop and diocesan council may, with the approval of the Representative Body, give the incumbent of such parish leave of absence from that parish for the purposes of the next succeeding section of this Chapter.
59. Such leave of absence shall be given only to enable such incumbent to undertake the duties of a curate assistant in some recognised curacy in the Church of Ireland, and shall remain in force only so long as that incumbent holds such curacy and discharges the duties thereof to the satisfaction of the bishop of the diocese in which such curacy is situated.
60. The bishop and diocesan council of the diocese in which the parish of such incumbent is situated shall submit to the Representative Body a full statement of their proposals for the discharge of the spiritual duties of such parish during the absence of its incumbent, and shall state what portion, if any, of the income of such parish may be retained by said incumbent during such absence; and the Representative Body may, if it shall be satisfied that such portion may be retained without detriment to the parish or infringement of diocesan or parochial trusts, thereupon provide from such funds as the General Synod may place at its disposal for the purpose such sum per annum as will with the ordinary stipend of the curacy, together with the portion of the income of the parish so retained, secure to the incumbent undertaking the duties of such curacy an income not less than that already enjoyed from the incumbency of the parish: Provided always that if such income exceeds the approved stipend as defined by this Chapter, the Representative Body may at its discretion provide such sum as will secure to the incumbent such approved stipend.
61. Any incumbent so appointed to a curacy in another diocese shall remain upon the roll of the diocese in which the incumbent's original parish is situate, and shall not by such absence forfeit any rights to good service or to long service pensions therein; but may be licensed by the bishop of the diocese in which such curacy is situate, and during such incumbent's tenure thereof shall be subject in all respects to the laws and regulations of the last-mentioned diocese, and the tenure of such assistant curate may be determined at any time by such bishop.

## PART XV.

## LIGHT-DUTY PARISHES

62. A "light-duty parish", for the purposes of this Chapter, shall mean a parish in which the following conditions shall prevail:
  - (a) that the parish, as at present constituted, does not provide sufficient work for an able-bodied member of the clergy; and
  - (b) that the union or grouping of such parish with any other parish or parishes is for some special reason undesirable.
63. On the application of the diocesan council the Representative Body may
  - (a) order that any existing parish which fulfils the conditions of section 62 of this Chapter shall be constituted a "light-duty parish" and

- (b) rescind any such order.
64. (1) The name of any member of the clergy who shall have attained the age of sixty-five years, or shall have satisfied the Representative Body of being disabled by infirmity from the discharge of the duties of such person's present cure but is capable of undertaking the charge of a light-duty parish, shall on such person's own request be placed on a special schedule to be kept at the office of the Representative Body, a copy of which shall be furnished to the bishop of each diocese.
- (2) Whenever a light-duty parish shall become vacant, the bishop of the diocese, after consultation with the members of the Board of Nomination, shall select a person from the schedule and, if satisfied of such person's fitness, license that person as a curate-in-charge of such parish: Provided that the Representative Body shall be satisfied that a stipend adequate to the duties to be performed will be provided in such light-duty parish, and may for that purpose make a grant towards such stipend from the Central Church Fund.
65. Any person appointed to a light-duty parish shall continue to enjoy any such grant for long service or good service, whether in the same or in any other diocese, as that person may enjoy at the date of appointment to such parish: Provided that such retention of long service or good service grant shall not be contrary to the terms of any diocesan financial scheme heretofore in force with the sanction of the Representative Body.
66. When a person shall have been licensed as curate-in-charge of a light-duty parish, the Representative Body may, after consultation with the bishop of the diocese in which such parish is situated, at any time thereafter, call on such person to retire from such charge on the pension to which such person is entitled under Chapter XIV.

## PART XVI.

### MISCELLANEOUS

#### **Declaration**

67. All persons admitted to Holy Orders of deacons or priests, or licensed as curates assistant, or instituted to the office of vicar, or instituted to a cure of souls in the Church of Ireland, shall make and subscribe before such ordination, licence, or institution, in the presence of the bishop or of the bishop's commissary, the declaration in the roll contained in the schedule hereunto annexed, and none other.

#### **Appeal to Court of General Synod**

68. The Court of the General Synod shall have authority to determine all questions that may arise respecting an appointment to a cure.
69. Any beneficed or licensed member of the clergy of the Church of Ireland, or any parochial nominator of the cure respecting which such question may arise, or any member of the Committee of Patronage of the diocese in which such cure is situated, or any person having any right of patronage to such cure, shall be at liberty to present a petition to the Court for the purpose of having such question tried.
70. If the Court shall decide that any appointment has been improperly made, the cure shall thereupon be immediately vacant: Provided, however, that if any person shall have been instituted to any benefice, the validity of such person's appointment or institution shall not be called in question, so as to deprive that person of the benefice, unless a petition for that purpose shall have been presented within one calendar month after such institution.
71. No person shall be instituted to a benefice while a petition or suit is pending respecting the right of nomination thereto.

#### **Power to make rules**

72. The Representative Body may make such rules, not being inconsistent with provisions of this Chapter,



as may be necessary for guidance of diocesan councils.

## SCHEDULE

## DRAFT ROLL OF SUBSCRIPTION

The Roll of  
by Divine Providence (or permission), Archbishop (or Bishop)  
of

## DECLARATION FOR SUBSCRIPTION

I, A.B., do hereby solemnly declare that -

- (1) I approve and agree to the Declaration prefixed to the statutes of the Church of Ireland, passed at the General Convention in the year of our Lord one thousand eight hundred and seventy.
- (2) I assent to the Thirty-nine Articles of Religion, and to the Book of Common Prayer, and of the Ordering of Bishops, Priests, and Deacons. I believe the doctrine of the Church of Ireland, as therein set forth, to be agreeable to the Word of God; and in public prayer and administration of the sacraments I will use the form in the said Book prescribed, and none other, except so far as shall be allowed by the lawful authority of the Church.
- (3) I have not made, by myself or by any other person on my behalf, any payment, contract, or promise of any kind whatsoever (save that I will faithfully perform my duty) touching or concerning the obtaining of [the sacred                      order of                      the chaplaincy of                      the curacy of                      the office of vicar within the benefice of                      or the benefice of each to be specially stated by each Declarant]; nor will I at any time hereafter perform or satisfy, in whole or in part, any such payment, contract, or promise made by any other person with or without my knowledge or consent.
- (4) I declare that I do not hold office as an incumbent, rector, vicar, or licensed curate, elsewhere than in Ireland, and that I do not hold any other ecclesiastical office which I have not made known to the Archbishop (or Bishop) of
- (5) I will render all due reverence and canonical obedience to                      , Archbishop (or Bishop) of                      and successive Archbishops (or Bishops) of                      , in all lawful and honest commands.
- (6) I promise to submit myself to the authority of the Church of Ireland, and to the laws and tribunals thereof.

For Ordination

For Licence

For Institution

*I subscribe the above declaration to be admitted to the Holy Order of*

*I subscribe the above declaration to be licensed to the curacy of*

*I subscribe the above declaration to be instituted to the benefice (or office of vicar within the benefice) of*

*this      day of      20*

*this      day of      20*

*this      day of      20*

N.B. - The above forms - "I subscribe," etc. - are to be written out afresh on the Roll for each Declarant or batch of Declarants.

## Chapter V

# CURE OF SOULS IN PARISHES HAVING NO PARISH CHURCH, BUT IN WHICH THERE ARE PROPRIETARY OR OTHER NON-PAROCHIAL CHURCHES AND THE ESTABLISHMENT AND GOVERNANCE OF PIONEER MINISTRIES

### PART I.

AMENDED 2024

#### **Licence to person ministering in trustee or other church in a parish to serve the cure of souls therein**

1. Wheresoever any parish has been or is intended to be duly constituted a separate parish by and under the authority of the Church of Ireland, and in which there is not a parish church, but where a proprietary or other church or chapel (not being a parochial church) has been or shall be erected or appropriated for the celebration of Divine Service according to the liturgy and rites of the Church of Ireland, and has been or shall be duly consecrated or licensed by the bishop of the diocese wherein such church or chapel is situate, it shall be lawful for the bishop, upon the application of the synod or council of the diocese, to license the person duly appointed to minister in such church or chapel, with such person's consent, and with the consent of the patrons, proprietors, trustees, or other governors of such church or chapel, to serve the cure of souls in such parish, for such time as such person shall continue to minister in such church or chapel.
2. Every person licensed as aforesaid shall, during the continuance of such licence, be entitled to the style of curate in charge of the parish, and shall possess all the rights and privileges, and be bound to discharge all the duties, of such curate in charge, so far as may be consistent with the due discharge of the ministerial duties of the church or chapel aforesaid, and upon such terms and subject to such conditions as may be prescribed in accordance with the Constitution.

#### **Proceedings prior to application for such licence**

3. Before applying to the bishop for any such licence as aforesaid, the diocesan synod or council shall summon, by such notice as it shall think fit, a meeting of all persons qualified to be registered as vestry members of such parish, for the purpose of obtaining the opinion of such vestry members whether it is expedient, and if so upon what terms and conditions, that such application shall be made.
4. At any meeting convened as aforesaid, the bishop of the diocese or the bishop's commissary shall preside, and the majority of duly qualified persons present and voting at the meeting may by resolution declare whether they deem it expedient that application should be made to the bishop for such licence as aforesaid, and every such meeting may adjourn from time to time, or may appoint a committee to represent the parish, and generally may do all acts which may appear necessary or expedient on the part of the parish for giving effect to this Chapter, or entering into arrangements with the diocesan synod or council and the patrons, trustees, or other governors of such church or chapel, for that purpose.
5. The terms and conditions to be arranged between the parish and the patrons, trustees, or other governors of such church or chapel, shall include such provisions for affording accommodation to the parishioners in such church or chapel, and for their contributing to the stipend of the person appointed to minister therein, or other expenses of maintaining the same, and generally such other stipulations as may seem necessary or expedient; but all such terms and conditions shall be subject to the approval of the diocesan synod or council and of the bishop, to be signified before any licence is given under this Chapter.

#### **Register of vestry members**

6. If the person appointed to minister in the trustee or other church or chapel be licensed to serve the cure of souls in the said parish, a register of vestry members, qualified as such under the Constitution, including residents in the parish, and accustomed members of the congregation attending the said church or chapel, shall be formed for such parish, and such registered vestry members shall also have

such powers and be subject to all such provisions of the Constitution as belong or apply to the registered vestry members of a parish, but so far only as shall be consistent with the trusts and rights affecting the church or chapel.

**Provision to be made by diocesan synod or by diocesan council with appeal to diocesan synod**

7. Each diocesan synod or council may provide for giving effect to this Chapter by prescribing such forms of procedure, giving such directions, enacting such terms and conditions, as well precedent as subsequent, making such provisions, and generally by doing all such acts, matters, and things, as to such synod or council shall in each case appear just and expedient; but every act done by a diocesan council under this Chapter shall be subject to an appeal to or review by the synod of the diocese, whose decision thereon shall be final.

**Determination of licence**

8. If any church or chapel where a person appointed to minister shall have been licensed as aforesaid shall at any time cease to be a lawfully constituted place for the celebration of Divine Service, according to the liturgy and rites of the Church of Ireland, or to be subject to the visitation and jurisdiction of the bishop of the diocese wherein the same shall be situate, or if the person licensed as aforesaid shall cease to minister in such church or chapel, the licence shall thereupon determine. Every licence granted under this Chapter may be at any time revoked by the bishop of the diocese.
9. Whensoever a parish church shall have been provided for any parish, and the approved stipend provided for the incumbent thereof, to the satisfaction of the bishop of the diocese, or an incumbent has been appointed in accordance with the Constitution, the licence of any clergy serving the cure of souls within the parish granted under this Chapter shall cease and determine.

**As to the vesting, by the deed of endowment of a church, of the church and its endowments in the Representative Body, and of the patronage thereof in such manner as the bishop, the diocesan synod, and the Representative Body may sanction.**

10. Whenever any person or persons shall have erected or appropriated and endowed, or joined in erecting, appropriating, and endowing, any church or chapel, in pursuance of the provision contained in an Act of the 14th & 15th Victoria, Chapter 72, or otherwise lawfully, in accordance with the Constitution and laws of the Church of Ireland for the time being, it shall be lawful for such person or persons, by the deed of endowment of the said church or chapel, to vest the said church or chapel and the endowments thereof, and property pertaining thereto, in the Representative Body, if the said Representative Body shall consent to accept the same; and by the same or any other deed also to vest the patronage of the said church or chapel in such person or persons, and in such a manner and form, as the bishop of the diocese, in writing, and as the diocesan synod and the Representative Body shall by resolution sanction.

**As to trustee churches**

11. Nothing herein contained shall affect any rights preserved by the 70th section of the Irish Church Act, 1869, and enlarged by the Trustee Churches Act (Ireland), 1884, and the powers conferred by this Chapter may be exercised notwithstanding any provisions of Chapter IV.

## PART II.

12. In this Part
- a. **“Pioneer Minister”** shall mean a person appointed in accordance with the Pioneer Ministry Terms of Reference to lead a Pioneer Ministry.
  - b. **“Pioneer Ministry”** shall mean a ministry which has been approved by the Pioneer Approvals Committee of the Church of Ireland pursuant to such Pioneer Ministry Terms of Reference
  - c. **“Pioneer Ministry Terms of Reference”** shall mean such terms of reference for the establishment, operation and oversight of Pioneer Ministry as may, from time to time, be approved by the Executive Committee of the Representative Church Body, the Standing Committee of the General Synod and the House of Bishops.
  - d. The word **“parish”** shall include a cathedral which is not a parish and the word parochial shall be construed accordingly. Furthermore, in section 19 the references to the incumbent or other member of the clergy officiating in a parish and to the select vestry shall be construed respectively as references to the dean and chapter of a non-parochial cathedral and, where such exists, to the cathedral board.
13. A Pioneer Minister may be a member of the clergy or of the laity.
14. No person shall be entitled to act as a Pioneer Minister in any diocese or part thereof unless he or she has first been so licensed by the bishop of the diocese.
15. No person shall be licensed to act as a Pioneer Minister unless he or she first undertakes or agrees to undertake such course or courses of instruction and training as may, from time to time, be prescribed by the House of Bishops.
16. Every Pioneer Minister, whether lay or ordained, shall be subject to the oversight, jurisdiction and authority of the bishop of the diocese.
17. A Pioneer Ministry may be established to operate at a diocesan level or at a parochial level.
18. The establishment of a Pioneer Ministry to operate at a diocesan level shall require the prior permission of the bishop of the diocese and the approval of the diocesan council.
19. The establishment of a Pioneer Ministry to operate at a parochial level shall require the prior permission of the bishop of the diocese and the approval of the diocesan council together with the prior permission of the incumbent or other member of the clergy officiating in each parish concerned as well as the approval of the select vestry of each such parish.
20. A Pioneer Minister operating at a diocesan level who has not been elected to the diocesan council pursuant to Part II of Chapter II may nevertheless attend and speak at meetings of the diocesan council with the consent of the bishop of the diocese.
21. A Pioneer Minister operating at a parochial level who has not been elected to the select vestry of the parish pursuant to Chapter III may nevertheless attend and speak at meetings of the select vestry with consent of the incumbent or other member of the clergy officiating in the parish.
22. Subject to the consent of the diocesan council, a Pioneer Ministry operating within a portion of a parish attached to a church, chapel or church hall within a parish may, with the prior permission of the bishop and the incumbent or other member of the clergy officiating in the parish, establish itself as a parochial district within the parish and may maintain its own register of vestry members duly qualified

as provided for in Chapter III, which said register shall constitute a subset and part of the register of vestry members of the parish.

23. A Pioneer Ministry having its own income and/or property shall do the following:

- a. Register as a charity with the Charity Commission for Northern Ireland or the Charities Regulatory Authority, as applicable.
- b. Establish and maintain a register of members (all of whom shall be communicant members of the Church of Ireland).
- c. Elect annually from its registered members within the time period prescribed by Chapter III for the holding of an Easter Vestry, a committee comprised of the Pioneer Minister *ex officio* and not more than twelve lay persons, which shall:
  - i. be registered as the charity trustees of the charity;
  - ii. perform all of the functions and obligations of charity trustees in respect of the charity;
  - iii. have control and charge of all of the income and property of the Pioneer Ministry;
  - iv. prepare and submit annual accounts to the diocesan council, in such form as the diocesan council may prescribe; and
  - v. perform such other functions and be subject to such other duties and obligations as may, from time to time, be prescribed by the diocesan council.”

**AMENDED 2024**

**Chapter VI**  
**ARCHBISHOPS AND BISHOPS**

PART I.

EPISCOPAL ELECTIONS

**Election to a vacant see**

1. Throughout Part I of this Chapter the word “diocese” shall signify a single diocese or united dioceses under the jurisdiction of one bishop and the word “synod” shall signify the synod of a single diocese or the joint synods of united dioceses.
2. (1) Whenever the See of Armagh shall become vacant or shall be about to become vacant under the provisions of Part IV of this Chapter, the House of Bishops shall appoint a person to assist the diocesan episcopal electors elected under the provisions of section 5(1) below (including those filling vacancies therein under the provisions of section 7(3) below) in preparing a diocesan profile and statement of needs.  
  
(2) The diocesan profile and statement of needs so prepared shall be submitted to the House of Bishops as soon as practicable after the occurrence of the vacancy in the See of Armagh.  
  
(3) As soon as may be convenient thereafter, the House of Bishops shall meet and shall by a majority of the votes of those present and voting elect one of its members or a bishop of another Province of the Anglican Communion to the Archbishopric of Armagh and Primacy of All Ireland. The House of Bishops shall determine the date, within a period of three months from the date of the election, upon which such translation shall take effect.
3. Whenever any see, other than the see of Armagh, shall become vacant, or shall be about to become vacant under the provisions of Part IV of this Chapter, an Episcopal Electoral College shall be constituted for the purpose of the election of an Archbishop of Dublin or of a bishop, as the case may be.
4. An Episcopal Electoral College shall consist of:
  - (a) the President of the College, who shall be the archbishop of the province which includes the diocese of which the see is vacant or, if the archiepiscopal see be vacant or the archbishop thereof be unable to act, the bishop next in order of precedence in the province who may be able to act: Provided that for the purpose of the election of an Archbishop of Dublin the President of the College shall be the Archbishop of Armagh or, if that Archbishop be unable to act, a bishop nominated by the House of Bishops;
  - (b) two members of the House of Bishops nominated by that House, being one bishop from each province;
  - (c) (i) when the diocese of which the see is vacant is situated in the Province of Armagh, ten diocesan clerical and ten diocesan lay episcopal electors from the diocese of which the see is vacant;  
  
(ii) when the diocese of which the see is vacant is situated in the Province of Dublin, twelve diocesan clerical and twelve diocesan lay episcopal electors from the diocese of which the see is vacant;”
  - (d) (i) when the diocese of which the see is vacant is situated in the Province of Armagh, and subject to paragraph (e) below, two diocesan clerical and two diocesan lay episcopal electors from each of the other dioceses in the Province;  
  
(ii) when the diocese of which the see is vacant is situated in the province of Dublin, three diocesan clerical and three diocesan lay episcopal electors from each of the other dioceses in

the Province;

- (e) in the case of an election to fill a vacancy in a see due to the Archbishop or Bishop thereof having been elected to the Archbishop of Armagh:
  - (i) if the vacant see is in the Province of Armagh, five diocesan clerical and five diocesan lay episcopal electors from the Diocese of Armagh; and
  - (ii) if the vacant see is in the Province of Dublin, six diocesan clerical and six diocesan lay episcopal electors from the Diocese of Armagh;

#### **Diocesan Episcopal Electors**

- 5. (1) The diocesan synod of Armagh shall, in the year 2017 and triennially thereafter at the first session of each successive synod, elect from among its members, in the manner hereinafter provided, six clerical and six lay episcopal electors and such number of supplemental clerical and lay episcopal electors as it may determine.
  - (2) The synod of every other diocese shall, in the year 2017 and triennially thereafter at the first session of each successive synod, elect from among its members, in the manner hereinafter provided, twelve clerical and twelve lay episcopal electors and such number of supplemental clerical and lay episcopal electors as it may determine.
  - (3) The episcopal electors and supplemental episcopal electors so elected by each synod shall be the episcopal electors and supplemental episcopal electors of the said dioceses until the first day of the first session of the succeeding synods as elected triennially for each such diocese respectively: Provided that the episcopal electors and supplemental episcopal electors in office at the time of a see becoming vacant, or one month prior to the see becoming vacant in accordance with the provisions of Part IV of this Chapter, whichever be the earlier, shall be the episcopal electors and supplemental episcopal electors respectively for the purpose of the election of a bishop to fill the vacant see.
- 6. (1) Subject to the provisions of sub-section (4) of this section, the election of episcopal electors and supplemental episcopal electors in each synod shall be by the members thereof by voting papers. The voting shall be by orders, the clerical members voting for clerical episcopal electors and the lay members voting for lay episcopal electors.
  - (2) Every case of equality of votes shall be determined by lot.
  - (3) Additional supplemental episcopal electors, if required, may be elected at any meeting of the synod of a diocese.
  - (4) In any united diocese in which there shall be no joint meeting of the diocesan synods the election of clerical and lay episcopal electors may be carried out (i) in such manner as may be determined by agreement between the diocesan councils, or (ii) by a joint committee appointed by the diocesan councils over which the bishop shall preside, and in which the bishop shall in the case of equality of votes have a casting vote.
- 7. (1) The names of the persons elected to be clerical episcopal electors, supplemental clerical episcopal electors, lay episcopal electors and supplemental lay episcopal electors respectively for each diocese shall be placed on separate lists in order of the number of votes received by them respectively. In the event of two or more persons receiving an equality of votes, the order in which they shall be placed on lists shall be determined by lot.
  - (2) The lists of episcopal electors and supplemental episcopal electors for each diocese shall be sent immediately after each election to the archbishop of each province by the secretary or secretaries of the synod, who shall also inform them from time to time of any amendments to the lists which may be necessary.
  - (3) Whenever any episcopal elector shall die or resign or be, in the opinion of the archbishop of the province which includes the diocese for which such person is an episcopal elector, permanently unwilling or unable to act or shall cease to be a member of the synod by which such person was



elected or shall permanently cease to be resident in Ireland or, being a clerical episcopal elector, shall cease to be one of the beneficed or licensed clergy of the diocese for which such person was elected, that person's place on the list shall become vacant. A vacancy shall be filled by the clerical or lay episcopal elector, if any, whose name stands next highest in order on the relevant list of episcopal electors or, where the circumstances so require, the supplemental clerical or lay episcopal elector whose name stands highest on the relevant list of supplemental episcopal electors.

- (4) For the avoidance of doubt, the provisions of subsection (3) above apply should a person's place on the list become vacant between the first meeting of the Electoral College and any subsequent meeting of the same College. Any clerical or lay episcopal elector filling a vacancy that occurs between the first meeting of the College and any subsequent meeting of the same College shall be summoned to attend the subsequent meeting or meetings of the same College.

#### **Procedure for Convening and Holding an Episcopal Electoral College**

8. (1) Whenever any see, other than the See of Armagh, shall become vacant, or shall be about to become vacant in accordance with the provisions of Part IV of this Chapter, the President of the College shall, as soon as may be convenient:
- (a) appoint the Registrar of the province in which the College is to meet, or other fit person, to act as secretary of the College;
  - (b) appoint a person to assist the diocesan episcopal electors elected under the provisions of section 5(2) above from the diocese of which the see is vacant or about to become vacant (including those filling vacancies therein under the provisions of section 7(3) above) to prepare a diocesan profile and statement of needs for submission to the first meeting of the College;
  - (c) notify the House of Bishops of the intention to convene and hold meetings of the College and request the House of Bishops to nominate one bishop from the same province as the President and one bishop from the other province to be episcopal electors of such College;
  - (d) appoint the place, date and time for the first meeting of the College to take place without undue delay and in any case within four months of the see becoming vacant;
  - (e) appoint the place, date and time for the second meeting of the College to take place within three months of the first meeting of the College;
  - (f) appoint the place, date and time for a third meeting of the College to take place within one month of the second meeting of the College in the event that the College requests it under the provisions of section 15(1) below;
  - (g) summon to attend the meetings of the College as episcopal electors:
    - (i) the two bishops nominated by the House of Bishops;
    - (ii) twelve diocesan clerical and twelve diocesan lay episcopal electors from the diocese of which the see is vacant;
    - (iii) when the diocese of which the see is vacant is situated in the Province of Armagh, and subject to (iv) below, the first two diocesan clerical and the first two diocesan lay episcopal electors on the respective lists of each of the other dioceses of the Province; or when the diocese of which the see is vacant is situated in the province of Dublin, the first three diocesan clerical and the first three diocesan lay episcopal electors on the respective lists of each of the other dioceses of the Province;
    - (iv) in the case of an election in either province to fill a vacancy in a see due to the archbishop or bishop thereof having been elected to the archbishopric of Armagh, six diocesan clerical and six diocesan lay episcopal electors from the diocese of Armagh:

Provided however that if any such diocesan episcopal elector shall, in the opinion of the President of the College, be unable or unwilling to act, the clerical or lay episcopal elector, if any, whose name stands next highest in order on the relevant list of episcopal electors or,

where the circumstances so require, the supplemental clerical or lay episcopal elector whose name stands highest in order on the relevant list of supplemental episcopal electors shall be summoned in place of the diocesan episcopal elector so unable or unwilling to act.

- (2) When a see, other than the See of Armagh, is about to become vacant under the provisions of Part IV of this Chapter, the President of the College for the see may fulfil the requirements of sub-section (1) of this section before the see becomes vacant in order that the College may meet as soon as may be convenient after the vacancy occurs.
- (3) The President of the College, together with the two nominees of the House of Bishops and the diocesan episcopal electors summoned as aforesaid, shall be the members and episcopal electors of the said College.

#### **Episcopal Electoral College Meetings and Procedure**

9. On each day appointed for the meetings of the Electoral College, members shall assemble in a cathedral or church, as determined by the President, for a celebration of the Holy Communion. On the first such occasion, at the place of the sermon the President, or a bishop or priest appointed by the President, shall give a charge to the College declaring the office and work of a bishop in the Church of God and the qualities of heart and mind required in those who are called to that sacred office.
10. (1) No person may be present at a meeting of the College except the members of the College, the secretary of the College, and a legal assessor nominated by the President.
- (2) Before any member of a College shall do any act therein such member shall sign a declaration in the words following:
 

I, A.B., bearing in mind how important it is that the sacred office of a bishop should not be conferred unworthily, do solemnly declare that I shall record my votes at this election for such person or persons only as I, in my conscience, believe to be of such learning and soundness in the faith, and of such virtuous and godly character, as to be fitted and qualified for the holy office of bishop. I solemnly declare that I shall not act herein through favour or affection, but in singleness of heart, for the glory of God, the good of his Church, and the welfare of his people; and I further solemnly declare that I shall not disclose to any person whatsoever any information regarding the election other than that which may be agreed upon by the Electoral College.
- (3) No information regarding proceedings of the College (including any voting therein) shall be given to the press, radio, television or social media or disclosed to any person save to the House of Bishops, except such information as may be agreed upon by the College.
11. At the first meeting of the Electoral College, the College shall:
  - (a) consider the diocesan profile and statement of needs submitted by the episcopal electors from the vacant see;
  - (b) nominate bishops or priests of not less than thirty years of age to be considered by a Due Diligence Committee;
  - (c) elect from its members a Due Diligence Committee of four members, comprising one clerical episcopal elector and one lay episcopal elector from the vacant see and one clerical episcopal elector and one lay episcopal elector from outside the vacant see together with such reserve members as it may deem necessary; Provided however that no person nominated for election to the vacant see shall be a member of the Due Diligence Committee unless he or she rejects their own nomination; and provided that no member from outside the vacant see shall serve more than twice and never consecutively on a due diligence committee;
  - (d) With the assent of the President, agree directions on the procedure to be followed by the Due Diligence Committee.
12. Between the first and second meetings of the Electoral College, the Due Diligence Committee shall inquire into each candidate so as to ascertain whether there is any good cause why that person ought

not to be elected to the vacant see. The matters to which the Due Diligence Committee shall have regard in its inquiry into each candidate shall comprise the following:

- (a) Whether the candidate has ever been convicted of a criminal offence.
- (b) Whether the candidate is disqualified from acting as a trustee of a charity.
- (c) Whether there are any safeguarding concerns in respect of the candidate.

13.

At the second meeting the Electoral College shall consider a written report of the Due Diligence Committee.

- (2) In relation to each candidate the Due Diligence Committee shall simply state whether or not, according to its research, there is any good cause why that person ought not to be elected to the vacant see, without stating the reason or reasons for such opinion.
  - (3) The Electoral College shall only vote on the names of those candidates who are named in the written report of the Due Diligence Committee as being persons in respect of whom the Diligence Committee's research does not disclose any good reason why they ought not to be elected to the vacant see.
  - (4) Any member of the Electoral College who has been nominated for election and who is named in the written report of the Due Diligence Committee as being a person in respect of whom the Diligence Committee's research does not disclose any good reason why he or she ought not to be elected to the vacant see, shall withdraw from any part of the meeting when the other members of the College discuss the candidates, but such members shall be entitled to return for and participate in each round of voting.
14. (1) All voting at the Electoral College shall be by orders, the bishops if they wish to vote voting as members of the clerical order. The President shall be entitled to vote in the same way as other members of the College. The voting shall be conducted in such manner as the President may determine, and may be repeated once or more often. Informal discussion may likewise precede the taking of any repeated vote. The President's decision regarding any dispute as to the voting shall be final. The President may adjourn the meeting from time to time.
- (2) If, on the taking of any vote, any person shall receive two-thirds of the votes of the members of each order present and voting, that person shall thereupon be declared elected.
  - (3) If, on the taking of any vote, any person shall receive a simple majority of the votes of the members of each order present and voting, the name of that person shall be put to the College alone, to determine whether it reaches the requisite two thirds majority of each order present and voting and if it does so, that person shall thereupon be declared elected.
15. (1) If after the taking of several votes no person has received the requisite majority, the Electoral College may by a simple majority pass a resolution that a third meeting of the College should take place on the date appointed by the President.
- (2) The President shall invite members of the College to nominate additional bishops or priests of not less than thirty years of age for the consideration of the Due Diligence Committee.
  - (3) Between the second and third meetings of the College the Due Diligence Committee shall inquire into each additional candidate who has been nominated at the second meeting so as to ascertain whether there is any good cause why that person ought not to be elected to the vacant see. The matters to which the Due Diligence Committee shall have regard in its inquiry into each additional candidate shall comprise those set out in Section 12.
  - (4) Alternatively, the College may by a simple majority pass a resolution that no further vote be taken, and the appointment shall pass to the House of Bishops.
16. (1) At the third meeting the Electoral College shall consider a written report of the Due Diligence

Committee in respect of the additional candidates.

- (2) In relation to each additional candidate the Due Diligence Committee shall simply state whether or not, according to its research, there is any good cause why that person ought not to be elected to the vacant see, without stating the reason or reasons for such opinion.
- (3) The Electoral College shall only vote on the names of those candidates who are named in the written reports of the Due Diligence Committee as being persons in respect of whom the Diligence Committee's research does not disclose any good reason why they ought not to be elected to be suitable for appointment to the vacant see.
- (4) Any member of the Electoral College who has been nominated for election and who is named in either of the written reports of the Due Diligence Committee as being a person in respect of whom the Diligence Committee's research does not disclose any good reason why he or she ought not to be elected to the vacant see, shall withdraw from any part of the meeting when the other members of the College discuss the candidates, but such members shall be entitled to return for and participate in each round of voting.
- (5) If at a third meeting after several votes have been taken no person has received the requisite majority, the College may by a simple majority pass a resolution that no further vote be taken, and the appointment shall pass to the House of Bishops.

17. (1) The bishop or priest elected as aforesaid by the Electoral College shall immediately thereafter be notified of the fact by the President or secretary of the College, and upon such person's acceptance that person's name shall be transmitted to the House of Bishops which, if satisfied of that person's fitness to be duly ordained and consecrated, shall confirm the election and shall take the necessary steps to give effect to such election, including in the case of a translation the determination of a date, within a period of three months from the date of election by the College, upon which such translation shall take effect.
- (2) If the bishop or priest elected as aforesaid shall decline, the President shall again fulfil the requirements of the procedure for convening and holding an Episcopal Electoral College under section 8 of this Chapter: Provided that section 8(1)(b) (appointment of a person to assist and preparation of a diocesan profile and statement of needs) shall not apply and Provided also that the time limits specified in section 8(1)(d), (e) and (f) shall not apply and the President shall set dates for meetings to take place as soon as may be practicable.
- (3) The first meeting of the College convened and held under subsection (2) of this section shall be considered the first meeting of the College for the purposes of this Chapter.

18. Failure to summon any episcopal elector to a meeting or the absence of any episcopal elector so summoned as aforesaid shall not preclude the Electoral College from proceeding to election, but, if more than one diocese in the province in which the see is vacant be entirely unrepresented at the meeting, the meeting shall be adjourned to such date and time as the President shall decide, of which written notice shall be sent to each episcopal elector, and such adjourned meeting shall proceed to an election.
19. A grant towards the expenses of each episcopal elector who shall have attended a meeting of the Electoral College shall be paid out of the General Purposes Fund of the General Synod in accordance with a scale to be fixed by the Standing Committee.
20. The Archbishops of Armagh and Dublin may jointly from time to time make, rescind and vary regulations for such matters relating to the convening, holding and procedure of Electoral Colleges as are not provided for herein

#### **Election by House of Bishops**

21. Whenever the appointment of an Archbishop of Dublin or a bishop shall have passed to the House of Bishops under the foregoing provisions, the House of Bishops shall, as soon as conveniently may be, by a majority of the votes of the archbishops and bishops present and voting at a meeting duly convened

for the purpose, elect such person, being a bishop or priest of not less than thirty years of age, as it may think fit, to the vacant see. In the case of a translation, the House of Bishops shall determine the date, within a period of three months from the date of the election, upon which such translation shall take effect. At such meeting there shall be laid before the House of Bishops a record of the proceedings of the Electoral College.

## PART II.

### GUARDIANSHIP OF THE SPIRITUALITIES OF A SEE DURING A VACANCY

22. If and so often as a vacancy shall occur in the archbishopric of Armagh the guardianship of the spiritualities of the diocese of Armagh shall, so far as no other provision has been made therefor by the Constitution, devolve upon the dean and chapter of the cathedral church of St Patrick, Armagh, who shall forthwith proceed to elect an official administrator to carry out and execute the duties of the office.
23. If and so often as a vacancy shall occur in the archbishopric of Dublin, the guardianship of the spiritualities of the united dioceses of Dublin and Glendalough shall, so far as no other provision has been made therefor by the Constitution, devolve upon the dean and chapter of the cathedral of the Holy Trinity (commonly called Christ Church), Dublin, who shall forthwith proceed to elect an official administrator to carry out and execute the duties of the office.
24. (1) The guardianship of the spiritualities of a vacant see shall devolve on the archbishop of the province in which the said see is situated.  
  
(2) During a vacancy in the archbishopric of a province, the guardianship of the spiritualities of a vacant diocese in the province shall devolve on the chapter of such diocese or, in the case of a united diocese, on the chapters of the several dioceses of which it is composed; and the chapter or chapters jointly shall elect an official administrator to carry out and execute the duties of the office.
25. Each of the said official administrators shall have power to direct the summoning of Boards of Nomination to fill any cures which may be or may become vacant, to accept returns from Boards of Nomination, to receive the nomination of a member of the clergy to any vacant cure, to institute or decline to institute any nominated member of the clergy, to appoint curates in charge for any vacant cures, to grant licences to curates assistant, and generally to exercise the powers of the bishop in regard to the provisions of Chapter IV, save and except that no such official administrator shall exercise any right of patronage or appointment to any dignity or office in any cathedral or to any cure of souls which may accrue to the see by lapse or otherwise. The official administrator shall have power to suspend any member of the clergy who may have been convicted of any criminal offence by any of the temporal courts of the state, and also such powers of granting dispensations, licences, certificates for superannuation, and similar matters as may lawfully be exercised by any person not in episcopal orders.

## PART III.

### TEMPORARY DISCHARGE BY ANOTHER BISHOP OF DUTIES OF A BISHOP OR ARCHBISHOP

26. It shall be lawful for an archbishop or bishop, with the consent, in the case of a bishop, of the archbishop of the province, to arrange with another bishop of the Church of Ireland to discharge the duties of the see for a period not exceeding twelve months, and such bishop shall, for that time, have the authority and jurisdiction of the bishop of the see.

## PART IV.

## RESIGNATION OF ARCHBISHOP OR BISHOP

27. In this Part “normal retirement age” and “episcopal service” shall have the meanings given to them by section 1 of Chapter XIV.
28. (1) An archbishop or bishop who has reached the age of 65 years may resign.
- (2) Notice of resignation shall be given in the case of an archbishop to the House of Bishops or in the case of a bishop to the archbishop of the province, and such notice shall specify the date on which it is to take effect which date shall not be less than two, nor more than four, months after the date of such notice.
- (3) Notice of resignation may be given before reaching the age of 65 years, to take effect upon reaching it.
29. (1) An archbishop or bishop who has not reached the normal retirement age, but who desires to resign by reason of ill health and to receive an ill health early retirement pension, shall send a letter of request in the case of an archbishop to the House of Bishops or in the case of a bishop to the archbishop of the province, who shall communicate it to the House of Bishops.
- (2) Every such letter of request shall be accompanied by a certificate from the Medical Panel, appointed in accordance with section 32 of Chapter XIV, that the applicant is permanently disabled by infirmity from the efficient discharge of episcopal duties.
- (3) The House of Bishops, having considered the letter of request and the certificate from the Medical Panel, shall determine whether the resignation should be accepted and, if so, shall appoint a date on which it shall take effect.
30. (1) An archbishop or bishop who has reached the age of 60 years but has not reached the normal retirement age, and who desires to resign for reasons other than ill health and to receive a pension, shall send a letter of request in the case of an archbishop to the House of Bishops or in the case of a bishop to the archbishop of the province.
- (2) The House of Bishops or the archbishop (as the case may be) shall determine whether the resignation should be accepted and, if so, shall appoint a date on which it shall take effect.
31. (1) An archbishop or bishop who has not reached the normal retirement age, but who desires to resign without receiving a pension, shall send a letter of request in the case of an archbishop to the House of Bishops or in the case of a bishop to the archbishop of the province.
- (2) The House of Bishops or the archbishop (as the case may be) shall determine whether the resignation should be accepted and, if so, shall appoint a date on which it shall take effect.
32. The House of Bishops or the archbishop (as the case may be) shall
- (a) notify the applicant of the determination reached under section 29(3), section 30(2) or section 31(2);
- (b) notify the Representative Body and the Church of Ireland Pensions Board of the receipt of a notice of resignation under section 28(2) and of a determination to accept a resignation under section 29(3), section 30(2) or section 31(2).
33. Each archbishop and bishop shall be deemed to have resigned on the day on which such archbishop or bishop would have been deemed to have resigned if the provisions of section 36 of Chapter IV had applied, and such resignation shall be deemed to have been accepted forthwith: Provided always that section 36(3) of Chapter IV shall apply *mutatis mutandis* in the case of any such archbishop or bishop.

34. If at any time it appears to the House of Bishops, upon such evidence as it may deem sufficient, that any archbishop or bishop is incapacitated by permanent mental infirmity from the due performance of archiepiscopal or episcopal duties, and also from tendering a valid resignation, the House of Bishops may certify the same to the authority empowered to convene the Court of the General Synod, and the said Court shall thereupon be convened in manner prescribed by the Constitution; and if upon due enquiry and such evidence as the Court may deem sufficient and upon such notice to the archbishop or bishop aforesaid as the Court may deem just the Court shall by judgment pronounce such archbishop or bishop to be incapacitated as aforesaid, the judgment of the Court so pronounced shall have the same effect, and the same proceedings may be taken thereon, for the purpose of vacating the see and for the purpose of providing a pension for such archbishop or bishop as if such archbishop or bishop had given notice of resignation under section 28(2) or sent a letter of request under section 29(1).

## PART V.

### FINANCING OF THE EPISCOPACY

35. From 1st January 1984 each diocese shall contribute towards the cost of the episcopacy of the Church of Ireland at a rate to be determined by the Representative Body not later than 30th November in 1983 and each year thereafter: Provided that a rate determined for any one year being more than twenty five per centum in excess of the rate for the year immediately preceding shall become operative only on the passing of an affirmative resolution of the General Synod.
36. (1) The contributions from each diocese shall be the sum of the number of cures, including vacant cures, in such diocese at the preceding 30th June (as agreed between the Representative Body and the diocesan council) multiplied by the minimum approved stipend of an incumbent as fixed from time to time by the General Synod in accordance with section 51(1) of Chapter IV and operative on 1st January of the year to which the contribution relates multiplied by a rate per centum determined by the Representative Body in accordance with section 35.
- (2) In the case of a diocese, part of which is situated in the Republic of Ireland and part of which is situated in Northern Ireland, account shall be taken of the differing figures for minimum approved stipend fixed in respect of incumbents resident in each jurisdiction, and the contributions shall be sub-divided accordingly.
- (3) In the event of disagreement between the Representative Body and the diocesan council as to the number of cures in any diocese, such shall be determined by the decision of the archbishop of the province in which such diocese is situated.
37. Contributions shall be payable quarterly in arrears by each diocesan council on 31st March, 30th June, 30th September and 31st December each year or in such other manner as the Representative Body may approve.
38. Each diocesan council shall be at liberty to recover in whole or in part the contribution so charged by direct assessment on the individual parishes, unions or groups of parishes, or churches, within its jurisdiction in whatever manner it deems appropriate.
39. For the purposes of this Part the term "cure" shall have the same general meaning as contained in Chapter IV, and shall include:
- (a) A parish, union or group of parishes under the care of an incumbent appointed under Part III of Chapter IV;
- (b) A parish, union or group of parishes under the care of a bishop's curate appointed under section 42 of Chapter IV;
- (c) A parish, union or group of parishes assigned to the immediate care of a vicar appointed under Part X of Chapter IV;

- (d) A parish, union or group of parishes in respect of which a certificate has been issued by the Representative Body under section 52 of Chapter IV;
  - (e) A “light-duty parish” as defined by section 62 of Chapter IV;
  - (f) A cathedral which is non-parochial.
40. The Representative Body shall at the ordinary session of the General Synod in 2003 and quinquennially thereafter, and may at any other session, present a report on the implementation of this Part, specifying any amendment which may appear to be necessary or expedient.

PART VI.

GENERAL PROVISIONS

- 41. During a vacancy in any see the expenses properly incurred in carrying out any duties normally performed by the bishop of the diocese may be paid by the Representative Body out of the income of the Episcopal Endowment Fund accruing during the vacancy.
- 42. Rules for carrying the provisions of this Chapter into effect may be framed from time to time in manner provided by Chapter VIII, section 11.



## **Chapter VII**

### **CATHEDRALS**

#### PART I.

#### DIOCESAN CATHEDRALS

1. It shall be competent for the diocesan synod or synods of any diocese or united diocese (subject to the approval of the General Synod) to determine:
  - (a) whether more than one cathedral shall be maintained in such diocese or united dioceses;
  - (b) whether a cathedral shall be constituted in any such diocese where none at present exists; and
  - (c) whether the seat of any cathedral unfavourably situated shall be removed to a more favourable situation.

#### **Appointment to, and tenure of, deanery**

2. When a vacancy shall occur in any deanery (other than the deanery of the Collegiate and Cathedral Church of St Patrick, Dublin; and other than the deaneries of the Cathedral Church of St Patrick, Armagh; the Cathedral of the Holy Trinity (commonly called Christ Church), Dublin; the Cathedral of the Holy Trinity, Down; and the Cathedral Church of St Anne, Belfast; in respect of which four last mentioned Cathedrals the rights of appointment are expressly provided for in the several statutes referred to in the schedule to this Chapter) the right of appointment shall vest in the bishop of the diocese who shall make choice from among the beneficed or licensed clergy of the diocese. The appointment may be retained until the person so appointed has ceased to be beneficed or licensed in the diocese or shall have been granted a pension under the provisions of Chapter XIV.
3. The deanery of Christ Church Cathedral, Dublin, and the deanery of St Patrick's Cathedral, Dublin, shall not be held by the same person.

#### **Appointment to dignities, prebends and canonries**

4. The bishop of the diocese shall be the ordinary of the cathedral church thereof, and shall have the right of appointing, except as may be otherwise provided in this Chapter, to each and every of the dignities, prebends and canonries of such cathedral church, and shall make choice from amongst the beneficed or licensed clergy of the diocese.

#### **Appointment to, and tenure of, archdeaconry**

5. The appointment of the archdeacon shall be made by the bishop of the diocese from amongst the beneficed or licensed clergy thereof; and it may be retained until the person so appointed has ceased to be beneficed or licensed in the diocese, or shall have been granted a pension under Chapter XIV, or shall have attained the age of seventy years, whichever be the earlier.

#### **Appointment of incumbent where cathedral is also a parish church**

6. Where a cathedral is also a parish church, or has been customarily used as such, the incumbent of the parish shall be appointed in accordance with the provisions of Chapter IV and shall be entitled to succeed to the next vacant prebend or canonry in the cathedral and to hold the same while remaining incumbent of the said parish, but no longer: Provided that if the bishop shall appoint such incumbent to be dean, archdeacon or other dignitary, any prebend or canonry then occupied by such incumbent shall thereupon become vacant.

#### **The Chapter**

7. The chapter shall consist of so many dignitaries and prebendaries or canons as have heretofore existed, unless a change be made in the number of the same by the diocesan synod, with the consent of the General Synod.
8. The dean and chapter shall, with the consent of the ordinary, make regulations for the conduct of Divine Service, and shall have the appointment of clerical vicars choral and minor canons.
9. The dean, or in the dean's absence the sub-dean appointed by the dean from the members of the chapter, shall chair the chapter, having an ordinary and a casting vote. Meetings of the chapter shall be convened by the dean, or, in the dean's absence, by the sub-dean, at the dean's or sub-dean's discretion, or on the written requisition of one-fourth of the members of the chapter.

#### **Maintenance of fabric and services of the cathedral; Economy Fund; Choir Fund**

10. For the maintenance of the fabric of each cathedral, and for the support of the services therein, there shall be an economy fund and a choir fund, to be formed by such portions of the collections as may be assigned to each, as hereinafter provided, and by special contributions.

#### **General vestry; cathedral select vestry; parochial select vestry**

11. There shall be a general vestry, consisting of all the clergy having stalls in the cathedral or cure of souls in the parish; of all those entitled to be registered vestry members of the cathedral congregation or of the parish; and of all members of the Church who having reached the age of eighteen years shall be annual subscribers, for at least one year previously, of not less than £1 or €1.25 as appropriate to the economy or choir fund, and who, having signed a declaration that they are members of the Church of Ireland, shall claim to be registered as vestry members.
12. The dean, or in the dean's absence the dignitary, prebendary, or canon next in order of precedence, shall chair the general vestry and of the cathedral select vestry, having an ordinary and a casting vote: Provided that, when the cathedral is also a parish church, in the absence of the dean and the members of the chapter the general vestry shall be chaired by the incumbent of the parish or such other person as may be authorised under the provisions of Chapter III.
13. Where the cathedral is a parish church, or has been customarily used as such, there shall be a parochial select vestry, constituted in accordance with the provisions of Chapter III, which shall discharge all such duties as devolve upon the select vestry in respect of a parish.
14. The select vestry of the cathedral parish or union shall be entitled to claim the use of the cathedral for parochial services under regulations to be agreed upon between the select vestry and the chapter, with a right of appeal to the diocesan council in case of disagreement.
15. There shall in all cases be a cathedral select vestry, which shall consist of the members of the chapter and of the members of the parochial select vestry or, in case there be no cathedral parish, of the members of the chapter and of persons chosen by the general vestry in the same way as the parochial select vestry members, which shall discharge for the cathedral all the duties which devolve upon an ordinary select vestry in respect of the parish church. The cathedral select vestry shall have the control and management of the collections, except in cases provided for by the Rubric, and of the economy and choir funds, and shall have the power of determining whether any and what portion of the collections shall be assigned to the economy and choir funds, and shall have the appointment of choristers and cathedral officers, and shall be responsible for the maintenance and preservation of the fabric of the cathedral.
16. Any cathedral which is used as a parish church may be made non-parochial by the diocesan synod, with the consent of the General Synod: Provided that a sufficient parish church has been otherwise provided for the use of the parish, and that the consent of the parochial vestry has been first obtained.
17. None of the foregoing provisions of this Chapter shall apply to or affect any existing rights of patronage so far as any of the said provisions are inconsistent with such rights.

If any person in whom any right of patronage is vested shall neglect to appoint to the office within three months after a vacancy, the right of appointment for that turn shall lapse to the person who would have had the right to make the appointment if such arrangement had not been made.

**Exceptions**

18. None of the foregoing provisions in this Chapter contained shall apply to or affect the Cathedral Church of St Patrick, Armagh; the Cathedral of the Holy Trinity (commonly called Christ Church), Dublin; the Collegiate and Cathedral Church of St Patrick, Dublin; the Cathedral of the Holy Trinity, Down or the Cathedral Church of St Fin Barre Cork; or the prerogatives, rights, privileges, or constitution of any of them; or the Cathedral Church of St Anne, Belfast, so far as any of the said provisions are inconsistent with the statute Chapter V of 1944 as amended.

**General Provisions**

19. It shall be lawful for the diocesan synod to make regulations for any case not herein provided for, and to make further regulations for any cathedral in the diocese or united diocese: Provided that the same be not inconsistent with the provisions of this Chapter.

## PART II.

## NATIONAL CATHEDRAL OF ST PATRICK, DUBLIN

20. From and after the 2nd May 1872, the Collegiate and Cathedral Church of St Patrick shall cease to belong exclusively to the see of Dublin and Glendalough, and shall be a national cathedral, having a common relation to all the dioceses of the Church of Ireland; and there shall be stalls in the said cathedral for the Archbishop of Armagh, the Archbishop of Dublin, and the other prelates of the Church of Ireland.

**The Chapter**

21. The Chapter shall consist of the Dean, Precentor, Chancellor, Treasurer, the Prebendary of Cualaun (who, as in times past, shall be the Archbishop of Dublin for the time being), twenty-one other prebendaries or canons, whose stalls shall have the titles of the ancient prebends connected therewith respectively and two ecumenical canons appointed under the provisions of Section 24A of this Chapter.

**Prebendal Stalls**

22. The appointment to the prebendal stalls shall be made by the respective dioceses or united dioceses of the Church of Ireland according to such mode of election as shall be determined by the diocesan synods thereof respectively, each diocese or united diocese having one stall and retaining its right of patronage to the same stall. The appointment to the prebendal stall (not being one which is assigned to the patronage of any diocese or united dioceses) which shall first fall vacant after the happening of the events provided for by paragraph 4 of the schedule to the statute of the General Synod Chapter VII of 1970 shall be made in accordance with the provisions contained in the said schedule. The appointment of prebendal stalls not thus appropriated shall be made by the Dean and Chapter or by the Chapter during a vacancy in the office of Dean: Provided that in the event of the severance of any existing union of dioceses or of the formation of any new diocese, such separated or new diocese shall have the right of patronage to a prebendal stall in like manner as hereinbefore given to the existing dioceses of the said Church of Ireland:

Armagh

Dublin and Glendalough

Meath and Kildare

Cashel, Waterford, Lismore, Ossory, Ferns and Leighlin

Tuam, Killala and Achonry

Derry and Raphoe

Cork, Cloyne and Ross

Connor

Limerick, Ardfert, Aghadoe, Killaloe, Kilfenora, Clonfert, Kilmacduagh and Emly

Kilmore, Elphin and Ardagh

Clogher

Down and Dromore

23. (1) In the event of any diocese failing to elect a prebendary, in pursuance of the foregoing section, within three calendar months from the occurrence of such vacancy, the archbishop or bishop of such diocese shall appoint to the vacant stall.
- (2) In the event of the Dean and Chapter failing to elect a prebendary within the like period, the Dean shall appoint to the vacant stall.
24. The prebendal stalls assigned to the patronage of the respective dioceses or united dioceses shall be held only by clergy entitled to sit in the synods of the said dioceses or united dioceses. The prebendal stalls not so assigned shall be held only by clergy of the Church of Ireland resident in Ireland and ecumenical canons resident in Ireland.

#### Ecumenical Canons

- 24A (1) In this Chapter "ecumenical canon" shall mean a minister or accredited preacher of one or other of such Christian denominations not in full communion with the Church as may from time to time be specified by the House of Bishops appointed a member of the Chapter under the provisions of this section.
- (2) It shall be in the power of the Chapter to appoint ecumenical canons, not exceeding two in number without salaries. Such ecumenical canons may be removed by the Dean and Chapter with the approval of the Archbishop of Dublin and for cause shown. Each ecumenical canon, if not so removed, shall hold office for a term of five years from the date of appointment or until such ecumenical canon shall resign from office, and shall be eligible for reappointment.
- (3) The appointment of an ecumenical canon shall not be effective unless and until that person shall make and subscribe before the Dean and Chapter the declaration contained in the Second Schedule hereunto annexed.
- (4) An ecumenical canon may be invited by the Dean to perform all or any of the following duties insofar as the same are consonant with the provisions of Canon 10 -
- (a) To say or sing Morning or Evening Prayer or the Litany;
  - (b) To read the Holy Scriptures at any service;
  - (c) To deliver an address at any service;
  - (d) To assist at a Baptismal, Marriage or Funeral Service or at the Celebration of the Holy Communion;
- if the ecumenical canon is authorised to perform a similar duty in his or her own Church.
- (5) The Court of the General Synod shall have authority to determine all questions and disputes that may arise respecting the appointment or removal of an ecumenical canon.

#### Election of Dean

25. The Dean shall be elected by the members of the Chapter out of the members of the Chapter (other than the ecumenical canons): Provided that if no such election take place within three months after the occurrence of a vacancy the Archbishop of Dublin shall appoint a Dean from among the members of the

Chapter (other than the ecumenical canons). During a vacancy in the office of Dean all the powers of that office other than those conferred by Section 26 of this Chapter, shall devolve on and be exercisable by the Precentor or in the Precentor's absence the member of the Chapter (other than an ecumenical canon) next in order of precedence.

#### **Appointment of Dignitaries**

26. The Precentor, the Chancellor and Treasurer shall be appointed by the Dean. Ecumenical canons shall not be eligible for appointment to any of these offices.

#### **Vicars Choral**

27. There shall be four vicars choral skilled in music, who shall be in priest's orders. The titles and modes of appointment of the vicars choral shall be:

The Dean's Vicar, appointed by the Dean;

The Succentor, nominated by the Precentor;

The Chancellor's Vicar, nominated by the Chancellor; and

The Treasurer's Vicar, nominated by the Treasurer.

The Dean's Vicar shall be salaried; the Succentor may be salaried if the Cathedral Board so decides on the occurrence of a vacancy; the remaining vicars choral shall not be salaried.

A vicar choral who is salaried shall have a seat but not a vote in the Chapter and shall be subject to removal, for cause shown, by the Dean and Chapter with the approval of the Archbishop of Dublin.

A vicar choral who is not salaried shall be subject to removal, for cause shown, by the Chapter with the approval of the Dean; if not so removed, such vicar choral shall hold office for a term of five years from the date of appointment or until such vicar choral shall vacate the cure or other office, if any, held at the date of such appointment, and shall be eligible for re-appointment.

#### **Minor Canons**

28. It shall be in the power of the Chapter to appoint minor canons, not exceeding four in number, with or without salaries. Such minor canons shall be in priest's orders, and shall be chosen from the clergy of Dublin or its vicinity. Such minor canons may be removed by the Dean and Chapter with the approval of the Archbishop of Dublin and for cause shown. Each minor canon, if not so removed, shall hold office for a term of five years from the date of appointment or until such minor canon shall vacate the cure or other office, if any, held at the date of such appointment, and shall be eligible for re-appointment.

#### **Clergy members of diocesan synod of Dublin**

29. The Dean and such members of the Chapter (other than ecumenical canons) as are habitually resident within the diocese of Dublin, and also the clerical vicars and other clergy habitually residing within the diocese of Dublin and serving in the said cathedral church, shall be members of the diocesan synod of Dublin.

#### **Vestry members**

30. There shall be vestry members registered for the said cathedral; and every member of the Church of Ireland, aged eighteen years or over, who shall have been for one year previous to registration an accustomed member of the congregation of the said cathedral, and shall be an annual contributor towards the funds of the said cathedral, and shall have contributed said sum for the previous year; and also every member of the Church of Ireland or of any Church in communion therewith, aged eighteen years or over, who shall contribute a sum of not less than €25 per annum towards the said funds (such contribution having been paid for the year previous to registration), shall be entitled to be registered as such vestry members. Contributions made for special purposes connected with the maintenance of the services or fabric of the cathedral shall, with the consent of the Dean and Chapter, be deemed for the purposes of this section to be contributions towards the funds of the cathedral.

**Election of members of the diocesan synod**

31. The registered vestry members shall elect persons to sit as members of the Dublin diocesan synod, who shall possess the same rights and privileges as synod members elected for parishes. The number of such synod members shall be in proportion to the number of such of the clergy of the said cathedral as represent the cathedral in the Dublin diocesan synod.
- 32.
- (1) There shall be a Cathedral Board (the “Board”) comprising the company limited by guarantee known as “Saint Patrick’s Cathedral, Dublin” (registered number 695957).
  - (2) The initial members (and directors) of the Board shall be the members of the previous unincorporated board who shall hold office until 26 September 2022 when, and triennially thereafter, the members (and directors) of the Board shall be appointed in the manner hereinafter provided and consist of:
    - (a) the Dean, the Precentor, the Chancellor, the Treasurer, the Dean’s Vicar, the Succentor, and four members of the Chapter elected by the Dean and Chapter;
    - (b) ten laypersons chosen from among the synod members and registered vestry members of the cathedral as follows:
      - (i) two glebewardens, of whom one shall be nominated by the Dean and the other elected by the synod members and registered vestry members of the cathedral jointly; and
      - (ii) eight other laypersons elected by the synod members and registered vestry members of the cathedral jointly: and
    - (c) two members of the Representative Body appointed by the Representative Body one of whom shall be in Holy Orders.
  - (3) member of the Board appointed by the Representative Body:
    - (a) shall not be entitled to vote in an election to fill a casual vacancy among the clerical or lay elected members of the Board: and
    - (b) shall resign from the Board upon ceasing to be a member of the Representative Body.
  - (4) Vacancies occurring in the interval between triennial elections shall be filled, from persons qualified for election as in this section provided, by:
    - (a) the Dean in the case of the glebewardens nominated by the Dean;
    - (b) the Board in the case of elected members, (only clerical members of the Board voting in the case of clerical vacancies and only lay members of the Board voting in the case of lay vacancies); and
    - (c) the Representative Body in the case of directors appointed by the Representative Body. Persons chosen to fill such vacancies shall hold office until the next triennial election.
  - (5) The Board shall be presided over by the Dean, or in the Dean’s absence by the member of the Chapter present next in order of precedence, such president having both an ordinary and a casting vote, except that in the case of co-option to fill a lay vacancy such president shall have a casting vote only.
  - (6) The Board shall, save as hereinafter otherwise provided, have the control, charge and management of the following:
    - (a) The preservation, restoration, and repair of the fabric of the cathedral and all permanent structures therein;
    - (b) The lighting, heating, and cleaning of the cathedral;

- (c) The collections and all financial matters relating to the cathedral, including the regulation of all salaries and pensions payable by the Board: Provided that the selection of the objects of the collections shall be in the hands of the Dean;
- (d) The appointment and removal of the organist, stipendiary members of the choir, and other lay officials of the cathedral (except the verger, who shall be appointed and may be removed by the Dean). The appointment of lay vicars choral and unsalaried members of the choir shall rest with the Precentor, subject to the approval of the Dean;
- (e) The ornaments of the cathedral, the monuments, tablets, windows, and brasses placed or to be placed in the cathedral: provided that none of the above shall be erected or placed in the cathedral without the approval of the Dean and Chapter.

#### **General provisions in regard to St Patrick's Cathedral**

- 33. The fees payable in connection with the consecration, enthronement, installation, admission, or induction of any archbishop, bishop, dean, dignitary, prebendary, minor canon, vicar choral, or registrar, or with marriages or interments, or the erection or affixing of any window, monument, mural tablet, or brass, shall be in accordance with a scale appointed by the Chapter and approved by the Board.
- 34. The Dean shall be the immediate ordinary of the said Cathedral, for the purpose of directing the clergy and officials (including ecumenical canons) and ordering the services. All other matters relating to the cathedral and not herein otherwise provided for shall be determined in Chapter. And at all meetings of the Chapter, the Dean or in the Dean's absence the member of the chapter (other than an ecumenical canon) present next in order of precedence, shall have both an ordinary and a casting vote.
- 35. The Archbishop of Dublin shall visit the Dean and Chapter, but only, as heretofore, in their chapter house; and all the members of the Chapter, and other clergy of the cathedral, shall be subject to the jurisdiction of the Archbishop of Dublin in the Archbishop's diocesan court.
- 36. The Chapter shall have power to make regulations as to the duties to be performed by each dignitary, prebendary, clerical vicar choral, and minor canon, save as hereinafter excepted, at a meeting of the Chapter duly summoned for the purpose. Fourteen clear days' notice of such meeting shall be given to each member of the Chapter. The regulations proposed at such meeting, if approved by a two-thirds majority of the members of the Chapter present, shall be binding on each such dignitary, prebendary, clerical vicar choral, and minor canon thereafter appointed. A printed copy of the regulations shall be furnished to each dignitary, prebendary, clerical vicar choral, and minor canon. All expenses connected with the making and approval of the said regulations and supply of copies thereof shall be paid by the Board out of funds at its disposal. Any such regulations may, from time to time, be varied in the same way as they may be made by the Chapter. In this section, the term "dignitary" shall not include the Dean, and the term "prebendary" shall not include the Prebendary of Cualaun while that stall shall continue to be held by the Archbishop of Dublin.
- 36A The Chapter shall make regulations for the maintenance of written records of its proceedings and for the safekeeping of those records. Such records shall be in writing and signed by the Dean or the person who presided over the meeting in the Dean's absence.
- 37. There shall be a right of appeal to the Archbishop of Dublin as the visitor from any refusal of the Dean to appoint to any prebendal stall or other office a person nominated for such office under any of the provisions of this Chapter.

## FIRST SCHEDULE

Statutes affecting the Cathedrals of Armagh; Christ Church, Dublin; Down; and St Anne, Belfast.

(1) **Armagh Cathedral**

2011, cap VI, as amended by 2012, cap VI and 2015, cap V.

Under this Statute the Archbishop of Armagh is the Ordinary and has the right of appointment to the Deanery, Dignities and Prebends; appointments (other than to the Deanery) shall be for such term of years as the Archbishop shall decide; and are not confined to clergy of the diocese. The Statute also provides for the regulation of the Cathedral affairs; the appointment of a Dean's Vicar, Succentor, not more than six Clerical Vicars Choral, two Ecumenical Canons and not more than six Lay Canons; the registration of vestrypersons; and the election of ten lay members of the Cathedral Board and its constitution.

(2) **Christ Church Cathedral, Dublin**

1872, cap. IV; 1886, cap. VII; 1902, cap. I, as amended by 1920, cap. V, and 1920 (Special Session), cap. VI; 1935, cap. V; 1971, cap. IX; 1997, cap. II and 2006, cap. IV and 2017, cap. V.

Under these Statutes, the Archbishop of Dublin is the Ordinary and has the right of appointing the Dean, and also has the right of appointment to the Dignities and Canonries, other than (a) the Canon chosen in accordance with the schedule to 1971, cap. IX, and (b) the Precentor and the Priest Vicars appointed by the Dean and Chapter; the Archbishop also has the right of appointment of two Lay Canons and two Ecumenical Canons. The Statutes provide for the regulation of the Cathedral affairs; the registration of vestry members; the return of synod members; and the triennial election of nine lay members of the Cathedral Board, and of five clerical members, to form, with the Dean, the Precentor, the Chancellor and the Treasurer, the Cathedral Board.

(3) **Down Cathedral**

2014, Cap V

Under the Statute, the Bishop of Down is the Ordinary and has the right of appointment to the Deanery, Dignities and Prebends. The Statute also provides for the appointment of Minor Canons and two Ecumenical Canons; the management and regulation of the Cathedral's affairs; the registration of vestry members; the return of Synod members and the election of lay members of the Cathedral Board and its constitution.

(4) **St Anne's Cathedral, Belfast**

1944, cap. V, as amended by 1983, cap. III; 1984, cap. VII, 1984, cap. VIII, 2008, cap. III, 2009, cap. VII and 2010, cap. III

Under these Statutes the Bishop of Connor is the Ordinary; the Dean bears the title "Dean of Belfast" and is also Incumbent of Belfast and is appointed as Incumbent and Dean by a Board of Nomination which includes the Bishop of Connor and the Bishop of Down and Dromore and on which the Diocesan Nominators of the Diocese of Connor and the Diocese of Down and Dromore are represented. The Statutes provide for the constitution of the Chapter (which is composed of members of the clergy from the Diocese of Connor and the Diocese of Down and Dromore and a Canon Theologian or a Canon for a special academical or ecumenical purpose appointed by the House of Bishops) and of the Cathedral Board, for the appointment of Canons, Vicars Choral and Minor Canons, and for the registration of vestry members and the return of synod members for the Diocesan Synod of Connor. It is also provided that the Cathedral has a common relation to the Diocese of Connor and the Diocese of Down and Dromore, and that the Bishop of Down and Dromore has a right to the use of the Cathedral.



SECOND SCHEDULE

DECLARATION FOR SUBSCRIPTION

I, A.B., do hereby solemnly declare that:

- (1) I am a minister or accredited preacher of \_\_\_\_\_ Church.
- (2) I agree to be bound by the provisions of Part II of Chapter VII of the Constitution of the Church of Ireland and, to that extent only, I submit myself to the authority of the Church of Ireland, and to the laws and tribunals thereof.
- (3) I A.B. do declare that I will perform Canonical obedience to the Dean of this Cathedral and Collegiate Church of Saint Patrick, Dublin, and his successors canonically entering. The statutes and ancient customs of this Cathedral and Collegiate Church, so far as they are not repugnant to the laws of the Church of Ireland, I will observe, and my endeavours for their defence against all persons whatsoever will diligently use, and also the secrets of this Chapter, so long as they shall continue to be secrets, will keep private and undisclosed.

*I subscribe the above declaration to be appointed to the office of Ecumenical Canon of the Collegiate and Cathedral Church of St. Patrick*

This                  day of                          20

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SCHEDULE

DECLARATION FOR SUBSCRIPTION

I, A.B., do hereby solemnly declare that:

- (1) I am a minister or accredited preacher of Church.
- (2) I agree to be bound by the provisions of Part II of Chapter VII of the Constitution of the Church of Ireland and, to that extent only, I submit myself to the authority of the Church of Ireland, and to the laws and tribunals thereof.
- (3) I A.B. do declare that I will perform Canonical obedience to the Ordinary of the Cathedral of the Holy Trinity commonly called Christ Church, Dublin, and his or her successors, Archbishops of Dublin. I will observe the statutes and ancient customs of Cathedral of the Holy Trinity commonly called Christ Church, Dublin, so far as they are not repugnant to the laws of the Church of Ireland, I will keep private and undisclosed the secrets of the Chapter.

*I subscribe the above declaration to be appointed to the office of Ecumenical Canon of the Cathedral of the Holy Trinity, commonly called Christ Church, Dublin.*

**AMENDED 2007**

**AMENDED 2017**



## Chapter VIII

### ECCLESIASTICAL TRIBUNALS, FACULTIES, REGISTRIES

#### 1. Preliminary

The tribunals and courts defined in this Chapter shall be the ecclesiastical tribunals of the Church of Ireland; they shall possess the powers and proceed in the manner hereinafter prescribed, and shall respectively be called the Diocesan Courts of the several dioceses and united dioceses, the Court of the General Synod and the Disciplinary Tribunal and the Appeal Tribunal. Any question of discipline involving any Archbishop, bishop or member of the clergy and any question of doctrine that arises during the course of a disciplinary hearing shall be heard and determined under Part IV.

#### PART I.

#### DIOCESAN COURTS

#### 2. Jurisdiction

- (a) There shall be a Diocesan Court in each diocese or united diocese, which shall have power and jurisdiction to hear appeals from the decision of the Ordinary on all matters so appointed by the law of the Church of Ireland. The Ordinary nevertheless shall have power to refer to the said Court any matter within the jurisdiction of that Court submitted for the Ordinary's consideration without the Ordinary having given a personal decision thereon. In case of such reference the bishop (as Ordinary) shall not be prevented from presiding at the Diocesan Court.
- (b) In all cases where the parties submit, or are bound by the laws of the Church, the Diocesan Court may hear and determine any questions connected with the property of the Church or the administration thereof, or with ecclesiastical rights generally, which may arise between members of the Church of Ireland, if the respondent be resident within the diocese or united diocese in which the court has jurisdiction.

#### 3. The Diocesan Court: Judge, Chancellor, Members and Registrar

- (a) In Part I of this Chapter, the word "bishop" shall include an archbishop in relation to any diocese which is normally or temporarily under the governance of an archbishop.
- (b) The bishop of the diocese or the bishop's commissary shall be the judge in the Diocesan Court: Provided always that in case of the disability of any bishop to sit in the Diocesan Court by reason of illness or any other hindrance, such bishop shall have power to appoint another bishop or other member of the clergy to sit as commissary for and in place of the bishop. The bishop, or the bishop's commissary, shall in every case be assisted by the chancellor.
- (c) The bishop of each diocese shall from time to time, as occasion may require, appoint under episcopal seal (which appointment shall be filed of record) a fit and proper person as chancellor, to sit with the bishop in the Diocesan Court as assessor, who shall be a person qualified for election as a lay judge of the Court of the General Synod as provided by section 8(e) of this Chapter or a solicitor of ten years' practice in any part of Ireland, and shall hold office for ten years (which term may be renewed for further terms of ten years), or until resignation, or order of removal by the bishop founded upon a resolution of the diocesan synod: Provided always that nothing herein contained shall prevent the same person from holding office as chancellor in two or more dioceses.
- (d) The clergy of the diocesan synod shall elect three members of the clergy, and the lay synod members shall elect three laypersons, as members of the Diocesan Court, who shall be elected to hold office from 1st January of the first year of the General Synod triennium for three years

and be elected triennially thereafter, and shall be eligible for re-election. Any casual vacancy by death, resignation, or continued absence from Ireland for twelve months, occurring among the clerical or lay members of any Diocesan Court, shall be filled as soon as conveniently may be by the clerical or lay members, as the case may be, of the diocesan synod of the diocese in which such vacancy shall have occurred. Any person elected to fill a casual vacancy shall hold office only so long as the person in whose place such person shall have been elected would have held the office if such vacancy had not occurred. The bishop shall in every case summon by rotation to sit with the bishop in the Diocesan Court one member each of the clergy and of the laity from those so elected, to whom, along with the bishop or the bishop's commissary, all questions of fact shall be referred: Provided, however, that if both parties shall express their consent in writing, it shall be in the power of the bishop or the bishop's commissary to hear and determine the case alone.

- (e) The bishop shall from time to time, as occasion may require, appoint a fit and proper person to be the registrar of the diocese and may also appoint one or more assistant registrars. Each assistant shall perform such of the registrar's duties as the bishop shall assign. Registrars and assistant registrars shall hold office until otherwise directed by the bishop for the time being or until resignation or death. Registrars and assistant registrars shall receive such salary as the diocesan council of the diocese shall appoint, and such travelling or other expenses incident to the performance of their duties as the diocesan council may determine.
- (f) In any special circumstances, particulars whereof shall be filed in the registry of the diocese or united diocese, the bishop may appoint under episcopal seal a fit and proper person to be a deputy chancellor or a deputy registrar of such diocese or united diocese during the continuance of such special circumstances and any such appointment and the duration thereof shall be filed of record. Every deputy so appointed shall during the continuance of such appointment have all the powers and perform all the duties of the chancellor or registrar in the place of whom such deputy is so appointed to act: Provided always that every deputy chancellor shall be qualified as hereinbefore provided with respect to the chancellor.
- (g) Every chancellor, deputy chancellor, registrar, deputy registrar, assistant registrar, and elected member of a diocesan court, shall before entering upon the duties of office, make and sign a declaration in the following form:
- I, A. B., do solemnly and sincerely declare that I am a member of the Church of Ireland, and that I will faithfully, and to the best of my ability, execute the office of \_\_\_\_\_ of the diocese (or united diocese, as the case may be) of without fear, favour, affection or malice.

#### 4. Diocesan Registry

The Diocesan Registry shall be established in a place to be named by the bishop, and the diocesan council shall make such provision for the safe custody of the registry and its contents as the bishop shall require.

#### 5. Original Proceedings in and Appeals and References to Diocesan Court

- (a) Original proceedings in and appeals and references to Diocesan Court shall be presented by petition in writing, duly signed. The petition shall be lodged with the registrar of the diocese. Such petition shall be in the form set forth in Appendix A hereunto annexed, or as near thereto as the nature of the case will admit. Provided that the petitioner or petitioners, except in the case of an archbishop or bishop, shall be resident within the diocese, or shall have been personally injured or aggrieved by the act complained of.
- (b) The petitioner, or petitioners, except in the case of an archbishop or bishop, shall lodge with the registrar of the diocese a sum of £600 or €1,000 (or such other sum as the Rules Committee may from time to time prescribe) as appropriate, as security for the payment by such petitioner or petitioners of all such costs and expenses as may be ordered by the Diocesan Court, or by the Court of the General Synod.
- (c) The registrar, within seven days after such money is lodged, shall send a copy of the petition to the respondent, in a registered or recorded letter addressed to the respondent's residence or last known place of abode; and, after receiving an answer from the respondent, or, if no answer shall

in the meantime have been received, after the expiration of fourteen days from the day on which such copy of the petition shall have been so sent, shall lay before the bishop the petition, and the answer (if any) of the respondent thereto.

- (d) In all cases where a petition is to be heard in the Diocesan Court, it shall be the duty of the registrar to apply to the chancellor for a citation. The chancellor shall thereupon issue a citation under the chancellor's hand, requiring the attendance of either of the parties before the Diocesan Court, to be held at such time and place as the chancellor shall in such citation appoint: Provided that the first sitting of the court shall be held not less than one fortnight nor more than three calendar months after the date of issue of the citation.
  - (e) The chancellor shall, at the instance of either of the parties, issue letters to persons whose evidence may be needed at the hearing, requesting them to attend at such time and place as aforesaid; and, if necessary, requesting them also to bring with them such documents relating to the matters in issue as may be in their possession, power, or procurement.
  - (f) When any witness shall be unable or unwilling to attend, the chancellor may appoint, in such manner and on such terms as the chancellor shall see fit, a commissioner to take the testimony of such witness; and such witness may be examined, cross-examined, and re-examined, by the parties, or their agents, solicitors, or counsel, before such commissioner. The examination shall be reduced to writing, and signed by the witness and by the commissioner, and shall be forthwith transmitted by the commissioner, under seal, to the chancellor; and the same shall, without further proof, be available and admissible as evidence in all subsequent proceedings in the same case.
  - (g) The petition, answer, and every other pleading may at any time be amended in such manner and on such terms as the court (or, if the court is not in session, the chancellor) shall think fit and necessary for the purposes of justice.
  - (h) The evidence of all witnesses examined before the court shall be given viva voce, and shall be recorded as the court shall direct.
  - (i) The court, after hearing the parties, or such of them as shall appear, their agents, solicitors, or counsel, and the witnesses, shall consider the evidence, and may deliver judgment, which shall be reduced to writing, or shall remit the case to the Court of the General Synod. The court shall make such order as to costs and expenses, including the registrar's fees and charges, and as to the disposal of the deposit, if any, as it shall think fit.
  - (j) In every case in which a bishop shall institute proceedings in that bishop's own Diocesan Court, the bishop shall, and in all other cases may, direct the chancellor to act in the bishop's place; and such direction shall suffice to confer all the jurisdiction of the bishop on the chancellor in such case.
6. Appeals from Interlocutory Orders of a Diocesan Court

There shall not be any appeal in any suit or other proceeding before a Diocesan Court, without the special leave of the Court, from any interlocutory order not having the effect of a final order, until a final order shall have been pronounced thereon; but when a final order shall have been pronounced, the party appealing therefrom may also appeal from any interlocutory order or orders in the same case.

## PART II.

### THE COURT OF THE GENERAL SYNOD

#### 7. Jurisdiction

- (a) An appeal shall lie to the Court of the General Synod from every judgment and order of a Diocesan Court except in the case of proceedings under Chapter IX, section 16.

- (b) The Court of the General Synod shall have original jurisdiction in the following matters:
  - (i) any question of a legal nature which has arisen, or which may arise, in respect to the proceedings at any election to fill a vacancy in the office of an archbishop or bishop;
  - (ii) any other matter so appointed by the law of the Church of Ireland.
- (c) It shall be in the power of the House of Bishops or of the General Synod to refer to the Court of the General Synod, for hearing and determination, any questions of a legal nature which have arisen or which may arise in the course of their proceedings; and the said Court shall thereupon proceed to hear and determine the same in the same manner as in the case of an appeal, or to advise the House of Bishops or the General Synod in respect of the same, as the case may require.
- (d) The Court of the General Synod shall not determine any matter or question which, in the opinion of the lay judges, is within the jurisdiction and more proper to be submitted to the consideration and decision of a civil tribunal.

#### 8. Constitution and Membership: Registrar

- (a) The Court of the General Synod shall be constituted as follows:
  - (i) In all cases in which the Representative Body is a party the Court shall be constituted of the three lay judges first in order upon the list of the judges elected, in manner hereinafter provided, by the Standing Committee of the General Synod (not being members of the Representative Body) who may be able to attend.
  - (ii) In the case of
    - (a) any question of a legal nature which has arisen, or which may arise, in respect to the proceedings at any election to fill a vacancy in the office of an archbishop or bishop; or
    - (b) any questions referred to the Court by the House of Bishops or the General Synod under section 7(c) of this Chapter; or
    - (c) an appeal from a judgment or order of a diocesan court under section 9(d) of this Chapter, the Court shall be constituted of three ecclesiastical and four lay judges.
  - (iii) In any other case the Court shall be constituted of two ecclesiastical and three lay judges.
- (b) The ecclesiastical judges to constitute a Court of the General Synod shall be the three or two, as the case may be, members of the House of Bishops, first in order of precedence, who may be able to attend.
- (c) The lay judges to constitute a Court of the General Synod shall be the four or three, as the case may be, persons first in order upon the list of lay judges as is hereinafter provided, who may be able to attend.
- (d) No archbishop or bishop, and no chancellor or deputy chancellor, shall sit in the Court of the General Synod for the hearing of any appeal from the Court of their own diocese.
- (e) Every person being a member of the Church of Ireland who holds or shall have held the office of a judge of the Supreme Court or of the High Court of the Republic of Ireland or of a judge of the Supreme Court of Judicature of Northern Ireland, or who shall have been for not less than ten years a barrister practising at the Irish Bar or at the bar of Northern Ireland, or who shall have been for not less than ten years a practising solicitor admitted to the Roll of Solicitors in Ireland or in Northern Ireland or who holds or has held the office of chancellor of a diocese, shall be qualified for election as a lay judge of the Court of the General Synod.
- (f) The Standing Committee of the General Synod shall forthwith after the first ordinary session of each General Synod elect ten lay judges, to constitute the list of lay judges, and shall also from time to time fill by election any vacancy or vacancies which may occur in the list of lay judges for the time being and shall report to the following session of the General Synod.

- (g) The registrar of the diocese of Dublin shall be also the registrar of the Court of the General Synod.

#### 9. Proceedings in the Court of the General Synod; Original Jurisdiction

- (a) Original proceedings in and references and remittances to the Court of the General Synod shall be presented by petition in writing, duly signed. The petition shall be lodged with the registrar of the Court of the General Synod, and shall be in the form set forth in Appendix A hereto annexed, or as near thereto as the nature of the case will admit. The petition shall be served upon every person named as respondent. The registrar of the Court of the General Synod shall thereupon issue a citation under the registrar's hand, requiring the attendance of each of the parties before the Court of the General Synod, to be held at such time and place as the registrar shall in such citation appoint.
- (b) The decision of the majority of the members of the Court of the General Synod shall be the decision of the Court.
- (c) The petitioner or petitioners, except in the case of an archbishop or bishop, shall lodge with the registrar of the Court the sum of £600 or €1,000 (or such other sum as the Rules Committee may from time to time prescribe) as appropriate as security for the payment by the petitioner or petitioners of all such costs and expenses of the proceedings as may be ordered by the Court.
- (d) Every party appealing from a judgment or order of a Diocesan Court shall state the grounds of the appeal in writing, in the form set forth in Appendix B hereunto annexed, or as near thereto as the nature of the case will admit, and shall lodge the same, within fourteen days after the judgment or order, with the registrar of the Court of the General Synod. The person or persons so appealing shall lodge with the registrar of the said Court a sum of €1,000 or £600 (or such other sum as the Rules Committee may from time to time prescribe) as security for to pay all such costs and expenses of the appeal as the appellant or appellants may be ordered by the Court of the General Synod to pay. Thereupon it shall be the duty of the registrar to send a copy of the appeal to the Archbishops of Armagh and Dublin, and to the member of the House of Bishops next in order of precedence, and shall obtain from the first in order of precedence of the three ecclesiastical judges of whom the Court may be constituted an order fixing a time and place for hearing the appeal, and the registrar shall summon each member of the Court, and the several parties, to attend at such time and place.
- (e) The registrar, within one week after the appeal shall have been lodged, shall require the registrar of the Diocesan Court to return to the Court of the General Synod the petition, the respondent's answer, if any, and any other pleadings, the notes of the evidence taken in the Diocesan Court, and the written judgment and order of the said Court, and the diocesan registrar shall forthwith return the same accordingly, authenticated by the diocesan registrar's signature.
- (f) The Court of the General Synod, having before it the evidence taken in the Diocesan Court, may allow either party to the appeal to produce additional evidence, either orally or taken by a commission, or by the further examination or cross-examination of witnesses examined before the Diocesan Court. When the parties, or such of them as shall attend upon the appeal, shall have been heard by themselves, their agents, solicitors, counsel, and witnesses, if any, the Court shall deliver such judgment and order as the case may require, which shall be reduced to writing and shall be final.
- (g) The Court of the General Synod shall have power upon appeal to set aside, vary or confirm the judgment or order of the Diocesan Court, and to direct by whom the costs and expenses of the proceedings, including the registrar's fees and charges, shall be defrayed or borne, and to dispose of the deposit or deposits, if any, as it shall think fit.

## PART III.

## PROVISIONS RELATING TO DIOCESAN COURT OF THE GENERAL SYNOD

**10. General**

- (a) The several courts hereinbefore mentioned in Parts I and II of this Chapter shall be open to the public, unless the judge or judges shall deem it expedient to sit in private on account of the matter of the enquiry or misconduct of the audience or any other urgent reason, in which case each of the parties may require that not more than six persons chosen by each of the parties shall be permitted to be present.
- (b) No person who is a party to any suit shall act as a member of the court by which the suit is heard.
- (c) The judge or judges of every court may from time to time adjourn the court as they shall deem fit.
- (d) It shall be the duty of every member of the Church of Ireland to attend and give evidence, when duly summoned to do so, at any hearing or investigation held under the authority of the Constitution.
- (e) Every person who shall be called as a witness at any hearing or investigation held as aforesaid, shall, before giving evidence, make a solemn declaration to speak the truth, the whole truth and nothing but the truth.
- (f) When the court shall have signed its judgment or order, the same shall be filed of record in the registry of the diocese, or of the Court of the General Synod, as the case may be.
- (g) The several proceedings of or on behalf of each court shall be prepared and recorded by the registrar of the court in which the case shall be pending, as the case may require.
- (h) The General Synod may from time to time, by resolution, regulate and provide for the election and summoning of the Court of the General Synod and for giving effect to the provisions of this Chapter, as occasion may require.

**11. Rules Committee of Ecclesiastical Tribunals**

- (a) The members of the House of Bishops, with the ten elected lay judges of the Court of the General Synod, shall constitute the Rules Committee of ecclesiastical tribunals under parts I and II of this Chapter.
- (b) The Rules Committee, or any three members thereof, one being an archbishop, may make rules for carrying the provisions of Parts I and II of this Chapter into effect, and in particular for regulating all matters relating to procedure, practice, costs, expenses, and fees, giving security for costs, the pronouncement of judgments and orders, the validity of proceedings notwithstanding irregularity or defects of form, proceedings in the case of persons who cannot be found or served, the liability to and recovery of costs and expenses; the forms to be used, and all matters incidental to or connected with the administration of the ecclesiastical law of the Church of Ireland except any question of discipline involving any archbishop, bishop or member of the clergy and except any question of doctrine that arises during the course of a disciplinary hearing.
- (c) Every rule made in pursuance of this section shall be signed by three or more members of the Rules Committee, and shall be presented to the General Synod on the first day of its session next after the making of such rule, and it shall be lawful for the General Synod by a resolution to annul such rule without prejudice to the validity of anything done in the meantime in pursuance thereof; and every such rule, unless annulled as aforesaid, shall, while unrevoked, be of the same validity as if enacted in this Chapter.

**12. Evidence by way of Statutory Declarations**



It shall be lawful for the ecclesiastical tribunals under Parts I and II of this Chapter to receive in evidence statutory declarations of witnesses, but upon such terms, if any, as to requiring the cross-examination of the witness either before the court itself or by commission or written interrogatories, or as to allowing such declarations to be answered, as may be directed by the court or prescribed by rules framed in pursuance of this Chapter.

### **13. Petition for a Rehearing**

It shall be lawful for any person aggrieved by any judgment, or order of the Court of the General Synod, at any time within one year next after the date of such judgment, or order, to present a petition to the said Court, praying that the case may be reheard upon grounds to be set forth in such petition, and requesting that the judgment, or order may be set aside or varied; and thereupon it shall be lawful for the said Court, or any two members thereof, upon just and reasonable grounds, to order that the case shall be reheard by the said Court, and such rehearing shall take place when and as the said Court shall direct: Provided that the said Court or such members thereof may impose such terms, by way of security for costs and expenses, and by way of admission or otherwise, as shall be deemed just and proper.

### **14. Power to grant Licences, Dispensations and Faculties**

The archbishops and bishops of the Church of Ireland shall have, and may use, all the same powers of granting licences, dispensations, faculties, and other writings which they had and might have used at the time of the passing of the Irish Church Act, 1869: Provided that all persons feeling aggrieved by the granting or withholding of any faculty, except in the case of the granting or withholding of a faculty for ordination, shall be entitled to have their case heard and determined by the Diocesan Court.

### **15. Power to declare vacant an Office held by a Layperson**

If any layperson shall have been convicted and sentenced, by any of the temporal courts, for any criminal offence, or shall be a fugitive from justice in any case in which a warrant has been issued for such person's apprehension, or shall have ceased to be a member of the Church of Ireland, or shall be incapacitated by mental infirmity, or shall wilfully and without sufficient cause have neglected or refused to attend and give evidence when duly summoned to do so at any trial or investigation held under the authority of the Constitution, the archbishop or bishop of the diocese, with the advice of the archbishop's or bishop's chancellor, may, by order under episcopal hand and seal, declare any office in the Church of Ireland to which such layperson may have been elected or appointed to be vacant, and the same shall thereupon be filled in due course.

### **16. Costs and Expenses in the Court of the General Synod**

- (a) In all proceedings duly taken in the Court of the General Synod, it shall be lawful for the said Court, if in its discretion it shall so think fit, to order the payment, out of the General Purposes Fund, of the costs and expenses, in whole or in part, of such proceedings, or of any other legal proceedings consequent thereon, or incidental thereto; subject to the rules and regulations in force for the time being, and subject also to the provisions, limitations and conditions hereinafter contained in this section 16.
- (b) No costs or expenses shall be paid out of the General Purposes Fund to or for any unsuccessful party -other than an archbishop or bishop.
- (c) No costs or expenses shall, in any case, be paid out of the General Purposes Fund, which can be recovered either from any unsuccessful party, or by enforcing any security given for the payment of costs or expenses in the proceedings.
- (d) No order for the payment of any costs or expenses out of the General Purposes Fund to or for any party - other than an archbishop or bishop - shall be made in any case which, in the opinion of the Court, does not involve or affect the general interest or discipline of the Church, or is not of sufficient importance to justify the application of that fund to the payment of the costs and expenses mentioned in the order.
- (e) The Court shall have power, in each case, either to order the costs and expenses to be taxed or moderated as prescribed by rules, or to measure and fix the amount to be paid out of the General

Purposes Fund.

- (f) The Court shall have power, if, having regard to the length of time occupied by the hearing or to any other special circumstances connected with the case, the Court in its discretion shall so think fit, to order the payment out of the General Purposes Fund of the expenses necessarily incurred by any members of the Court in attending such proceedings.

#### 17. Costs and Expenses in a Diocesan Court

It shall be lawful for any diocesan synod, or for any diocesan council, with the authority of or subject to the approval of the synod of the diocese, to make such provision, by means of a diocesan general purposes fund or otherwise, for or towards the payment of the costs and expenses of proceedings duly taken in the Diocesan Court, as may to such diocesan synod or council seem necessary or expedient.

### PART IV.

#### DISCIPLINARY PROCEEDINGS

#### 18. Definitions and Interpretation

- (a) Unless the context otherwise requires, in this Part of this Chapter:

**“Appellant”** means a Respondent who has appealed a finding and/or order of a Disciplinary Tribunal in accordance with section 34;

**“Appeal Tribunal”** means a tribunal, appointed under section 34 (d) to hear an appeal;

**“Complaint”** means any complaint or allegation touching or apparently touching upon the conduct (whether by act or omission), behaviour, performance or affairs of any bishop or any member of the clergy in respect of any of the matters mentioned in section 25;

**“Complainant”** means a person who brings a Complaint to the attention of the Complaints Administrator;

**“Complaints Committee”** means the committee appointed under section 21;

**“Complaints Administrator”** means the person appointed by the Standing Committee with the approval of the Representative Body to be the Complaints Administrator for the purposes of this Part of this Chapter;

**“Disciplinary Bodies”** means the Complaints Administrator, the Complaints Committee, the Disciplinary Panel, each Disciplinary Tribunal and each Appeal Tribunal;

**“Disciplinary Tribunal”** means a tribunal appointed under section 31(a) to hear a Formal Complaint;

**“Disciplinary Panel”** means the panel of persons appointed under section 22;

**“Formal Complaint”** means a Complaint that has been formulated by the Complaints Committee and referred by it to a Disciplinary Tribunal in accordance with this Part of this Chapter;

**“House of Bishops”** means the archbishops and bishops of the Church of Ireland for the time being;

**“Lawyer”** means any person who is or was a judge in any part of Ireland, or is a solicitor or barrister who has practised for more than 10 years in any part of Ireland;

**“Respondent”** means any bishop or any member of the clergy in respect of whom a Formal Complaint has been referred to a Disciplinary Tribunal; and

**“Standing Committee”** means the Standing Committee of the General Synod.

- (b) For the purposes of this Part of this Chapter only and not otherwise the term ‘member of the clergy’ shall, unless otherwise specifically provided, mean a deacon or priest of the Church of Ireland and the term ‘bishop’ shall include an archbishop.
- (c) References in this Part of this Chapter to sections are, unless otherwise stated, references to sections of this Part of this Chapter.

### 19. Pastoral Resolution

- (a) All members of the church are called to exercise a ministry of reconciliation. It is preferable, therefore, that all complaints and disputes be resolved pastorally within each diocese; that complaints against clergy be dealt with pastorally by diocesan bishops; or, in the case of complaints against a bishop by the archbishop of the province; or in the case of an archbishop by the archbishop of the other province.
- (b) Bishops have a general duty whenever it is appropriate to endeavour to reconcile the parties involved in any complaint and achieve an outcome within their diocese accepted by all the parties as a first step before the disciplinary processes in this Chapter are set in motion. In fulfilling this function a bishop may put in place an enquiry, a process of conciliation or mediation or such other process of reconciliation or resolution as the bishop shall think appropriate.
- (c) Only where a bishop, in that bishop’s absolute discretion, determines that such pastoral resolution or reconciliation has not been possible or is not appropriate should recourse be had to the disciplinary process set out in this Part of this Chapter.

### 20. Appointment of a Complaints Administrator

The Standing Committee shall, in consultation with the Representative Body, from time to time appoint a person on such terms and subject to such conditions as it may think fit to be the Complaints Administrator for the purposes of this Part of this Chapter and, with the approval of the Representative Body, may remove any person so appointed and appoint another in his or her place. The person so appointed shall be a human resources practitioner or a Lawyer or other suitably qualified person. No person who is an employee of the Representative Body or a member of the clergy may be appointed as the Complaints Administrator.

### 21. Appointment and Composition of the Complaints Committee

- (a) The Complaints Committee shall consist of one clerical and one lay representative of each diocese or united diocese under the jurisdiction of one bishop and two members appointed by the Standing Committee.
- (b) The clergy of the diocesan synod of each diocesan or united diocesan synod shall elect one member of the clergy as a member of the Complaints Committee. The lay members of each diocesan or united diocesan synod shall elect a layperson as a member of the Complaints Committee. The members so elected shall be elected to hold office from 1st January of the first year of the General Synod triennium for six years and be elected every second triennium thereafter, and shall be eligible for re-election.
- (c) Any casual vacancy by death, resignation, or continued absence from Ireland for twelve months, occurring among the clerical or lay members of the Complaints Committee, shall be filled as soon as conveniently may be by the clerical or lay members, as the case may be, of the diocesan synod or united diocesan synod which elected the person being replaced. Any person elected to fill a casual vacancy shall hold office only for so long as the person in whose place he or she shall have been elected would have held the office if such vacancy had not occurred.
- (d) The quorum for meetings of the Complaints Committee shall be six persons, so long as there are at least two members of the clergy and two laypersons attending thereat. Any meeting of the Complaints Committee at which a quorum is present shall be competent to exercise all the

functions and powers conferred upon the Complaints Committee by this Part of this Chapter.

- (e) The Complaints Committee may delegate such of its functions and powers to sub-committees of its own members as it may deem necessary or convenient. Any sub-committee so formed shall comprise at least two members of the clergy and two laypersons and shall, in the exercise of the functions and powers so delegated, conform to any regulations that may be imposed on it by the Complaints Committee.
- (f) The Standing Committee shall from time to time appoint a chairperson and a vice-chairperson of the Complaints Committee from amongst the members of the Complaints Committee.
- (g) No person shall be a member of the Complaints Committee at the same time as he or she is a member of the Disciplinary Panel.

## **22. Appointment and Composition of the Disciplinary Panel**

- (a) The Disciplinary Panel shall consist of not less than four members of the clergy and not less than eight laypersons of whom at least four shall be Lawyers.
- (b) The Standing Committee shall prior to the commencement of the General Synod triennium appoint the members of the Disciplinary Panel. The members so appointed shall be appointed to hold office from 1st January of the first year of the General Synod triennium for six years and be appointed every second triennium thereafter, and shall be eligible for re-appointment. No member of the Standing Committee may be a member of the Disciplinary Panel.
- (c) Any casual vacancy by death, resignation, or continued absence from Ireland for twelve months, occurring among the members of the Disciplinary Panel, shall be filled as soon as conveniently may be by the Standing Committee. Any person appointed to fill a casual vacancy shall hold office only so long as the person in whose place he or she shall have been appointed would have held the office if such vacancy had not occurred.
- (d) The Standing Committee shall from time to time appoint from those members of the Disciplinary Panel who are Lawyers a chairperson and a vice-chairperson of the Disciplinary Panel.
- (e) No person shall be a member of the Disciplinary Panel at the same time as he or she is a member of the Complaints Committee.

## **23. Funding of Complaints Committee**

- (a) Prior to the beginning of each year the Complaints Committee shall prepare and submit to the Standing Committee for consideration and onward submission to the Representative Body an annual budget for that year.
- (b) The Representative Body may approve, with or without amendment, the annual budget. Where the Representative Body wishes to approve an annual budget with amendment it must first consult with the Standing Committee and the chairperson and/or vice chairperson of the Complaints Committee.
- (c) The Complaints Committee may if it considers it necessary to do so, undertake, during the course of a year, an interim review of its annual budget and following such review submit an amended or supplementary budget to the Standing Committee for consideration and onward submission to the Representative Body for approval. Section 23(b) applies with any necessary changes if an amended or a supplementary annual budget is submitted.
- (d) In each year the Representative Body shall provide, in such instalments as it sees fit, a grant equal to the budget approved in accordance with Section 23(b) for that financial year (including any amended or supplementary budget approved for that year). Any part of such a grant not expended or committed in that year shall be returned to the Representative Body.
- (e) Within one month of the end of each year the Complaints Committee shall submit to the Represen-

tative Body and the Standing Committee an income and expenditure account for the Complaints Committee for that year.

#### 24. Duty to co-operate and Duty to have regard to Bishop's Role

- (a) It shall be the duty of every bishop and every member of the clergy of the Church of Ireland to cooperate fully at every phase of the disciplinary process provided for under this Part of this Chapter. It shall be the duty of every bishop and every such member (including those who are not involved in or the subject of the said disciplinary process) to provide such information, explanations, documents and computer and other electronic records as the Complaints Administrator, the Complaints Committee, a Disciplinary Tribunal or an Appeal Tribunal, as the case may be, may consider necessary to enable them to carry out their respective duties under this Part of this Chapter.
- (b) It shall be the duty of every lay member of the Church of Ireland to co-operate fully at every phase of the disciplinary process provided for under this Part of this Chapter. It shall be the duty of every such member (including such members who are not involved in or the subject of the said disciplinary process) to provide such information, explanations, documents and computer and other electronic records as the Complaints Administrator, the Complaints Committee, a Disciplinary Tribunal or an Appeal Tribunal, as the case may be, may consider necessary to enable them to carry out their respective duties under this Part of this Chapter.
- (c) The bishops and archbishops of the Church of Ireland have by virtue of their respective offices and consecration a role in administering discipline and each of the Disciplinary Bodies shall, in exercising its functions under this Part of this Chapter, have due regard to that role as outlined in section 19.
- (d) Members of the Complaints Committee and any Disciplinary Tribunal or Appeal Tribunal shall not be capable of performing any of the duties of office until they have signed the following declaration:

I, A.B.,<sup>1</sup> (do solemnly declare that I am a member of the Church of Ireland, and a communicant of the said Church, and) being fully sensible how important it is that complaints involving members of the clergy and bishops of the Church of Ireland be adjudicated on in a fair and unbiased manner in accordance with proper procedures undertake that I will duly and faithfully and to the best of my knowledge and power perform my duties as a member of \_\_\_\_\_ without fear or favour or affection or ill-will towards any person, and that I will uphold the Constitution and other laws of the Church of Ireland for the glory of God, the good of his Church, and the welfare of his people.

(Signed),

A.B.

Dated \_\_\_\_\_ day of \_\_\_\_\_

#### 25. Liability of Members of the Clergy and Bishops to Disciplinary Action

A member of the clergy or a bishop shall be liable to disciplinary action if he or she is guilty of:

- an act or omission which would have been a breach or violation of the ecclesiastical law of the United Church of England and Ireland, and an offence punishable by such law in Ireland, at the time of the passing of the Irish Church Act, 1869, and which is a breach or violation of the ecclesiastical law of the Church of Ireland for the time being;
- any crime for the time being punishable by law in any part of Ireland;
- failure to obey any order of a Diocesan Court, the Court of the General Synod or any Disciplinary Body;
- immorality;
- drunkenness or substance abuse;

<sup>1</sup>The words in brackets shall be omitted when the declaration is made by a member of the clergy.

- neglect of duty;
- conduct unbecoming to the sacred calling of a person in holy orders;
- any other act or omission which is a breach or violation of the canons or other laws of the Church of Ireland, for the time being; or
- teaching or publishing of any doctrine contrary to the doctrines of the Church of Ireland.

#### **26. Right to Make a Complaint**

- (a) Any bishop, any member of the clergy or any lay member of the Church of Ireland who has a proper interest may bring to the attention of the Complaints Administrator any Complaint in respect of a member of the clergy by means of a written submission signed by such person.
- (b) Any bishop or any member of the clergy or any lay member of the Church of Ireland who has a proper interest may bring to the attention of the Complaints Administrator any complaint in respect of a bishop by means of a written submission signed by such person.
- (c) Any such written submission must be accompanied by the sum of £600 or €1,000 (or such other sum as the Rules Committee may from time to time prescribe). Such sum shall be held by the Complaints Administrator and shall be returned to the Complainant unless the Complaint is dismissed pursuant to section 27(a), 28(a) or the Complaints Committee is of the opinion that a prima facie case has not been made out in respect of the Complaint. Where such a written submission is made by a lay member or members of the Church of Ireland, it must incorporate a written confirmation on the part of each such lay member that he or she is a member of the Church of Ireland.

#### **27. Processing of Complaints in respect of Members of the Clergy by the Complaints Administrator**

- (a) If the Complaints Administrator is of the opinion that a Complaint made in respect of a member of the clergy discloses no reasonable grounds upon which a case could be made that the member of the clergy is liable to disciplinary action under this Part of this Chapter then, subject to obtaining the written approval of either the chairperson or vice chairperson of the Complaints Committee, the Complaints Administrator may dismiss the Complaint. Such a dismissal shall not be a defence to a subsequent Complaint in relation to the same or substantially the same matters.
- (b) Unless a Complaint made in respect of a member of the clergy has been dismissed under section 27(a) or the relevant bishop has already determined that pastoral resolution in accordance with section 19 has not been possible or is not appropriate, the Complaints Administrator shall convey details of the Complaint to the bishop of the diocese in which the member of the clergy against whom the Complaint has been made is beneficed or licensed for pastoral resolution in accordance with section 19.
- (c) If and when a bishop determines that pastoral resolution of a Complaint in respect of a member of the clergy which has been referred to the bishop for pastoral resolution in accordance with section 19 is not possible or not appropriate, the Complaints Administrator shall convey such Complaint made to the Complaints Committee.
- (d) The bishop of the diocese in which the member of the clergy against whom a Complaint has been made is beneficed or licensed may, if the bishop considers it proper to do so, suspend from office that member of the clergy until such time as all disciplinary proceedings under this Part of this Chapter relating to that Complaint have been finally completed. Any member of the clergy so suspended may continue to reside in the glebe house and shall be entitled to a full stipend for the period of such suspension and such expenses as the bishop may determine. He or she must, however, if so required by the relevant bishop, deliver up to the bishop all books, keys and other property held by him or her by virtue of his or her office as are necessary to enable any member of the clergy, appointed by the bishop to look after the benefice during his or her period of suspension, to carry out his or her functions.

#### **28. Processing of Complaints in respect of a Bishop by the Complaints Administrator**

- (a) Where a Complaint is made against a bishop or archbishop, the Complaints Administrator shall, in the first instance, consult with the archbishop of the province, or in the case of an archbishop, the archbishop of the other province, and together they shall determine whether reasonable grounds have been disclosed upon which a case could be made that the bishop or archbishop is liable to disciplinary action under this Part of this Chapter. If they are of the opinion that the Complaint discloses no reasonable grounds then, subject to obtaining the written approval of either the chairperson or vice chairperson of the Complaints Committee, the Complaints Administrator may dismiss the Complaint. Such a dismissal shall not be a defence to a subsequent complaint in relation to the same or substantially the same matters.
- (b) Unless a Complaint made in respect of a bishop has been dismissed under section 28(a) or the relevant archbishop has already determined that pastoral resolution in accordance with section 19 has not been possible or is not appropriate, the Complaints Administrator shall convey details of the Complaint to the archbishop of the relevant province or, in the case of an archbishop, the other province for pastoral resolution in accordance with section 19.
- (c) If and when an archbishop determines that pastoral resolution of a Complaint in respect of a bishop which has been referred to the archbishop for pastoral resolution in accordance with section 19 is not possible or not appropriate, the Complaints Administrator shall convey such Complaint made to the Complaints Committee.
- (d) The archbishop of the relevant province (or, in the case of a Complaint made against an archbishop, the archbishop of the other province) may, if the archbishop considers it proper to do so, suspend a bishop against whom a Complaint has been made from office until such time as all disciplinary proceedings under this Part of this Chapter relating to that Complaint have been finally completed. Any bishop so suspended may continue to reside in the see house and shall be entitled to a full stipend for the period of such suspension. The bishop must, however, if so required by the relevant archbishop, deliver up all books, keys and other property held by the bishop by virtue of the bishop's office.

#### **29. Investigation of Complaints by the Complaints Committee**

- (a) Where a Complaint has been conveyed to the Complaints Committee by the Complaints Administrator, the Complaints Committee shall investigate the Complaint in order to decide whether or not a prima facie case has been made out that the bishop or the member of the clergy concerned is liable to disciplinary action under this Part of this Chapter.
- (b) Before reaching a decision as to whether or not such a prima facie case has been made out, the Complaints Committee shall:
  - (i) provide to the bishop or member of the clergy concerned, where the Complaint has been brought to the attention of the Complaints Administrator in writing, a copy of such writing and, where the Complaint was brought to the attention of the Complaints Administrator otherwise than in writing or came to the attention of the Complaints Administrator otherwise than as a result of a Complaint made by a Complainant, a synopsis prepared by the Complaints Administrator of the Complaint together with brief details of the material then before the Committee and upon which it proposes to base its decision as to whether or not a prima facie case has been made out; and
  - (ii) give the bishop or member of the clergy concerned an opportunity of making such written representations to it as he or she may consider appropriate to the deliberations of the Committee.
- (c) In addition the Complaints Committee may, in its absolute discretion, give the bishop or member of the clergy concerned, the Complainant and the Complaints Administrator an opportunity of being heard before it. If the Complaints Committee gives any of such persons such an opportunity it shall offer a like opportunity to the other(s) of them.
- (d) If the Complaints Committee is of the opinion that a prima facie case has not been made out in respect of any Complaint, it shall so notify in writing the bishop or member of the clergy concerned, the Complainant and the Complaints Administrator.

- (e) If the Complaints Committee is of the opinion that a prima facie case as aforesaid has been made out, it may in its absolute discretion:
  - (i) decide that no further action be taken on the Complaint or any specified part of it; or
  - (ii) decide that, notwithstanding such prima facie case, further consideration of the whole or part of the Complaint be deferred on such terms and conditions as it considers appropriate; or
  - (iii) deal with the whole or part of the Complaint by way of a consent order under section 30; or
  - (iv) refer the Complaint to mediation in such manner as the Committee may direct; or
  - (v) refer the whole or part of the Complaint to a Disciplinary Tribunal as a Formal Complaint in terms formulated by the Committee, and the Complaints Committee shall notify, in writing, the bishop or member of the clergy concerned, the Complainant and the Complaints Administrator that a prima facie case has been made out against the bishop or member of the clergy concerned, and which course of action, of those listed in this section, the Complaints Committee intends to take.

### 30. Consent Orders

- (a) Where the Complaints Committee decides to deal with a Complaint by way of a consent order the provisions of this section shall apply.
- (b) The Complaints Committee may, with the agreement of the bishop or the member of the clergy concerned, make any one or more of the orders which, on finding a Formal Complaint proved, a Disciplinary Tribunal would have power to make in respect of a Respondent.
- (c) Any such order may be made upon such terms and conditions (if any) as the Complaints Committee may, in its absolute discretion, consider appropriate.
- (d) Before making any order under section 30(b) the Complaints Committee shall serve on the bishop or member of the clergy concerned a notice describing the order which it would make if the bishop or member of the clergy agrees.
- (e) A notice under section 30(d) must:
  - (i) explain the extent to which the finding of the Complaints Committee would be published and/or otherwise communicated to others; and
  - (ii) state that, if the bishop or member of the clergy does not agree in writing to the proposed action within a stated period, of not less than fourteen days, the Complaint will be referred to the Disciplinary Tribunal as a Formal Complaint.
- (f) If, within the period stated in the notice (or such extended period, if any, as the Complaints Committee, in its absolute discretion, may allow), the bishop or member of the clergy concerned agrees in writing to the Complaints Committee proceeding as proposed in the notice, the Committee shall make the order specified in the notice unless, having regard to any further information which it has received, it is of the opinion:
  - (i) that a lesser or no sanction is appropriate, in which case it shall impose a lesser or no sanction, as the case may be;
  - (ii) that a smaller or no sum is appropriate by way of costs, in which case it shall order a smaller sum to be paid by way of costs or make no order as to costs, as the case may be;
  - (iii) that no prima facie case exists, in which case it shall so find; or
  - (iv) that a greater sanction is appropriate, in which case before taking any order that goes beyond that described in the notice served under section 30(d) it shall serve on the member of the clergy concerned a supplemental notice identifying the further information and indicating the alternative order the Complaints Committee intends making.



- (g) If the bishop or member of clergy concerned does not, within the period stated in the notice or supplemental notice (or such extended period as the Complaints Committee in its absolute discretion may have allowed), agree in writing to the Complaints Committee proceeding as proposed in such notice, the Complaints Committee shall refer the Complaint as a Formal Complaint to the Disciplinary Tribunal.
- (h) The Complaints Committee may publish details of each consent order made by it in the Journal of the General Synod, and may otherwise publish or communicate details of any consent order in such manner as it in its absolute discretion thinks fit.

### 31. Disciplinary Tribunals

- (a) When a Formal Complaint is referred to a Disciplinary Tribunal by the Complaints Committee, the chairperson of the Disciplinary Panel or, failing him or her, the vice-chairperson of such Panel shall appoint a Disciplinary Tribunal from, except for any bishop appointed, the members of the Disciplinary Panel to hear the Formal Complaint. The Tribunal shall consist of a Lawyer as chairperson and one member of the clergy (or, where the Respondent is a bishop, one bishop nominated by the House of Bishops) and one layperson. No former member of the Complaints Committee who has been concerned with the Complaint which is the subject of the Formal Complaint shall be eligible for appointment to such Disciplinary Tribunal. No person who is ordinarily resident in the diocese in which the Respondent is beneficed or licensed shall be eligible for appointment to such Disciplinary Tribunal.
- (b) If, for any reason, prior to the time fixed for the hearing of the Formal Complaint, any member of the Tribunal becomes unable to act, the chairperson or, failing him or her, the vice-chairperson of the Disciplinary Panel shall co-opt another eligible person from the Disciplinary Panel to act in his or her place.
- (c) If, for any reason, any member of the Disciplinary Tribunal (other than the chairperson thereof) is, during the course of the hearing, unable to continue to attend the hearing, the remaining members, provided that they are not less than two in number, may continue with the hearing, but if the Respondent is present they shall do so only if he or she consents. Save as aforesaid the Formal Complaint shall be re-heard by a new Disciplinary Tribunal appointed by the chairperson or, failing him or her, the vice-chairperson of the Disciplinary Panel in accordance with section 31(a).
- (d) If at any time during the hearing of a Formal Complaint, the Disciplinary Tribunal is of the opinion that it is for any reason inappropriate for it to complete the hearing, the chairperson or failing him or her, the vice-chairperson of the Disciplinary Panel shall appoint a new Disciplinary Tribunal to re-hear the Formal Complaint.
- (e) Where a Formal Complaint is re-heard pursuant to sections 31(c) or 31(d), none of the members of the original Tribunal may be appointed to the new Tribunal.

### 32. Consideration of Formal Complaints by Disciplinary Tribunal

- (a) As soon as practicable after its appointment, the Disciplinary Tribunal shall notify the Respondent, the Complaints Committee and, if there is one, the Complainant of the time (which shall not be sooner than 42 days from the date of such Notification) and place fixed for the hearing of the Formal Complaint.
- (b) The Disciplinary Tribunal shall give the person or persons presenting and prosecuting the Formal Complaint the opportunity of:
  - (i) attending and being heard at the hearing of the Formal Complaint;
  - (ii) adducing documentary evidence;
  - (iii) calling witnesses (including, if desired, any Complainant) to give evidence;
  - (iv) cross-examining witnesses called by the Respondent; and

- (v) making such submissions as he or she wishes to the Disciplinary Tribunal.
- (c) The Disciplinary Tribunal shall give the Respondent the opportunity of:
  - (i) attending and being heard at the hearing of the Formal Complaint;
  - (ii) if he or she so desires, being represented before the Disciplinary Tribunal by a member of the clergy, a solicitor or a barrister;
  - (iii) in addition to being given in advance of the hearing the material as provided for under section 32(e), hearing the evidence against him or her;
  - (iv) cross-examining witnesses called by the person or persons presenting and prosecuting the Formal Complaint in accordance with section 32(h);
  - (v) adducing documentary evidence;
  - (vi) calling witnesses to give evidence on his or her behalf; and
  - (vii) making such submissions as he or she wishes to the Disciplinary Tribunal.
- (d) The Complainant who made the Complaint giving rise to a Formal Complaint may attend any hearing of the Disciplinary Tribunal relating to that Complaint even if the Tribunal determines that the hearing shall be held in private. Any Complainant attending a hearing shall do so as an observer only and shall not have any right of audience save as provided in section 37(c).
- (e) At least fourteen days in advance of the hearing, the Complaints Administrator shall deliver to the Respondent copies of or a summary of any documents or other materials, if any, which, in addition to those made available to the Respondent under section 29(b), the person presenting and prosecuting the Formal Complaint intends to rely on, and a list of such witnesses as he or she proposes calling at the hearing.
- (f) At least seven days in advance of the hearing, the Respondent shall deliver to the Complaints Administrator a summary of the arguments to be presented in his or her defence, together with copies of such supporting documents as he or she proposes to rely on, and a list of such witnesses as he or she proposes calling on his or her behalf at the hearing. However, no failure by the Respondent to comply with this section 32(f) shall restrict the Respondent's rights under section 32(c). The Respondent shall not be precluded from raising any argument or relying on any document which was not included in the material so delivered or calling any witness who was not included in the list of witness so delivered.
- (g) If the Respondent does not attend the hearing fixed as aforesaid, then, the Tribunal may, in its absolute discretion, either:
  - (i) provided the Disciplinary Tribunal is satisfied that notice of that hearing was given to the Respondent, proceed to hear the Formal Complaint in the absence of the Respondent; or
  - (ii) adjourn the hearing to such other date, venue and time as the Tribunal may in its absolute discretion, determine. If it does so adjourn the hearing, the Disciplinary Tribunal shall give to the Respondent notice of the adjourned hearing.
- (h) The Complaints Committee may:
  - (i) appoint a solicitor or another suitable person; or
  - (ii) instruct a solicitor to brief counsel, to present and prosecute such Formal Complaint before the Disciplinary Tribunal appointed to hear such Formal Complaint and to appear on any appeal therefrom before the Appeal Tribunal appointed to hear such appeal.
- (i) A Disciplinary Tribunal may instruct a solicitor to act, or to brief counsel to act, as legal assessor on the hearing of any Formal Complaint.

- (j) A Formal Complaint may only be withdrawn with the consent of the Disciplinary Tribunal appointed to hear that Formal Complaint.
- (k) A Disciplinary Tribunal may, on the application of the person or persons appointed under section 32(h), agree to the amendment of the terms of a Formal Complaint, provided it is satisfied that the Respondent would not be unfairly prejudiced thereby.
- (l) If, during the course of hearing a Formal Complaint, it becomes apparent to a Disciplinary Tribunal that the Respondent may be liable to disciplinary action in accordance with this Part of this Chapter in relation to matters not the subject matter of the Formal Complaint, it may amend the terms of the Formal Complaint to include those additional matters or it may bring those matters to the attention of the Complaints Administrator. If a Disciplinary Tribunal decides to amend a Formal Complaint it may, on the application of the Respondent or the person or persons appointed under section 32(h), adjourn the hearing for such period of time as may seem fit in the circumstances.
- (m) A Disciplinary Tribunal shall have a general discretion to grant extensions and abridgments of time, adjournments and postponements where it considers it fair and proper to do so.

### 33. Findings and Orders of Disciplinary Tribunals

- (a) If a Disciplinary Tribunal appointed to hear a Formal Complaint finds that the Formal Complaint has been proved in whole or in part in accordance with the standard of proof applicable in accordance with section 33(b), it shall make a finding to that effect; but if it finds that the Formal Complaint has not been proved in accordance with such applicable standard of proof, it shall dismiss the Formal Complaint.
- (b) Subject to section 33(c), a Formal Complaint against a Respondent shall not be proved in whole or in part unless and until it has been proved by the Complaints Committee to the satisfaction of the Disciplinary Tribunal in accordance with the standard of proof applicable under this section. The standard of proof applicable shall be proof on the balance of probabilities.
- (c) If, in any proceedings before a Disciplinary Tribunal, it is proved that a member of the clergy has been found guilty of any crime for the time being punishable by law in any part of Ireland he or she shall be taken to have committed that crime unless the contrary is proved.
- (d) If a Disciplinary Tribunal makes a finding that a Formal Complaint has been proved in whole or in part, it may make any one or more of the following orders against the Respondent as it considers appropriate having regard to the status of the Respondent, the Tribunal's views as to the nature and seriousness of the Formal Complaint, any previous Complaint in respect of which a finding or a finding and an order have been made against the Respondent and any other circumstances that the Tribunal considers relevant:
  - (i) an order that no further action be taken on the Formal Complaint;
  - (ii) an order admonishing the Respondent;
  - (iii) an order severely admonishing the Respondent;
  - (iv) an order temporarily depriving the Respondent (who is a member of the clergy) of the Respondent's office;
  - (v) an order depriving the Respondent (who is a member of the clergy) of the Respondent's office;
  - (vi) an order deposing the Respondent (who is a member of the clergy) from holy orders;
  - (vii) an order temporarily depriving the Respondent (who is a bishop) of the Respondent's office; and
  - (viii) an order permanently depriving the Respondent (who is a bishop) of the Respondent's office.
- (e) If a Disciplinary Tribunal temporarily deprives a Respondent of his or her office it may also:

- (i) order the Respondent to deliver up all books, keys, and other property held by him or her by virtue of his or her office for the duration of the suspension; and / or
- (ii) order that any moneys payable as stipend to the Respondent shall be sequestered for such period and subject to such conditions as the Disciplinary Tribunal may think fit.
- (f) A Disciplinary Tribunal may make an order requiring the Respondent to do or to refrain from doing an act.
- (g) A Disciplinary Tribunal may also make an order for costs in accordance with section 38.
- (h) Any such order as is referred to in sections 33(d), 33 (e), 33 (f) and 33 (g) may be made upon such terms and conditions (if any) as the Disciplinary Tribunal may in its absolute discretion, consider appropriate.
- (i) Subject to section 34(i), an order of the Disciplinary Tribunal shall take effect from the expiry of the appeal period referred to in section 34(c). Notice of any finding or order of the Disciplinary Tribunal shall as soon as practicable be given to the Respondent and, if there is one, to the Complainant and to the Complaints Committee.
- (j) Details of each order made by a Disciplinary Tribunal shall be published in the Journal of the General Synod.
- (k) A copy of all pleadings and documents filed in any proceedings before a Disciplinary Tribunal shall be filed of record in the registry maintained by the Complaints Administrator. All such pleadings and documents shall be open to inspection by the parties to the proceedings in question and, at the discretion of the Complaints Committee, to any other person.

#### 34. Appeals and Appointment of Appeal Tribunal

- (a) A Respondent may appeal against a finding or order of a Disciplinary Tribunal on the grounds that:
  - (i) the finding is wrong; and / or
  - (ii) the order is excessive; and / or
  - (iii) the finding and / or the order is flawed because of a serious procedural or other irregularity in the proceedings before the Disciplinary Tribunal.
- (b) No appeal shall lie in respect of a matter of doctrine or ritual on which the House of Bishops has issued a statement in accordance with section 39.
- (c) If a Respondent wishes to appeal a finding or order of a Disciplinary Tribunal, he or she must within 21 days (or such longer period as the Disciplinary Tribunal may allow) of the date of the service upon him or her of such order, give notice of appeal to the chairperson of the Disciplinary Panel. Any such notice shall state the grounds of appeal and the grounds so stated shall not thereafter be amended except with the leave of the Appeal Tribunal appointed to hear such appeal.
- (d) The chairperson or, failing him or her, the vice-chairperson of the Disciplinary Panel shall as soon as practicable after the receipt of such notice of appeal appoint an Appeal Tribunal from, except for any bishops appointed, the members of the Disciplinary Panel. Where the Appellant is a member of the clergy the Appeal Tribunal shall consist of a lawyer as chairperson, one layperson and one member of the clergy. Where the Appellant is a bishop, the Appeal Tribunal shall consist of a lawyer as chairman, two laypersons and two bishops nominated by the House of Bishops. No former member of the Complaints Committee or Disciplinary Panel who has been concerned with the Complaint or Formal Complaint which is the subject of the appeal shall be eligible for appointment to such Appeal Tribunal. No person who is ordinarily resident in the diocese in which the Appellant is beneficial or licensed shall be eligible for appointment to such Appeal Tribunal.

- (e) If, for any reason, prior to the time fixed for the hearing of the Appeal, any member of the Appeal Tribunal becomes unable to act, the chairperson or, failing him or her, the vice-chairperson of the Disciplinary Panel shall co-opt another eligible person from the Disciplinary Panel to act in his or her place.
- (f) If, for any reason, any member of the Appeal Tribunal (other than the chairperson thereof) is, during the course of the hearing, unable to continue to attend the hearing, the remaining members, provided that they are not less than three in number, may continue with the hearing, but if the Appellant is present they shall do so only if he or she consents. Save as aforesaid the appeal shall be re-heard by a new Appeal Tribunal appointed by the chairperson or, failing him or her, the vice-chairperson of the Disciplinary Panel.
- (g) If at any time during the course of the hearing of an appeal the Appeal Tribunal is of the opinion that it is for any reason inappropriate for it to complete the hearing, the chairperson or, failing him or her, the vice-chairperson of the Disciplinary Panel shall appoint a new Appeal Tribunal to re-hear the appeal.
- (h) Where an appeal is re-heard pursuant to sections 34(f) or 34(g), none of the members of the original Appeal Tribunal may be appointed to the new Appeal Tribunal.
- (i) If notice of appeal is served on the chairperson of the Disciplinary Panel in accordance with section 34(c) the order of Disciplinary Tribunal shall not have effect until the appeal has been withdrawn or determined and, where determined, it shall only have effect in accordance with the order of the Appeal Tribunal.

### 35. Hearing of Appeals by Appeal Tribunal

- (a) As soon as practicable after its appointment, the Appeal Tribunal shall notify the Appellant, the Complaints Committee and, if there is one, the Complainant of the time (which shall not be sooner than 42 days from the date of such notification) and place fixed for the hearing of the appeal.
- (b) Unless the Appellant, the Complaints Committee and the Appeal Tribunal agree otherwise, appeals shall be conducted and heard as follows:
  - (i) in the case of an appeal on the grounds set out in section 34(a)(i) (or an appeal which includes those grounds), the appeal (or that part of the appeal, as the case may be) on such grounds shall be by way of re-hearing and shall be conducted and heard as though at first instance, in which case, the Complaints Committee shall first present its case to the Appeal Tribunal with the same burden and standard of proof as applied before the Disciplinary Tribunal and the Appellant may then present its case; and
  - (ii) in the case of an appeal made on the grounds set out in sections 34(a)(ii) or 34(a)(iii) (or an appeal which includes those grounds), the appeal (or that part of the appeal, as the case may be) on such grounds shall be heard in such manner as the Appeal Tribunal appointed to hear such appeal may, in its absolute discretion, direct.

The Appeal Tribunal appointed to hear an appeal may, in its absolute discretion, admit any evidence not presented at the hearing of the Formal Complaint by the Disciplinary Tribunal. If either the Appellant or the Complaints Committee wish to introduce any new evidence not presented at the hearing of the Formal Complaint by the Disciplinary Tribunal they shall give the other and the Disciplinary Tribunal notice of such desire at least 14 days prior to the date set for the hearing of the appeal.

- (c) The Appeal Tribunal shall give the Appellant the opportunity of:
  - (i) attending and being heard at the hearing of appeal;
  - (ii) if he or she so desires, being represented before the Appeal Tribunal by a member of the clergy, a solicitor or a barrister;

- (iii) hearing the evidence put forward by or on behalf of the Complaints Committee;
  - (iv) cross-examining witnesses called by the person or persons appointed under section 32(h);
  - (v) adducing documentary evidence;
  - (vi) calling witnesses to give evidence on his or her behalf; and
  - (vii) making such submissions as he or she wishes to the Appeal Tribunal.
- (d) The Appeal Tribunal shall give the Complaints Committee the opportunity of:
- (i) attending and being heard at the hearing of the appeal;
  - (ii) adducing documentary evidence;
  - (iii) calling witnesses (including, if desired, any Complainant) to give evidence;
  - (iv) cross-examining witnesses called by the Appellant; and
  - (v) making such submissions as they wish to the Appeal Tribunal.
- (e) The Complainant who made the Complaint giving rise to the appeal may attend at the hearing of the appeal even if the Appeal Tribunal determines that the hearing shall be held in private. Any Complainant attending a hearing shall do so as an observer and shall have no right of audience save as provided in section 37(c).
- (f) If the Appellant does not attend the hearing fixed as aforesaid, then the Appeal Tribunal may, in its absolute discretion, either:
- (i) provided that the Appeal Tribunal is satisfied that notice of that hearing was given to the Appellant or Appellants, dismiss the appeal; or
  - (ii) adjourn the appeal hearing to such other date, venue and time as it may, in its absolute discretion, determine.
- If it does so adjourn the hearing, the Appeal Tribunal shall give to the Appellant notice of the dismissal and / or adjourned hearing.
- (g) If the Appeal Tribunal dismisses an appeal pursuant to section 35(f) and the Appellant applies to have the appeal re-listed for hearing within 21 days of the Notice of Dismissal being sent to the Appellant, the Appeal Tribunal may re-list the appeal if, in its absolute discretion, it is satisfied that the non-attendance of the Appellant at the appeal was for some reason which merits the reversal of the dismissal.
- (h) The Appeal Tribunal may instruct a solicitor to act, or to brief counsel to act, as legal assessor on the hearing of any appeal.
- (i) An appeal may only be withdrawn with the consent of the Appeal Tribunal appointed to hear that appeal.
- (j) If, during the course of hearing an appeal, it becomes apparent to an Appeal Tribunal that the Appellant may be liable to disciplinary action in accordance with this Part of this Chapter in relation to matters not the subject matter of the appeal, it may bring those matters to the attention of the Complaints Administrator.
- (k) An Appeal Tribunal shall have a general discretion to grant extensions and abridgments of time, adjournments and postponements where it considers it fair and proper to do so.

- (a) On any appeal, the Appeal Tribunal may affirm, vary or rescind any finding or order of the Disciplinary Tribunal in respect of which the appeal was brought, and may substitute any other finding or order (on such terms and conditions (if any) as it, in its absolute discretion, considers appropriate) which the Disciplinary Tribunal might have made on the original Formal Complaint, or may, if the Appeal Tribunal, in its absolute discretion, considers it appropriate, order that the Formal Complaint which resulted in the finding or order of the Disciplinary Tribunal in respect of which the appeal was brought be heard de novo by a different Disciplinary Tribunal. An Appeal Tribunal may also make an order for costs under section 38.
- (b) An order of the Appeal Tribunal shall take effect as from the date thereof unless the Appeal Tribunal, in its absolute discretion, directs that it shall take effect from some other date (not being earlier than the date of the order appealed against) as shall be specified in the order.
- (c) Notice of any finding or order of the Appeal Tribunal shall as soon as practicable be given to the Appellant, and, if there is one, to the Complainant and to the Complaints Committee.
- (d) Details of each order made by an Appeals Tribunal shall be published in the Journal of the General Synod.
- (e) A copy of all pleadings and documents filed in any proceedings before an Appeal Tribunal shall be filed of record in the registry maintained by the Complaints Administrator. All such pleadings and documents shall be open to inspection by the parties to the proceedings in question and, at the discretion of the Complaints Committee, to any other person.

### **37. Hearings of Tribunals to be in Public**

- (a) All hearings by a Disciplinary Tribunal or an Appeal Tribunal may be held in public unless:
  - (i) not later than 14 days before the date set for the hearing, an application is made to the Tribunal by the Complainant, the Respondent or Appellant (as the case may be) or the Complaints Committee to have the hearing or part of it held in private; and
  - (ii) the Tribunal, in its absolute discretion, determines that the holding in public of any hearing or any part thereof would be inappropriate. If the Tribunal determines that any hearing or any part thereof should not be held in public, then that hearing or the relevant part thereof shall be held in private.
- (b) On receipt of an application under section 37(a), the Tribunal will inform the Complainant, the Respondent or Appellant (as the case may be) and the Complaints Committee of the fact that application has been made to the Tribunal to have the whole or part of the hearing held in private and invite the said persons (and any other person it considers may be affected) to make such written submissions, if any, as they wish on the issue of whether or not the hearing, or the part of the hearing in issue, should be heard otherwise than in public.
- (c) In addition the Tribunal may, in its absolute discretion, give each of the Respondent or Appellant (as the case may be), the Complainant and the Complaints Committee (and any other person it considers may be affected) an opportunity of being heard before it in relation to whether or not the hearing or any part thereof should be heard in private. If the Tribunal gives any of such persons such an opportunity it shall offer a like opportunity to the other or others of them. Any such hearing shall be in private.
- (d) A Tribunal shall not consider an application to have a hearing held in private which is brought otherwise than in accordance with the provisions of this section 37 and, in particular, shall not consider an application which is not brought within the time period specified in section 37(a).
- (e) A Tribunal may require any person attending a hearing (whether held in public or private) to give their name and address.
- (f) A Tribunal may expel from a hearing any person who is or becomes disruptive to the proceedings of such Tribunal or who fails to comply with section 37(e).

**38. Costs**

- (a) In addition to such other orders as may be made by a Disciplinary Tribunal or an Appeal Tribunal (including an order that no further action be taken) a Disciplinary Tribunal or an Appeal Tribunal may, in its absolute discretion, direct that the Respondent or Appellant, as the case may be, pay the Complaints Committee such sum for costs as the Tribunal may, in its absolute discretion, determine.
- (b) In determining such sum for costs:
- (i) the Disciplinary Tribunal may take account of any and all fees, costs and expenses of whatsoever nature incurred by or on behalf of the Disciplinary Bodies, in relation to the Complaint and Formal Complaint; and
  - (ii) the Appeal Tribunal may take account of such fees, costs and expenses as the Disciplinary Tribunal may take account of and also any and all fees, costs and expenses incurred by or on behalf of the Disciplinary Bodies in relation to the appeal.
- (c) Any such costs shall be paid within twenty-one days of the date of the service upon the Respondent or Appellant, as the case may be, of the order in respect of costs save that if notice of appeal in accordance with section 34(c) is given costs awarded by a Disciplinary Tribunal shall not be payable until the determination of the appeal, and then subject to any order made by the Appeal Tribunal in relation thereto.
- (d) Any sum payable under any order for costs shall be deemed to be a contract debt due from the Respondent or Appellant in question to the Complaints Committee and shall be recoverable by action.
- (e) Save as provided in section 38(f), neither a Respondent nor an Appellant, as the case may be, shall be entitled to any award of costs as against any Disciplinary Body or any other party whatsoever in relation to any fees, costs and expenses of whatsoever nature incurred by or on behalf of the Respondent or the Appellant, as the case may be, in relation to the Complaint, Formal Complaint or the appeal.
- (f) If a Complaint is found not proven in whole or in part, the Respondent or the Appellant (as the case may be) may apply to the Disciplinary Tribunal or the Appeal Tribunal for his or her costs. However, costs do not automatically follow the event. The Disciplinary Tribunal or the Appeal Tribunal may order the payment in favour of the Respondent or the Appellant out of the General Purposes Fund of such sum for costs as the Disciplinary Tribunal or the Appeal Tribunal may determine, up to the maximum level as decided upon from time to time by the Representative Body, upon consideration of the following factors:
- (i) the extent to which the Disciplinary Bodies acted reasonably in the exercise of their respective duties;
  - (ii) the financial prejudice to the Respondent or Appellant concerned if an order for costs was not to be made in his or her favour;
  - (iii) whether it is just and reasonable to award costs; and
  - (iv) the need for the Disciplinary Bodies to make reasonable and apparently sound decisions without the General Synod suffering financial prejudice if those decisions are successfully challenged. Payment of any sum so ordered to be paid out of the General Purposes Fund may, in the light of the resources available to the General Purposes Fund and the other demands on it, be deferred and paid over such period of time as the Representative Body may consider is reasonable in the circumstances.
- (g) An Appeal Tribunal may, in its order, reduce or increase any costs ordered by the Disciplinary Tribunal in addition to any order it may make in relation to the costs of the appeal.

**AMENDED 2008****39. Matters of Doctrine and Ritual**



- (a) Where, in any matter which may be before a Disciplinary or Appeal Tribunal, a question relating to the doctrine or ritual of the Church of Ireland arises that Tribunal shall, if it considers that an understanding of the doctrine or ritual concerned is necessary to enable it to make a ruling on the matter, request the House of Bishops to issue a statement setting out the collective understanding of the House of Bishops of the current and orthodox position of the Church of Ireland on such doctrine and ritual.
- (b) A Disciplinary Tribunal or Appeal Tribunal which has made a request to the House of Bishops in accordance with section 39(a) shall adjourn, in such manner as it thinks fit, the hearing of the matter that has given rise to such request until the House of Bishops has given its statement.
- (c) The terms of the request to the House of Bishops will be settled by agreement between the Respondent or Appellant (as the case may be) on the one hand and the person or persons appointed under section 32(h) on the other hand with the approval of the relevant Tribunal or, in default of agreement, by the relevant Tribunal. Once settled the request will be signed by the chairperson of the Tribunal and forwarded to the secretary to the House of Bishops.
- (d) The Respondent or, as the case may be, the Appellant and the person or persons appointed under 32(h) shall be entitled to make written submissions to the House of Bishops on the subject matter of the request.
- (e) On receipt of a request under this section the House of Bishops shall meet to consider such request and, having considered any written submissions made to it and followed whatever procedures, in its absolute discretion, it considers appropriate, shall give its statement in writing on the request. Where the matter giving rise to the request involves a bishop, such bishop shall not partake in the consideration by the House of Bishops of the question of doctrine or ritual that arises.
- (f) The statement of the House of Bishops on a request made in accordance with this section shall be binding on the Respondent or, as the case may be, the Appellant and the Tribunal concerned solely in respect of the matter under consideration by the Tribunal.

#### **40. Register**

- (a) The Complaints Administrator shall maintain a register of all orders made by any Disciplinary Tribunal and any Appeal Tribunal. Such register will be open to inspection by members of the public during normal opening hours at the Representative Church Body Library.
- (b) If any person believes that an error has been made in any entry in such register, he or she may apply to the Complaints Administrator to have the error rectified. If the Complaints Administrator determines that an error has been made the Complaints Administrator shall duly rectify the register.

#### **41. Indemnity**

- (a) The members of the Disciplinary Bodies shall be indemnified by the Representative Body from all losses and expenses incurred by them in or about the discharge of their respective duties, except for any loss or expense as happen from their own respective wilful act, neglect or default.
- (b) No member of a Disciplinary Body shall be liable for any act, omission or default of any other member of a Disciplinary Body unless the same happens from his or her own wilful act, neglect or default.

#### **42. Transitional Provisions**

- (a) Any proceedings commenced before a Diocesan Court or the Court of the General Synod before 1 January 2009 shall continue to be governed by the provisions in that behalf of the Constitution of the Church of Ireland as were in force immediately prior to that date.
- (b) Notwithstanding anything in this Part of this Chapter, no sanction may be imposed on a bishop or a member of the clergy by a Disciplinary Tribunal or by an Appeal Tribunal, which was not provided for in the Constitution of the Church of Ireland effective at the time the event, which rendered such bishop or member of the clergy liable to such sanction, occurred.

- (c) No bishop or member of the clergy may be subject to disciplinary action on grounds that would not have rendered the bishop or member of the clergy in question liable to disciplinary action under the Constitution of the Church of Ireland effective at the time the alleged event, giving rise to such disciplinary action, occurred.

**Appendix A**

**Form of Petition**

In the Diocesan Court of \_\_\_\_\_ [or In the Court of the General Synod, as the case may be].

A. B., Petitioner.

C. D., Respondent.

I, A.B. of \_\_\_\_\_, a member of the Church of Ireland and having agreed to submit to the authority of the Church of Ireland and the laws and tribunals thereof, petitioner, do hereby seek the following relief [*here state the relief sought*]

I seek that relief on the following grounds, that is to say [*here state the grounds*],

A. B., petitioner.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ .

**Appendix A**

**Form of Appeal**

In the Court of the General Synod.

A. B., Appellant.

C. D., Respondent.

I, A. B., the respondent [*or petitioner, as the case may be*], in a cause in the Diocesan Court of the dioceses of \_\_\_\_\_, in which C.D., now of \_\_\_\_\_, herein named as respondent, was petitioner [*or respondent, as the case may be*], do hereby appeal from the judgment or order of the said Diocesan Court, pronounced in the said cause on the \_\_\_\_\_ day of \_\_\_\_\_, upon the following grounds, that is to say [*here state the grounds of the appeal*]. And having lodged £ \_\_\_\_\_ / € \_\_\_\_\_ as security for the costs and expenses, I require my appeal to be heard by the Court of the General Synod.

A. B., appellant.

Dated \_\_\_\_\_ this day of \_\_\_\_\_ .

**AMENDED 2008**



## Chapter IX

### THE CANONS

The Canons hereinafter contained shall henceforth be the Canons of the Church of Ireland.

Throughout these Canons:

“Church” shall mean the Church of Ireland.

“Bishop” shall mean the bishop of the diocese or other bishop or archbishop appointed or authorised to carry out the functions of the bishop in the diocese.

“Ordinary” shall mean the bishop of the diocese or other person being the ecclesiastical ordinary of the place.

“Prescribed” shall mean prescribed by any authority of the Church, lawfully authorised by the Constitution to prescribe the matter in question.

#### PART I.

#### DIVINE SERVICE: GENERAL

##### **1. The due observance of Sundays and Holy-days**

The Lord’s day, commonly called Sunday, shall be duly observed, according to God’s holy will and pleasure and the order of this Church. Holy-days appointed by the Church shall also be duly observed.

##### **2. Restraint on unauthorised practices**

It shall be competent for the ordinary to restrain and prohibit in the conduct of public worship any practice not enjoined in the Book of Common Prayer, or in any rubric or canon enacted by lawful authority of the Church of Ireland.

##### **3. Divine Service to be celebrated on Sundays and Holy-days**

On every Sunday and Holy-day appointed by the Church, unless dispensed with by the ordinary, incumbents and curates shall celebrate Morning and Evening Prayer or the Holy Communion or other service prescribed for the day at convenient and usual times, and in such place in every church or other suitable building provided for the purpose as the ordinary shall think proper.

##### **4. The Book of Common Prayer**

All clergy shall use and observe the orders rites and ceremonies prescribed in the Book of Common Prayer as well in reading the holy scriptures and saying of prayers as in administration of the sacraments without either diminishing or adding anything in the matter or form thereof, save as hereinafter provided.

##### **5. The prescribed form of Divine Service to be used in Churches**

(1) The services contained in the Book of Common Prayer and Administration of the Sacraments, or such services as may be otherwise prescribed or authorised, and no other, shall be used in churches: Provided that there may be used in any cathedral or church

(a) at any hour on any Sunday or weekday (a) an additional form of service, provided that such form of service and the mode in which it is used is for the time being approved by the ordinary, and

- (b) upon any special occasion approved by the ordinary a special form of service approved by the ordinary:

Provided that, save with the leave of the ordinary, neither such additional form of service nor special form of service shall be in substitution for any of the services so prescribed.

- (2) Members of the clergy may at their discretion make and use variations which are not of substantial importance in any form of service prescribed in the Book of Common Prayer or elsewhere.
- (3) All variations in forms of service and all forms of service used or made under the provisions of this canon shall be reverent and seemly and shall be neither contrary to nor indicative of any departure from the doctrine of the Church.
- (4) If any question is raised concerning any such variation, or as to whether it is “of substantial importance”, the same shall be referred to the bishop, who may give such pastoral guidance, advice or directions as is thought fit, but without prejudice to the right of any person to initiate proceedings in any ecclesiastical tribunal.

#### **6. The use of prayers and hymns not included in the Book of Common Prayer**

It shall be lawful to use in the course of or before or after any public office of the Church

- (a) any form of prayer included in any book of prayers prescribed or authorised,
- (b) any form of hymn in any prescribed or authorised book,
- (c) any prayer or hymn authorised by the bishop or ordinary,
- (d) any prayer or hymn not containing substantial variations from the practice of, nor contrary to the doctrine of, the Church, as the officiating member of the clergy may consider to be required by current circumstances; but the provisions of Canon 5 (3) and (4) shall apply to all such prayers and hymns.

#### **7. The duty of preaching**

Every incumbent shall provide that one sermon at least be preached on every Sunday in every church, or other building licensed for the purpose, in which Divine Service is performed within the cure, unless the incumbent be excused therefrom by the ordinary. The preacher shall endeavour with care and sincerity to minister the word of truth according to holy scripture and agreeable to the Articles of Religion and the Book of Common Prayer, to the glory of God and the edification of the people.

#### **8. Speaking in a distinct and audible voice**

Clergy at all times of their public ministration of the service of the Church shall speak in a distinct and audible voice, and so place themselves that the people may conveniently hear what is said.

#### **9. Divine Service in the Irish language**

When the congregation consists in whole or in part of Irish speaking people, the officiating member of the clergy may use such translations of the services into the Irish language, or such portions thereof, as the ordinary shall direct.

#### **10. Visiting ministers of Churches not in communion with the Church of Ireland**

A minister or accredited preacher of such Christian denominations not in full communion with the Church as may from time to time be specified by the House of Bishops may, in such circumstances as may from time to time be prescribed by the House, and with the permission of the ordinary, which permission shall be without prejudice to the normal maintenance of the recognised rules of church order,

- (a) deliver an address in any church or cathedral at any service,

- (b) read the service of Morning or Evening Prayer or any other service (other than the Holy Communion) authorised under Canon 5 (1) (or such parts thereof as the ordinary may decide) either jointly with, or in the absence of, a member of the clergy of the Church of Ireland or a reader authorised by the bishop.

The ordinary shall be satisfied, before giving such permission, that the participation of such visiting minister is acceptable to the incumbent and the churchwardens (if any) of any church concerned, and that it is not contrary to any provision of the civil law.

#### 10A Interchangeability of Ministry with the Methodist Church in Ireland

- (1) For the purposes of this Canon, 'in full Connexion with the Conference of the Methodist Church in Ireland' shall mean a presbyter who has completed his or her period of training and probation and has been admitted as a member of the Conference of the Methodist Church in Ireland or admitted into connection therewith.
- (2) Pursuant to the will of the Church of Ireland to work towards the unity of all God's people, and that its mission may be further strengthened, the Church of Ireland,
  - (a) recognizes all three expressions of personal, communal, and collegial episcopate in the polity of the Methodist Church in Ireland, in the person of the Methodist President and his or her predecessors and successors, in the Methodist congregations and in the Methodist Conference respectively;
  - (b) discerns consonance between the office and function of a bishop within the Church, (as expressed in the Ordinal and the Preamble and Declaration) and in the office and function of a President and a past President within the Methodist Church in Ireland and understands that 'Episcopal Minister' gives expression to the office and function of Presidents and Past Presidents of the Methodist Church in Ireland;
  - (c) requires that at least two bishops of the Church participate in all future Installations and Consecrations of the President of the Methodist Church in Ireland;
  - (d) recognizes those who have been, at any time, installed and consecrated as a President in the Methodist Church in Ireland and who are in full Connexion with the Conference of the Methodist Church in Ireland, as being entitled to participate in the laying on of hands in the ordination of bishops and priests in the Church.
- (3) When both events referred to in 10A(2)(c) and 10A(2)(d) have first occurred the Church of Ireland shall;
  - (a) consider any presbyter of the Methodist Church who is in full Connexion with the Conference of the Methodist Church in Ireland, as being equivalent to those ordained priest within the Church for the purposes of being considered for or appointed to any role which necessitates being in priest's orders within the Church, or such other occasional ministry as may be approved by the Ordinary;
  - (b) consider any President or former President of the Methodist Church in Ireland, who is in full Connexion with the Conference of the Methodist Church in Ireland, as being equivalent to those ordained bishop within the Church for the purposes of being considered for election and translation into a vacant see within the Church, or any other role which necessitates being in priest's orders within the Church;
  - (c) require that ministers and Episcopal Ministers of the Methodist Church in Ireland exercising ministry within the Church be made subject to the ecclesiastical polity, laws and tribunals and authority of the Church including its Canons, Constitution, and discipline for the duration of the exercise of that ministry, and shall have no part in nor be subject to, the same polity, authority, Canons, Constitution, and discipline except during such time as that ministry is exercised within the Church of Ireland;
- (4) When both events referred to in 10A(2)(c) and 10A(2)(d) have first occurred the Church shall acknowledge a period of anomaly during which there shall be those who were installed as

President by, and presbyters received in full Connexion with, the Conference of the Methodist Church in Ireland, before the coming into force of both 10A(2)(c) and 10A(2)(d), and those installed as President by, and presbyters received in full Connexion with, the Conference of the Methodist Church in Ireland after both 10A(2)(c) and 10A (2)(d) have come into force, and shall not distinguish between the same provided they are in full Connexion with the Conference of the Methodist Church in Ireland.

## 11. Use of churches by other Christian denominations

Subject to this Canon the ordinary may, in such circumstances as the ordinary shall think fit, give permission for a cathedral, church or chapel to be used by a minister or accredited preacher of a Christian denomination recognised as such by the House of Bishops for the purpose of conducting therein worship for members of that denomination in accordance with the rites liturgy and customs of that denomination. Such permission shall not be given until the ordinary has first been satisfied:

- (a) In the case of a cathedral which is not a parish church, that the dean and a majority of the chapter and the cathedral wardens (if any); in the case of a cathedral which is a parish church, that the dean and a majority of the chapter, the incumbent (if the incumbent is not the dean) and the churchwardens; in the case of a parish church or chapel, that the incumbent and churchwardens; in the case of a proprietary or trustee church or chapel, that the member of the clergy in charge, the trustees (if any) and the churchwardens thereof have given their consent to any such permission, and
- (b) that such use of the cathedral, church or chapel is not contrary to or inconsistent with the terms or provisions of any special trust, deed of gift, covenant or condition relating to such cathedral, church or chapel or the lands upon which it stands or lands held therewith or the purpose for which the same may be used, or relating to any endowment, fund or property held for the benefit of the parish.

Where permission has been given for a cathedral, church or chapel to be so used, neither the minister nor preacher conducting worship, nor the congregation, shall be bound by these Canons.

### 11A Local Ecumenical Partnerships

- (1) A "local ecumenical partnership" shall mean a partnership formed, with the leave of the ordinary, between a Church of Ireland parish or ministry and a church or ministry of another Christian denomination not in full communion with the Church of Ireland but with which the Church of Ireland has a formal ecumenical agreement approved by the General Synod.
- (2) The Standing Committee of the General Synod may make such regulations as may be required to govern local ecumenical partnerships. Such regulations shall not alter the doctrine, rites, formularies or rubrics of the Church of Ireland.
- (3) All regulations made under paragraph (2) of this Canon shall be published and reported to the General Synod.

## 12. Ecclesiastical apparel

- (1) Archbishops and bishops at all times of their public ministration of the services of the Church shall use the customary ecclesiastical apparel of their order.
- (2) Every member of the clergy at all times when ministering publicly the regular services of the Church in a church building
  - (a) may wear a cassock,
  - (b) shall wear a plain white surplice with sleeves and the customary black scarf or a stole, and
  - (c) may wear bands, and the hood pertaining to any university degree or other academic qualification held by that member of the clergy:



Provided that any member of the clergy shall be at liberty to wear a plain black gown while preaching.

No member of the clergy shall wear any other ecclesiastical vestment or ornament.

- (3) If any question shall arise touching the suitability of any vestment or ornament worn by any member of the clergy during the public ministrations of the services of the Church, the same shall be decided by the ordinary, subject to an appeal to the Court of the General Synod.
- (4) The Church does not attach any doctrinal significance to the diversities of apparel permitted by this Canon, and the apparel worn by members of the clergy in accordance with the provisions of this Canon is not to be understood as implying any doctrines other than those contained in the formularies of the Church.

## PART II.

### HOLY COMMUNION

#### 13. The celebration of Holy Communion

- (1) In every church or chapel where the sacraments are to be administered, the Holy Communion shall be ministered at least once a month, unless the ordinary shall otherwise order, and also on such of the days for which proper prefaces are provided in the communion service, as the ordinary shall direct.
- (2) In the administration of the Holy Communion, such order or orders of service as may be prescribed shall be used and observed.
- (3) Members of the clergy when celebrating the Holy Communion shall so stand that the people may conveniently hear them and observe the manual acts, and shall not stand with their backs to the people at any time when they are offering up public prayer.
- (4) The elevation of the paten or chalice beyond what is necessary for taking the same into the hands of the officiating member of the clergy, and the ringing of bells during the time of the service, shall not be permitted.
- (5) The bread to be used in the service shall be such as is usually eaten, of the best quality that can conveniently be procured; and the use of wafer bread is prohibited except in cases of illness where it may be desirable to administer the Holy Communion by means of intinction, subject to any conditions which the ordinary may prescribe.

#### 14. Administration of the Holy Communion in places other than churches

The Holy Communion may be administered in any private house or other suitable place

- (a) where any person, due to illness or other sufficient cause, is unable to come to the church and desires to partake of the sacrament;
- (b) in any other circumstance, to be approved by the bishop.

#### 15. The Communion Table

The communion table shall be a movable table of wood or other suitable material, and may have such covering as the ordinary shall approve. For the administration of the Holy Communion it shall be covered as required by the rubric.

#### 16. Exclusion from the Communion of the Church

- (1) If the incumbent is convinced that any member of the congregation ought not to be admitted to

Holy Communion by reason of grave and open sin without repentance, the said incumbent shall warn such a person of the grave spiritual danger of communicating in such a state and shall offer pastoral advice, and report the case to the bishop of the diocese in which such congregation is situated. Should such a person refuse repentance and neglect pastoral advice, the incumbent shall not admit the person to Holy Communion, and shall immediately report to the bishop with all details of the case. The bishop shall afford the offender the opportunity of an interview before issuing an order and direction in relation to any such person.

- (2) Such person shall have the right to appeal from the order of the bishop to the Diocesan Court, provided that the 17th 18th and 19th and 21st sections and subsection (1) of section 26 of Chapter VIII (or such other provisions of the Constitution to the like effect as may from time to time be in force) shall not be applicable to such an appeal, and no person shall have a right to be present at the court except the person served with notice of the proceedings in accordance with said provisions, the legal advisers of the parties, the witnesses, and the churchwardens of the congregation.
- (3) Any sentence of exclusion from Holy Communion shall be valid in every part of the Church, and no member of the clergy having knowledge of any such sentence shall administer Holy Communion to the person affected thereby, except such person be in peril of death, and have satisfied that member of the clergy of such person's sincere repentance.
- (4) If any person on whom such sentence shall have been passed shall satisfy the incumbent that such person earnestly repents, and intends to lead a new life following the commandments of God, the incumbent shall notify the same to the bishop who thereupon, if satisfied of the sincerity of such repentance, shall restore the penitent to the communion of the Church.

### PART III.

#### ORDINATION

##### **17. The form of ordering of bishops, priests and deacons**

That form of ordination which is prescribed in the Book of Common Prayer or elsewhere for the ordering of bishops, priests and deacons, and no other, shall be used.

##### **18. Four solemn times appointed for the giving or conferring of holy orders**

In accordance with the ancient customs of the Church whereby certain times were allotted in which alone holy orders might be given or conferred, it is hereby decreed that no deacon or presbyter shall be made and ordained but only upon the Sundays immediately following those days which are commonly called ember days, except as otherwise allowed in the preface to the Ordinal. And this shall be done in the time of Divine Service, in the presence of the archdeacon or the archdeacon's deputy, and of at least two presbyters. And no person shall be made a deacon and a presbyter on the same day.

##### **19. Letters dimissory**

No bishop shall admit into holy orders any person coming from outside that bishop's diocese, unless that person brings letters dimissory from the bishop from whose diocese that person comes.

##### **20. Conditions of admission of such as are to be ordained**

Any person seeking to be admitted into holy orders shall first exhibit to the bishop of the diocese in which that person seeks to be ordained a certificate of a nomination to some curacy or ecclesiastical preferment then vacant or shortly to become vacant in that diocese, or to some church therein where that person may attend the cure of souls and execute that person's ministry:

Provided that the bishop may also admit into holy orders

- (a) any person, for general assistance or for missionary purposes in that bishop's diocese,

- (b) any person, for missionary purposes in foreign parts, and
- (c) any person, for general assistance in that bishop's diocese, who will continue to earn a living in a lay occupation or who will have some other source of income sufficient for such person's needs, pursuant to any rules in that behalf made by the House of Bishops and approved by the General Synod.

#### 21. Qualifications of such as are to be ordained

A bishop shall not admit any person into holy orders unless such person

- (1) has been baptized and confirmed;
- (2) (a) desiring to be a deacon, is twenty three years old, or else has a faculty from the archbishop;
- (b) desiring to be a priest, is twenty four years old;
- (3) (a) has taken a degree in some university in Ireland or at some recognized university elsewhere, or
- (b) has attended a course of training approved by the House of Bishops, and
- (c) is able to yield an account of such person's faith according to the Articles of Religion received by the Church, and to confirm the same by sufficient testimonies out of the holy scriptures;
- (4) shall produce letters of testimony of such person's conduct and character from the college where that person has studied or from three or four senior members of the clergy, and certificates of conduct from other persons of standing who shall have known that person for the preceding three years at least.

#### 22. Ordination of Women

Men and women alike may be ordained to the holy order of deacons, of priests, or of bishops, without any distinction or discrimination on grounds of sex, and men and women so ordained shall alike be referred to and known as deacons, priests or bishops.

#### 23. The examination of such as are to be ordained

Before any person shall be admitted into holy orders, such person shall be carefully examined by the bishop, and by the archdeacon (or in the archdeacon's absence by one appointed in the archdeacon's place). If the bishop shall think fit, such person shall be further examined by one or more other members of the clergy appointed by the bishop for that purpose: Provided that if the bishop is prevented from acting, it shall be sufficient that such person be examined by the said members of the clergy.

#### 24. Suspension of Bishops contravening Canons 20 to 23

If any bishop shall admit any person to holy orders who is not qualified in accordance with Canons 20 to 23, the archbishop of the province, with the concurrence of one other bishop, may suspend the bishop so offending from the making of deacons or the ordering of priests or presbyters for a period not exceeding two years, subject to an appeal to the Court of the General Synod.

#### 25. To prevent simoniacal contracts

Every archbishop or bishop, before ordaining any person to holy orders, or installing, instituting or collating any person to any ecclesiastical dignity or cure of souls, shall require every such person to make and subscribe the following declaration against simony:

I, \_\_\_\_\_, have not made, by myself or by any other person on my behalf, any payment, contract, or promise of any kind whatsoever (save that I will faithfully perform my duty touching or concerning the obtaining of *(the sacred order of \_\_\_\_\_, the chaplaincy of \_\_\_\_\_, the curacy of \_\_\_\_\_ or the benefice of \_\_\_\_\_, each to be specially stated by each declarant)*); nor will I at any time hereafter perform or satisfy, in whole or in part, any such payment, contract, or promise made by any other person with or without my knowledge or consent.

## PART IV.

## DUTIES OF CLERGY

**26. Holy Baptism**

- (1) Due notice shall be given to the officiating member of the clergy before a child is brought to the church to be baptised.
- (2) If a member of the clergy shall refuse or unduly delay to baptise any such child, the parents or guardians may apply to the bishop who shall, after consultation with that member of the clergy, give such directions as the bishop shall think fit.
- (3) Clergy shall instruct the parents or guardians of children to be admitted to Holy Baptism that the same responsibilities rest on them as are in the service of Holy Baptism required of godparents.
- (4) Sponsors and godparents must be baptised Christians and persons of discreet age, and at least two shall be members of the Church of Ireland or of a Church in communion therewith.

**27. Teaching the Young**

- (1) Every member of the clergy shall take care that the children and young persons within the cure of that member of the clergy are instructed in the doctrine, sacraments and discipline of Christ, as the Lord has commanded and as they are set forth in the holy scriptures, in the Book of Common Prayer and in the Church Catechism. To this end clergy or some godly and competent persons shall on Sundays or other convenient times carefully instruct and teach them in the same.
- (2) All parents and guardians shall take care that their children receive such instruction.

**28. Confirmation**

- (1) All clergy who have cure of souls shall encourage those whom they shall think suitable to be confirmed and shall use their best endeavour to instruct them in the Christian faith and life as set forth in the holy scriptures, Book of Common Prayer and the Church Catechism contained therein.
- (2) The bishop shall minister in person (or cause to be ministered by some other bishop lawfully deputed in place of that bishop) the rite of confirmation throughout the diocese, laying hands upon children and other persons who have been baptised and instructed in the Christian Faith.
- (3) Clergy shall present to the bishop only such as have been baptised and are come to years of discretion, and can say the Creed, the Lord's Prayer and the Ten Commandments, and can also render an account of their faith according to the said catechism.

**29. Clergy to endeavour to banish error**

All clergy having within their cures any persons holding any erroneous and strange doctrines, contrary to the word of God, shall endeavour to reclaim them from their errors.

**30. Clergy to visit the people in their cures**

- (1) Clergy shall visit from time to time all those in their cures for such exercise of their ministry as may be found fitting and convenient.
- (2) Members of the clergy upon hearing that any persons in their cures are dangerously sick, shall visit them (even though they have not previously resorted to the church) to instruct and comfort them in their distress according to the order of the Book of Common Prayer or otherwise as said members of the clergy shall think suitable.

**31. The Solemnization of marriages**

- (1) The Church of Ireland affirms, according to our Lord's teaching that marriage is in its purpose a

union permanent and life-long, for better or worse, till death do them part, of one man with one woman, to the exclusion of all others on either side, for the procreation and nurture of children, for the hallowing and right direction of the natural instincts and affections, and for the mutual society, help and comfort which the one ought to have of the other, both in prosperity and adversity.

- (2) Every member of the clergy who is approached with a view to solemnising a marriage is required to fulfil the statutory requirements of the state in which the marriage is to take place and must comply also with such Church of Ireland Marriage Regulations as may be provided.
- (3) (a) Any member of the clergy who is approached with a view to solemnizing a marriage between parties either of whom has been party to a ceremony of marriage with another person still living shall, if unwilling to perform the ceremony, so inform the parties immediately.
- (b) No member of the clergy shall agree to solemnize a marriage between parties either of whom has been a party to a ceremony of marriage with another person still living unless such member of the clergy has first sought the bishop's opinion as to the advisability of solemnizing the marriage of the couple concerned.
- (c) The member of the clergy concerned shall consider and take into account the opinion of the bishop in exercising the discretion, vested in members of the clergy by law, as to whether or not to solemnize the marriage concerned.
- (4) It shall be the duty of the member of the clergy concerned to make available to the bishop, in such a form as may be prescribed by regulation, all the information, in so far as the member of the clergy shall obtain it, which the bishop shall require in order to form an opinion.
- (5) The bishop shall be entitled to seek and take into account such pastoral or other advice from such persons and in such manner as the bishop may think fit. The bishop shall at least consult, and take into account, the advice of the incumbent of the parishes to which either of the parties to the proposed remarriage belongs, and also the incumbent of the parish in which it is proposed to conduct the ceremony of remarriage. The advice of such person or persons shall be confidential to the bishop.
- (6) The opinion of the bishop shall as soon as practicable be communicated by the bishop to the member of the clergy concerned. In cases where a decree of nullity has been granted on grounds acceptable to the Church of Ireland, the bishop shall declare that the applicant is ipso facto free to marry in church. In other cases, in which the bishop shall give a favourable judgement, the bishop shall prescribe that the member of the clergy concerned conduct a private service of preparation for remarriage in church with the parties involved (in such a form as may be provided by regulation) before the solemnization of matrimony may take place.

### **32. The burial of the dead**

- (1) Subject to the provisions of this Canon no member of the clergy shall, where reasonable notice has been given to that member of the clergy, refuse to read the burial service in the prescribed form at
  - (a) the burial within the cure in which that member of the clergy officiates of any person who may have died within that cure,
  - (b) the burial of any person whose family may possess a burial place within the church or churchyard of the parish in which that member of the clergy officiates, and whose remains have been brought there for interment,
  - (c) the burial within a reasonable distance outside the cure in which that member of the clergy officiates of a person who died within that cure and is believed by that member of the clergy to have been at the time of death a member of the Church, or
  - (d) the burial within the cure in which that member of the clergy officiates of a deceased person who died outside that cure but whose remains have been brought there for interment and who is believed by that member of the clergy to have been at the time of death a member of the Church.

- (2) A member of the clergy may however exercise discretion in refusing to read the burial service in full where the deceased died unbaptised or had committed some grievous or notorious sin and not repented of it or had been excluded from Holy Communion under Canon 16 and had not been readmitted thereto.
- (3) Any member of the clergy who refuses to read the full service pursuant to clause (2) hereof shall read at the burial such parts of the prescribed service or such approved prayers and such psalms or portions of Scripture as to such member of the clergy shall seem fit, or shall use such alternative or modified form of service as may have been prescribed for the case. Save where the burial is of an unbaptised infant such member of the clergy shall also, where it is reasonably practicable to do so, consult with the ordinary before the burial; and where this is not reasonably practicable such member of the clergy shall report the matter to the ordinary thereafter.

**33. The manner of life of clergy**

Clergy shall not give themselves to such occupations, habits or recreations as do not befit their sacred calling, or may be detrimental to the duties of their office, or tend to be a just cause of offence to others. They shall be diligent in daily prayer and intercession, in the examination of their conscience, and in the study of the holy scriptures and such other studies as pertain to their ministerial duties, and to frame and fashion their lives and those of their families according to the doctrine of Christ, and to make themselves and their families, as far as in them lies, wholesome examples and patterns to the flock of Christ.

**34. The occupations of clergy**

- (1) No member of the clergy who holds any ecclesiastical position shall engage in trade or any other occupation unsuitable to such person's sacred calling, or in such manner as to affect adversely the performance of that person's duties.
- (2) If any question shall be raised as to whether any such engagement is unsuitable to the sacred calling of a member of the clergy or detrimental to the performance of such person's duties, the matter shall be referred to the ordinary for decision and for necessary instructions to that person, and any such instructions shall be obeyed.
- (3) The member of the clergy, and the persons raising the question, shall have a right to appeal (in the place of an appeal to any ecclesiastical court) to the archbishop of the province, or (if the member of the clergy is in the diocese of Armagh or Dublin) to the archbishop of the other province.
- (4) A member of the clergy who is not in receipt of a retirement annuity in respect of service in the ordained ministry, may be deployed on a part-time basis in such post as has been certified by the bishop and the diocesan council as suited to part-time deployment, subject to the following regulations:
  - (a) such person shall serve under licence from the bishop, and subject to the direction of the bishop or such other person as the bishop shall appoint. All the entitlements of such licence shall apply except that such person shall neither serve as an archdeacon nor act as a member of the Board of Nomination for the parish in which such person serves;
  - (b) such person shall neither hold office as an incumbent, vicar or licensed curate nor hold any other ecclesiastical office, whilst serving in part-time deployment;
  - (c) the bishop, before appointing a member of the clergy to a position of part-time deployment, shall obtain from the diocesan council (or where appropriate the select vestry) a certificate that appropriate financial provision is available;
  - (d) the bishop shall provide in writing to such person the terms of deployment, including duties and rates of remuneration, subject to such regulations as may be made from time to time by the Representative Body; and
  - (e) the bishop, after consultation with the other members of the Committee of Patronage of the diocese, shall review such deployment after one year and every three years thereafter.

- (5) Notwithstanding the provisions of Canon 20, a person who has been admitted to holy orders for general assistance in a diocese on the basis that such a person will continue to earn a living in a lay occupation or will have some other source of income sufficient for such person's needs, and who has served in the auxiliary ministry for a period of not less than three years, may apply to the bishop, to be paid for duties performed at the bishop's request and to be reimbursed for expenses incurred in the performance of such duties; provided that no such payment and no such reimbursement of expenses shall -
- (a) be at a rate in excess of those prescribed in such rules in this regard as shall, from time to time, be made by the Representative Church Body and approved by the Standing Committee of the General Synod; or
  - (b) confer any entitlement to membership of or participation in the Church of Ireland Clergy Pensions Fund.

## PART V.

### READERS

35. (1) A bishop may license any layperson who is a regular communicant of the Church as a reader.
- (2) Subject to any regulations made by the bishop it shall be lawful for a reader
- (a) during the time of divine service to read Morning and Evening Prayer or other services approved by the ordinary (other than Holy Communion) authorised under Canon 5 (1), except for the absolution, to publish banns of marriage (if so permitted by the secular law, and in accordance with the requirements of that law), to preach and to present the offerings of the people.
  - (b) if specially authorised, and in accordance with the rubric to the office of Holy Communion, to administer the cup.

## PART VI.

### GENERAL

#### 36. Churches and churchyards to be consecrated

As often as churches are newly built or rebuilt, or churchyards are appointed for burial, they shall be dedicated and consecrated. No church which has ceased to be required for worship, nor any churchyard, shall be put to any base or unworthy use.

#### 37. Other purposes to which a church may be put

- (1) When any church or chapel is to be used for a play, concert, exhibition or films or pictures or similar purpose, the officiating member of the clergy shall take care that the words, music, pictures and performance are such as befit the house of God, are consonant with sound doctrine, and contribute to the edifying of the people.
- (2) The officiating member of the clergy shall obey any directions relating to such use of a church or chapel which may be issued from time to time by the ordinary.

#### 38. Changes in the structure and furnishings of churches

No change shall be made in the structure, ornaments, furnishings or monuments of any church (whether

by introduction, alteration or removal), unless with the consent of the incumbent and select vestry, and until an accurate description or design of the proposed change shall have been approved of by the ordinary: provided always that any person aggrieved by any such proposed change, or by the refusal of the ordinary, incumbent or the select vestry to consent or approve thereof, shall have a right of appeal under Canon 42.

### **39. Crosses on or behind the Communion Table**

A cross may be placed on the Communion Table, or on the covering thereof, or may be erected or depicted on the wall or other structure behind the Communion Table, in any of the churches or other places of worship of the Church of Ireland: Provided that approval by faculty is obtained with the consent of the incumbent and a majority of the select vestry, or the dean and a majority of the chapter and of the cathedral board, as the case may be.

### **40. Use of incense forbidden**

No incense or any substitution therefor or imitation thereof shall at any time be used in any church or chapel or other place in which the public services of the Church are celebrated.

### **41. Processions**

- (1) Processions are permitted at the opening and close of any service, unless forbidden by the ordinary, and in the course of such service at such times as may be prescribed by the ordinary or are necessarily required by the rubrics.
- (2) It shall be lawful to carry a cross in any procession at the opening or close of any service.
- (3) It shall be lawful for the Archbishop of Armagh's cross to be carried before that Archbishop anywhere in Ireland, and for the Archbishop of Dublin's cross to be carried before that Archbishop anywhere in the province of Dublin; Provided that on the invitation of the Archbishop of Armagh, the Archbishop of Dublin's cross may be carried before that Archbishop in the province of Armagh.
- (4) It shall be lawful with the consent of the incumbent to carry a flag, banner or picture in any procession at the opening or close of a service, unless forbidden by the ordinary.

### **42. Right of Appeal**

Any person aggrieved by the decision of the ordinary upon, or by the ordinary's refusal to hear and determine, any matter left to the ordinary's decision by these Canons, shall have the right to appeal to the Diocesan Court, and from it to the Court of the General Synod.

### **43. Penalty for wilful breach of any Canon**

Any lay member of the Church of Ireland accused of any violation of those Canons may be charged before the Court of General Synod or the Diocesan Court (as the circumstances of the case may require) in accordance with the provisions of the Constitution.



## Chapter X

### THE REPRESENTATIVE BODY

#### PART I.

#### MEMBERSHIP

1. The Body to represent the Church of Ireland, and to hold property for the use and purposes thereof, called in the Irish Church Act, 1869, the Representative Body of the said Church, and in the Constitution called the Representative Body, shall be composed of three classes, hereinafter called respectively the *ex officio*, the elected, and the co-opted members.
2. The *ex officio* members shall be the archbishops and bishops of the Church of Ireland.
3.
  - (1) The elected members shall consist of one clerical and two lay representatives for each diocese or united diocese under the jurisdiction of one bishop.
  - (2) Every elected member of the Representative Body shall retire from office on the first day of the third ordinary session of the diocesan synod of the diocese which such member represents which shall be held after that member's election: Provided always that any such member having been elected to fill a casual vacancy shall hold office only so long as the person whose place such member fills would have held office if no such vacancy had occurred.
  - (3) The vacancies so occasioned among the elected members shall be filled during the session in which they shall occur by the clerical or lay members in the synod of the diocese for which such vacancies shall have occurred, the clerical members voting only in the election of a clerical representative and the lay members voting only in the election of a lay representative: Provided always that in any united diocese in which there shall be no joint meeting of the diocesan synods, the election of clerical and lay members of the Representative Body may be carried out by means of voting papers sent out to the several persons entitled to vote, or in such other manner as may be determined by agreement between the diocesan councils, or by a joint committee appointed by the diocesan councils, over which the bishop shall preside, and in which the bishop shall, in case of equality of votes, have a casting vote.
  - (4) Any casual vacancy by death, resignation, or otherwise, occurring among the elected members shall be filled, as soon as conveniently may be, by the diocesan council of the diocese for which such vacancy shall have occurred, the clerical councillors present voting for a clerical member only, and the lay councillors present voting for a lay member only: Provided always that in any united diocese in which there shall be no joint council meeting such election may be carried out in such a manner as may be determined by agreement between the diocesan councils.
4.
  - (1) The co-opted members shall consist of persons equal in number to the number of dioceses or united dioceses entitled to elect representatives in accordance with section 3 (1) of this Chapter.
  - (2) Every co-opted member of the Representative Body shall retire from office on the first day of the third ordinary session of the General Synod after co-option: Provided always that if such member shall have been co-opted to fill a casual vacancy such member shall hold office only so long as the person whose place such member fills would have held office if no such vacancy had occurred.
  - (3) The vacancies so caused among the co-opted members shall be filled by election by the remaining members of the Representative Body.
  - (4) Any casual vacancy by death, resignation, or otherwise, occurring among the co-opted members shall be filled, as soon as conveniently may be, by election by the remaining members of the Representative Body.
5.
  - (1) Every beneficed or licensed member of the clergy of the Church of Ireland who is in priest's orders

and who is not in receipt of a pension under the provisions of Chapter XIV shall be qualified to be an elected or co-opted member of the Representative Body.

- (2) Every layperson who, on 1st January preceding election or co-option, had attained the age of seventeen years and had not attained the age of seventy-four years, being a member of the Church of Ireland and a communicant of the said Church, shall be qualified to be an elected or co-opted member of the Representative Body.
  - (3) Any member of the Representative Body, who shall retire in accordance with sections 3 or 4 of this Chapter, shall be capable of being re-elected, to fill either the vacancy occasioned by such retirement, or any other vacancy then or at any future time occurring, for which such member shall be in other respects duly qualified.
6. Any elected or co-opted member of the Representative Body may be removed by resolution of the General Synod for sufficient cause, to be expressed in such resolution, and such person shall immediately cease to be a member, and such person's place shall be declared vacant.
  7. Any elected or co-opted member may, in writing addressed to the Chairperson of the Representative Body, resign from office.
  8. The Representative Body shall be subject to such alterations in the number of its members, or in the rules laid down for their qualification, election, or retirement, as shall from time to time be adopted by the General Synod.

## PART II.

### PROPERTY HELD BY THE REPRESENTATIVE BODY

9. The Representative Body shall hold all property which shall become vested in it in trust for such objects, and purposes, and in such manner, so far as lawfully may be, as the General Convention may have directed, or as the General Synod may have directed or shall ordain and direct, and shall be subject to the order and control of the General Synod in all matters not provided for by the laws of the State.
10. The powers of investment being subject to the control of the General Synod, the Representative Body, provided that it is satisfied as to the prudence and advisability in all the circumstances for the time being existing of making the proposed investment or purchase, shall be at liberty to invest any property vested in it in trust for the Church of Ireland, or for any purpose connected therewith, in any investment that it may think fit and it may borrow such sums of money, not exceeding in total one quarter of the market value of General Funds as at the preceding 31st December, in whatever currencies as may be required to enable it to invest moneys held by it for investment to the best advantage and to give such security and to enter into whatever arrangements as may be necessary in connection therewith: Provided that no member of the Representative Body shall be liable for any loss occasioned by the depreciation or failure of any investment or otherwise save by such member's own wilful default.
11. (1) All movable property, save as hereinafter excepted, which has been acquired since Disestablishment or which shall hereafter be acquired by any parish or church for use in church services, shall be vested in and held by the Representative Body, subject to any trust affecting the same, so long as such trust is applicable and capable of being enforced.
  - (2) All such movable property, which from any cause shall have ceased to be required by any parish or church, shall, save in the case of church plate, be disposed of by the Representative Body in such manner as it shall think fit: Provided that the Representative Body may in any particular case delegate its power of disposition to the council of the diocese in which the parish or church is situate.
  - (3) The proceeds, if any, of any disposition made under sub-section (2) of this section shall be applied for the purposes of the parish or in such other manner as the diocesan council may direct.

- (4) Nothing in this section shall apply to the movable property of any proprietary or trustee church within the operation of the Irish Church Act, 1869, section 70.
- (5) The Representative Body shall make rules to give effect to the provisions of this section.
12. The Representative Body shall be at liberty to let on lease, or to sell either by public auction or by private contract, any see lands, glebes or sites of churches or see or glebe houses, with the buildings thereon, or any school-house vested in it, and the land occupied therewith, which shall be hereafter found unsuited or unnecessary for the Church of Ireland: Provided that no such sale or letting shall be made without the consent of the diocesan council of the diocese in which such property is situated; but it shall not be necessary for any purchaser to inquire whether such consent has been obtained.
13. The Representative Body may grant loans for the purchase, repair, improvement, maintenance and enhancement of any real property vested in or held by it on such terms and conditions as it shall from time to time decide, such terms and conditions to be reported to the following session of the General Synod.

### PART III.

#### GENERAL PROVISIONS

14. The Representative Body shall possess and may exercise such of the powers vested in the General Synod as shall be by the General Synod, from time to time, committed to it.
15. The Representative Body shall be at liberty to provide such houses, offices, or other buildings, as shall be necessary for it for the purpose of meeting therein, or for providing a residence for its officers and servants, or a safe place of custody for its securities, books, accounts or other documents, and to pay the rent, insurance, and all other expenses caused by its providing such house or offices, or which may be otherwise necessary for exercising its powers set forth in this Chapter.
16. The Representative Body shall be at liberty to make grants on such scale as from time to time may be determined by it towards the expenses of members attending meetings of:
  - (a) The Standing Committee of the General Synod;
  - (b) The Representative Body;
  - (c) The Board of Education of the General Synod;
  - (d) The Church of Ireland Pensions Board;
  - (e) Such other committees as the Representative Body at its own discretion shall decide.
17. The Representative Body shall have power to
  - (a) determine how many members shall form a quorum;
  - (b) appoint sub-committees of its members and determine the quorum for each such sub-committee;
  - (c) appoint and pay such officers and servants as it shall deem necessary;
  - (d) provide pensions for retired officers and servants and for the surviving spouses, orphans and other dependants of deceased officers and servants;
  - (e) remove officers and servants, when it shall think proper to do so;
  - (f) make by-laws for the regulation of its procedure, which by-laws shall be subject to the approval of the General Synod at its next ordinary session.

#### Reports and Accounts

18. (1) The Representative Body shall lay before the General Synod on the first day of each ordinary session a statement of accounts and a report of proceedings, commencing from the termination of the last preceding statement and report. The said accounts shall contain such particulars as shall be required by any rules to be from time to time made by the General Synod.
- (2) The Representative Body shall keep a separate account of all sums which have been allocated out of the sum of £500,000 paid to the Representative Body under the Irish Church Act, 1869, in lieu of private endowments.
19. It shall be lawful for the auditors, appointed by or on behalf of the General Synod to audit the accounts of the Representative Body, at all reasonable times to have access to, and to inspect, the books of account of the Representative Body, and to demand and have the assistance of such officers and servants of the Representative Body and such documents as they shall require for the full performance of their duty in auditing the accounts, and the Representative Body shall furnish to the auditors a full explanation, in writing, of any matters relating to the said accounts whereof the auditors shall by writing signed by them demand an explanation.

#### PART IV.

#### CHURCH FABRIC AND DEVELOPMENT FUND

20. The Church Fabric and Development Fund ('the Fund'), established by the Statute, Chapter I of 1930, shall be held in trust for (i) the restoration or repair of the fabric of any church or chapel, whether cathedral, collegiate or parochial, used for public worship and vested in the Representative Body and (ii) for the development of initiatives supporting the long term mission of the Church.
21. The Representative Body shall be Trustee of the Fund which shall be maintained as a separate fund and invested in accordance with the provisions of Part II of Chapter X of the Constitution.
22. The capital of the Fund shall consist of monies received from any of the following sources:
- (a) The sale or compulsory alienation of a church or chapel or of the site or materials thereof; provided that the church or chapel was erected prior to the passing of the Irish Church Act, 1869, and was subsequently vested in the Representative Body ('sale proceeds');
  - (b) Statutory or other insurance compensation arising from the destruction of or damage to a church or chapel, in whole or in part ('compensation');
  - (c) Any donation, subscription or bequest for the benefit of the Fund.
23. The income of the Fund shall consist of interest earned on the capital, together with any grant or allocation which may at any time be made to the Fund from the revenue account of the Representative Body, with the approval of the General Synod.
24. Subject to the provisions of sections 25, 26 and 27, the income of the Fund may be applied at the discretion of the Representative Body for the following purposes:
- (a) The income of the Fund which has accrued up to 30th June 2016 may be applied for the restoration or repair of the fabric of any church or chapel, whether cathedral, collegiate or parochial, used for public worship and vested in the Representative Body;
  - (b) The income of the Fund accruing from 1st July 2016 may be applied for (i) the restoration or repair of the fabric of any church or chapel, whether cathedral, collegiate or parochial, used for public worship and vested in the Representative Body and/or (ii) the development of initiatives supporting the long term mission of the Church.

The Representative Body shall formulate rules and regulations for the administration and application

of the Fund and shall present all rules and regulations to the Standing Committee of the General Synod for approval.

25. The sale proceeds or compensation arising on the sale, compulsory alienation, destruction of, or damage to a church or chapel may, upon the application of the Diocesan Council and with the consent of the Representative Body, be applied, in full or in part, towards the building or repair of an equivalent building used for public worship in the parish where that church or chapel is situated ('the Parish'); or may be applied towards the repair of that church or chapel, where any such compulsory alienation or damage is partial only; provided that the Diocesan Council has certified that the repair or equivalent building is required in the interests of the Parish and that the Parish is willing and able to maintain that church or chapel, or other equivalent building.
26. In any case where section 25 does not apply, not more than 80% of the sale proceeds or compensation may be applied, with the consent of the Representative Body, to the building or repair of an equivalent building used for public worship in the group or union of parishes to which the Parish is attached upon the application of the Diocesan Council which shall first certify that the repair or equivalent building is required in the interest of that group or union of parishes, and that the group or union of parishes is willing and able to maintain it.
27. In any case where sections 25 or 26 do not apply, not more than 80% of the sale proceeds or compensation shall be held in trust by the Representative Body as an endowment for the Parish and (i) the income applied for such purposes in connection with the Parish as the select vestry with responsibility for the Parish, with the consent of the Diocesan Council and the Representative Body, shall decide and/or (ii) the capital made available for the development of such initiatives supporting the long term mission of the Church as the select vestry with responsibility for the Parish, with the consent of the Diocesan Council and the Representative Body, may propose. The Representative Body shall formulate rules and regulations for the administration and application of the capital of all endowments held under this section and shall present all rules and regulations to the Standing Committee of the General Synod for approval.
28. In any case where sections 26 or 27 apply, not less than 20% of the sale proceeds or compensation shall be held by the Fund in perpetuity for the benefit of all the parishes of the Church of Ireland, in accordance with the provisions of sections 20 and 24.
29. Nothing in this Part of this Chapter shall apply to glebe houses and glebe lands.



## Chapter XI

### CENTRAL CHURCH FUND

1. The Central Church Fund shall be available for the needs of the Church in any diocese, for the purposes and administered in the manner hereinafter set forth.

#### CAPITAL

2. The capital of the fund, hereinafter called "the fund", shall comprise and consist of the following moneys:
  - (a) Legacies, donations, and subscriptions to the fund allocated to capital by the donors.
  - (b) All voluntary contributions of £100 or €125 and upwards, whether by way of legacy, donation, or otherwise received by the Representative Body, and not otherwise allocated by the donors.
  - (c) The sum standing to the credit of the fund upon the 1st January 1963, and any moneys which may from time to time be allocated by resolution of the General Synod or by the Representative Body or otherwise to the capital of the fund.

#### INCOME

3. The income of the fund shall comprise and consist of the following moneys:
  - (a) The interest on the capital of the fund due and accruing after the 1st January 1963, and in every subsequent year.
  - (b) Any grants made for this purpose by the General Synod out of the surplus appearing upon the income and expenditure account of the Representative Body in any year, or out of the interest on the General Sustentation Fund, or out of any other funds at the disposal of the General Synod.
  - (c) Church and other collections for the income of the fund, and all legacies, donations, and subscriptions under £100 or €125 received by the Representative Body, and not otherwise allocated by the donors.
  - (d) Other moneys that may be available.
4. The Representative Body may grant moneys out of the income of the fund for the following purposes:
  - (a) To assist in paying clerical emoluments.
  - (b) To give assistance to clergy by way of either grant or loan at ordination or on first appointment to the stipendiary ministry or towards removal expenses.
  - (c) To augment pensions.
  - (d) To make grants towards stipends of light duty parishes.
  - (e) For such other purposes as the General Synod, upon a report from the Representative Body, may from time to time by resolution authorise.
5. The fund shall be administered by the Representative Body.





## Chapter XII

### MANAGEMENT OF BURIAL GROUNDS

1. The care of all burial grounds vested in the Representative Body is hereby entrusted to the clergy and churchwardens of the several churches to which the same are respectively annexed, but subject to the control of the Representative Body; and in order to protect the same, the officiating member of the clergy and churchwardens may prevent trespass or other unlawful use of, or interference with, the same, and act on behalf and in the name of the Representative Body in any proceedings requisite for the purpose. Any costs and expenses incurred by the Representative Body in such proceedings shall be paid to it by the said member of the clergy and churchwardens, or, if the select vestry shall have approved such proceedings, shall be charged to the account of the parish. In this Chapter, the terms 'clergy' and 'officiating member of the clergy' shall not include a deacon serving in an internship.
2. In every case where there is a road or avenue specially appropriated by deed or otherwise to any such burial ground, the care and protection of the same is hereby entrusted to the same parties as by this Chapter are charged with the conservancy of the burial ground itself.
3. Where, by faculty or prescription, the members of a family have acquired a right to be buried in a particular place in any such burial ground as aforesaid, such right shall, in conformity with the provisions in that behalf of the Irish Church Act, 1869, be acknowledged, and effect shall be given to the same by the officiating member of the clergy and churchwardens charged with the care thereof.
4. (1) When members of a family have been buried in a particular place, although it may have occurred not in the exercise of a right, the officiating member of the clergy and churchwardens shall nevertheless guard against interfering with such use of such place, unless on grounds of imperative public convenience or necessity.  
  
(2) Except in cases where such right or user exists, the officiating member of the clergy and churchwardens shall determine the place of sepulture.
5. No corpse shall be buried within 12 feet of the fabric of the church, except in a vault hitherto lawfully used for sepulture, and having its sole entrance from outside the walls, or in a vault or substantially built enclosure adjacent thereto, which at present exists.
6. The select vestry of the church to which the burial ground is annexed may appoint a grave-digger, who shall be entitled to such reasonable fee as the select vestry may appoint for digging a grave, unless the same be otherwise provided for, with the consent of the select vestry.
7. The officiating member of the clergy and churchwardens shall have power to permit headstones, flatstones, railings, and vaults to be erected and made; and shall be entitled to charge such fees for the erection of the same, and for burial in such vaults, and in those already made, and in graves, respectively, as the select vestry shall appoint, with the consent of the diocesan councilmanagement of burial grounds: Provided that no inscriptions be allowed unless the same shall have been approved by the officiating member of the clergy, with an appeal to the ordinary.
8. All fees receivable under this Chapter, except the grave-digger's fee shall be received by the officiating member of the clergy and churchwardens, or by such person as they shall authorise, and shall be expended in keeping the church and burial ground in good order and repair, and any surplus shall be applied by the select vestry to such use as it may think fit, subject to the provisions of section 24 of Chapter III, and an account of all such receipts and expenditure shall be furnished to the Representative Body on demand.
9. In the case of cathedrals, not having churchwardens, but having cathedral boards or cathedral select vestries, such cathedral boards or cathedral select vestries shall, as to such cathedrals and the burial grounds attached thereto, have and exercise all the same duties, powers, and authorities as are hereby assigned to churchwardens; and for the purposes of this Chapter the deans, or, in their absence, the sub-deans, of such cathedrals shall be considered to be the officiating members of the clergy thereof.

10. Any person aggrieved by the refusal of the ordinary, officiating member of the clergy, churchwardens, or the select vestry, to grant any permission in respect of burial grounds shall have the right to appeal to the Diocesan Court, which court shall have full authority to hear and determine such appeal; and an appeal from said court shall in all cases lie to the Court of the General Synod, which shall have full authority to hear and determine the same.
11. Nothing in this Chapter contained shall be taken to interfere with any right existing on the 17th May 1873.

## Chapter XIII

### MANAGEMENT OF GLEBES, AND OTHER LAND AND BUILDINGS

1. In this Chapter and the rules thereunder, wherever the context so admits:
  - (a) "Parish" shall include a union or group of parishes, a parochial district, or any other district for ecclesiastical purposes annexed to a church or churches.
  - (b) "Incumbent" shall include a member of the clergy licensed to the charge of or to serve in a parish whose duties involve residence in the parish, and shall also include a vicar appointed under Part X of Chapter IV.
  - (c) "Incumbency" shall include the office of such member of the clergy.
  - (d) "Glebe" shall include a residence, with or without lands, vested in the Representative Body as such and occupied by a member of the clergy, licensed to serve in a parish.
  - (e) "Diocese", where not inconsistent with the context, shall mean and include a Diocese having a separate and distinct Diocesan Council and Financial Scheme: also a United Diocese having a joint Diocesan Council and a joint Financial Scheme: also the district of a Diocese as defined in Chapter 2 Part 1 section 1.
  - (f) "Diocesan Council" shall mean the Council of a Diocese and "Diocesan Glebes Committee" shall mean the Glebes Committee of a Diocese.
  - (g) "Glebe House" shall mean and include all buildings upon a Glebe. The deanery of St Patrick's shall be deemed to be a Glebe of the Diocese of Dublin, and the Dean thereof shall be deemed to be an Incumbent.
  - (h) "Residence" shall mean and include the Glebe House, Garden, and Curtilage.
  - (i) In relation to glebes, "Lands" shall mean Glebe Lands which are not Garden or Curtilage.
  - (j) "Church" shall include Cathedral.
2. The rules and any schedules hereto annexed shall form part of this Chapter, and shall be binding and have effect in the same manner and to the same extent as if they had been expressly enacted by this Chapter: Provided always that any rules and schedules made under this Chapter may be altered, added to, or repealed in any session by resolution of the General Synod, in accordance with a previous resolution of the Representative Body.
3. The provisions of this Chapter shall apply to glebes, land and other buildings vested in the Representative Body.
- 3A (1) In the year 2006 and triennially thereafter each diocesan council shall appoint a diocesan architect or chartered building surveyor whose duties and remuneration shall be fixed by the diocesan council. In respect of churches, listed buildings, protected structures and buildings of historic significance, such diocesan architect or chartered building surveyor shall, where necessary, engage the services of a suitably qualified conservation specialist.
- (2) The Representative Body shall have the right at any time to appoint, at its own expense, an architect or chartered building surveyor or suitably qualified conservation specialist for the purpose of obtaining a report on any church, listed building, protected structure or building of historic significance.
- (3) The appointment of any person to fill any casual vacancy arising during the term of office of any appointee under sub-section (i) above shall be made by the relevant diocesan council.

## PART I.

## PROVISIONS RELATING TO GLEBES

4. (a) Every incumbent shall within two months after the date of such incumbent's institution or licence, as the case may be, sign an acknowledgement or agreement in reference to the glebe appropriated for that incumbent's occupation or residence, in the form for the time being approved by the Representative Body, unless the diocesan council, with the consent of the Representative Body, shall, under special circumstances, adopt some other temporary arrangements for the letting of any glebe house or lands which may not be suitable at the time for the use of the parish.

The diocesan council of the diocese in which any parish is situated shall require the incumbent to sign such acknowledgement or agreement as aforesaid; and no incumbent shall be deemed to have entered into possession of the glebe until that incumbent shall have done so:

Provided always that in the case of an alternative glebe being substituted for that originally appropriated, the incumbent shall, before entering into possession thereof, sign an acknowledgement or agreement in reference to the alternative glebe so appropriated for such incumbent's occupation or residence.

- (b) An incumbent upon entering into possession of a glebe pursuant to section 4 (a) of Part I of this Chapter shall be deemed to have surrendered any glebe house or other residence together with any glebe land or other property previously occupied or enjoyed by such person as incumbent.
5. It shall not be lawful for any incumbent, or for the authorities of any parish, without the approval of the diocesan glebes committee and the sanction of the Representative Body in writing to:
- (1) sell, assign, lease, license, sub-let, part with possession of, alienate, charge, mortgage or otherwise encumber, legally or equitably, all or any part of any glebe,
  - (2) erect, alter, destroy, make any addition to, or injure any building or structure on or belonging to any glebe.

Provided always that an incumbent, or the authorities of any parish, may rent for a season by way of agistment or in conacre all or any part of the land of any glebe, having first obtained the permission of the diocesan glebes committee in writing.

6. At the request of a diocesan glebes committee, accompanied by the report of a commission of repair and such tender as the committee shall have obtained and recommend, the Representative Body may grant loans for the improvement and repair of glebes, on such terms and conditions as it shall from time to time decide, such terms and conditions to be reported to the following session of the General Synod.

## PART II.

## PROVISIONS RELATING TO OTHER LAND AND BUILDINGS

7. The provisions of this Part of this Chapter shall apply to land and buildings other than glebes.
8. It shall not be lawful for any incumbent or other occupier or for the authorities of any parish, without the approval of the diocesan council and the sanction of the Representative Body in writing to:
- (1) sell, assign, lease, license, sub-let, part with possession of, alienate, charge, mortgage or otherwise encumber, legally or equitably, all or any part of any land or building,
  - (2) erect, alter, destroy, make any addition to, or injure any building or structure on or belonging to any such land.

Provided always that an incumbent or other occupier or the authorities of any parish may rent for a season by way of agistment or in conacre all or any part of any such land, having first obtained the permission of the diocesan council in writing.

9. When a house and premises are to be occupied by a verger, sexton or other employee of the select vestry of any parish, notification of the appointment shall be immediately sent to the Representative Body through the diocesan council, by the incumbent or other person or persons making such appointment. On such appointment and before the verger, sexton or other employee enters into possession of the house or premises, such person shall sign an acknowledgement or other agreement in respect of the said house and premises in the form for the time being approved by the Representative Body.

In all such cases immediately on the occurrence of a vacancy in any such office, the incumbent or select vestry as the case may be shall demand possession of the house and premises, and inform the Representative Body, through the diocesan council, of such vacancy, and also whether or not possession of the house and premises has been given up.

10. Clergy other than incumbents must sign an acknowledgement or agreement in reference to the house and premises appropriated for their occupation and residence in the form approved by the Representative Body which shall make such regulations as it shall consider desirable and necessary for the management of such houses and premises.

### PART III.

#### BY-LAWS

11. It shall be lawful for the Representative Body to make by-laws for the regulation of all transactions relating to glebes and other land and buildings and from time to time to repeal or alter such by-laws. All by-laws so made shall forthwith be transmitted to the diocesan councils or diocesan glebes committees as the case may be, and shall be published in the report of the Representative Body, issued next after the making of such by-laws: Provided always that in such by-laws there shall be nothing inconsistent with this Chapter or the rules hereto annexed, or as altered or added to as herein provided.

#### RULES

##### General

1. These Rules other than Rule 21 (b), and (c) shall apply in respect of Glebes.

##### Purchase, sale or letting

2. Any residence or lands acquired or built pursuant to Glebe Rule 3 or sold and replaced pursuant to Glebe Rule 4 shall be vested in the name of the Representative Body.
3. Whenever the Representative Body, out of its own funds, advances the whole or any part of the money required to buy the residence and lands or either of them or to build the residence, repayment shall be made at such rate of interest and by such instalments as it may decide. The amount of such money outstanding on any glebe may at any time be paid off or reduced by such instalments as may be approved by the Representative Body.
4. Where in exercise of the powers conferred on the Representative Body by section 12 of Chapter X of the Constitution a glebe or any portion thereof is sold, the proceeds of sale remaining over after payment to the Representative Body of any outstanding purchase money or other charges due to the Representative Body shall be expended in providing a new and suitable residence with or without lands for the parish if the same is required. Any surplus moneys remaining after the provision of a new residence, or

the entire of the net proceeds of the sale, if a new residence is not required, or until such time as it is required, shall be invested and the income arising therefrom applied with the consent and approval of the diocesan council and the Representative Body in the following order of priority towards:

- (a) the liabilities and expenses relative to the glebe occupied by the incumbent or, in the case of a union or group of parishes, the proportion of such liabilities and expenses relative to the glebe appropriated to the use of the incumbent as determined by the diocesan council in accordance with the provisions of section 30 of Chapter III of the Constitution;
- (b) the amount payable by the parish towards stipend;
- (c) repair and maintenance of parochial buildings;
- (d) other parochial purposes:

Provided however that where, following the sale in whole or in part of a glebe, a satisfactory residence has been provided or where it is unlikely that a residence shall be required in the future, the Representative Body upon enquiry may decide that the capital remaining, or portion thereof, can be expended for some particular parochial purpose of a capital nature upon the application of the select vestry of the parish accompanied by a recommendation from the diocesan council and subject to the approval of the Representative Body;

Provided also that, in case there is no select vestry in such parish, the net proceeds or income may be dealt with for such parochial purposes as the diocesan council and the Representative Body shall decide.

Nothing in this Rule shall apply to the proceeds of sale of furnishings and fittings provided by the Select Vestry for the use and benefit of the member of the clergy in residence.

5. Where in exercise of the powers conferred on the Representative Body by section 12 of Chapter X of the Constitution a glebe or any portion thereof is let on lease, the rent arising from such letting shall be applied in the same manner as income arising from proceeds of sale under Rule 4 hereof.

#### **Diocesan**

6. Each diocesan council shall annually appoint a diocesan glebes committee, or diocesan glebes committees, to manage the glebes of the diocese.
7. The diocesan synod shall make by-laws for the guidance and control of the diocesan glebes committee, such by-laws to be subject to the approval of the Representative Body.
8. Unless the diocesan glebes committee decides that a fair rent can be obtained otherwise, glebe land must be let by public auction. The committee must also approve of the terms of the letting. The committee shall before the end of January each year make a return to the Representative Body of each permission given thereunder during the preceding year.
9. When a glebe is not required for the use of an incumbent and the diocese does not procure a suitable tenant who shall pay a rent sufficient to meet the rates and charges on the vacant glebe house or lands then the Representative Body may charge any loss or deficiency against the stipend fund of the diocese, or against any fund belonging to the parish over which it has control.

#### **Glebewardens**

10. It is the duty of the glebewardens appointed under the provisions of Chapter III of the Constitution:
  - (a) To assist the incumbent and the diocesan glebes committee in the care and management of the residence and lands. Prior to the letting of all or any of the glebe lands, to report to the diocesan glebes committee whether the proposed letting is consistent with the principles of good husbandry, and such report shall be considered by the glebes committee before any permission for letting the lands is given.

- (b) To ensure that the glebe house is painted externally at least quinquennially.
- (c) To be present at repair and vacancy commissions and at such other inspections of the glebe house and lands as may be from time to time authorised. Such glebewarden, if unable to attend, shall nominate a deputy from among the members of the select vestry.
- (d) During a vacancy in the incumbency to take all reasonable steps to see that the glebe house is secure and protected from theft and vandalism, and to maintain adequate insurance on the property.

The glebewardens shall not initiate an inspection of the glebe house or lands without the sanction of the diocesan glebes committee and until due notice has been given to the incumbent.

#### **Architects**

11. The Representative Body shall have the right at any time to appoint, at its own expense, an architect or chartered building surveyor or suitably qualified conservation specialist for the purpose of obtaining a report upon any glebe.

#### **Commissions**

12. The commission of repair of a glebe house of a parish shall be composed of (1) a member or nominee of the diocesan glebes committee; (2) the rural dean, or other member of the clergy appointed as that rural dean's substitute by the bishop or the commissary; (3) the incumbent's glebewarden; (4) the vestry glebewarden or glebewardens; three to be a quorum, of whom one must be the member or nominee of the diocesan glebes committee. The member or nominee of the diocesan glebes committee shall take the chair, and shall have a casting vote. The rural dean shall not be a member of the commission of that rural dean's own glebe house, and in this and all other cases of that rural dean's inability to act on a commission the bishop or the commissary shall nominate a member of the clergy to act as substitute for the rural dean.
13. The commission of repair of the deanery of St Patrick's Cathedral, Dublin shall be composed of a nominee of the Representative Body, a nominee of the Dublin diocesan glebes committee and the two glebewardens appointed under the provisions of section 32 of Chapter VII of the Constitution.

#### **Holding of Commissions**

14. A commission of repair for each glebe, whether occupied by the incumbent or otherwise, shall be held quinquennially, and also forthwith on the occurrence of a vacancy; and may be held at other times by order of the diocesan glebes committee, or on the application of the incumbent or a glebewarden to the diocesan glebes committee.
15. At each quinquennial and vacancy commission the glebe house, garden, avenue, and curtilage, lands and fences and furnishings and fittings provided or required to be provided in accordance with any regulation of the diocesan council shall be inspected, and the commission with the diocesan architect shall report thereon to the diocesan glebes committee. The diocesan architect shall advise every quinquennial and vacancy commission. At commissions other than quinquennial or vacancy, the diocesan glebes committee shall decide whether the assistance of an architect or building or sanitary expert is necessary, and may dispense with such assistance. A vacancy commission shall reckon as a quinquennial commission, and either of them may take the place of the annual inspection.

#### **Reports of Commissions**

16. The report of each commission, accompanied by a recommendation as to what work is required, shall be sent by the diocesan glebes committee to the rural dean, the incumbent and the select vestry or, in the case of the deanery of St Patrick's, to the dean and the cathedral board. The select vestry or the cathedral board shall, after consideration thereof, return the report to the diocesan glebes committee, with any views which it desires to express thereon. The diocesan glebes committee shall then decide as

to the repairs and improvements to be carried out and shall instruct the select vestry accordingly. In the event of the select vestry failing to carry out such repairs or improvements, the diocesan council may order the execution of the work and the cost shall be charged against any fund belonging to the parish over which the diocesan council or the Representative Body has control. If a vestry glebewarden or the incumbent gives notice of a desire to appear before the committee in support of or in opposition to the proposed work or to part of it, such person shall be entitled to do so, and shall receive due notice of its meeting.

17. In all cases where the diocesan glebes committee approves an outlay on the glebe, the select vestry shall have the right of appeal to the diocesan council, notice of such appeal to be given to the council within fourteen days from the date of posting of notification to it of such approval.

#### **Annual Inspection**

18. There shall be held by the rural dean, or that rural dean's appointed substitute, together with the glebewardens and a nominee of the diocesan glebes committee, who, if possible, shall be an Architect, Engineer, Surveyor, Builder or Tradesperson, an annual inspection of each glebe of a parish and of the exterior and interior of each glebe house of a parish. A substitute shall be appointed when the glebe to be inspected is occupied by the rural dean. In the case of the deanery of St Patrick's, the diocesan glebes committee shall arrange a like annual inspection.

The inspectors shall report to the diocesan glebes committee on the glebe house, furnishings and fittings, garden, avenue, and curtilage, land, fences, and trees, as well as on any sub-letting or tree felling.

#### **Urgent Repairs**

19. Urgent sanitary repairs and repairs rendered necessary by sudden damage to a glebe house may be ordered by the rural dean, or that rural dean's appointed substitute, and the glebewardens. In the event of the select vestry failing to meet the cost, it may be charged against any fund belonging to the parish over which the diocesan council or the Representative Body has control.

#### **Notice**

20. Reasonable notice of the meeting of every commission or annual inspection shall be given to the incumbent and the members.

#### **Trees**

21. It shall not be lawful to fell trees growing on a glebe or other property vested in the Representative Body without the permission of the Representative Body being obtained through the diocesan council. When permission to fell trees shall have been given, such permission shall remain in force for twelve months, reckoning from the date of such permission, and no longer. Pursuant to such permission the diocesan council, having complied with the requirements of the civil authorities in such matters, shall take steps for the trees to be felled and sold or otherwise disposed of and, on the trees being sold, the proceeds shall be applied by the Select Vestry towards:

(a) As to trees felled on a glebe:

- (i) the cost of replanting if appropriate
- (ii) repairs to the glebe house or
- (iii) the reduction of outstanding purchase money or loans for repairs

(b) As to trees felled in a churchyard/graveyard:

- (i) the cost of replanting if appropriate
- (ii) the maintenance of the fabric of the church or



- (iii) the upkeep of the churchyard/graveyard
- (c) As to other trees, in such manner as the Representative Body on the recommendation of the diocesan council shall approve.

**Interpretation**

- 22.** If any question shall arise as to the interpretation of these Rules it shall be referred to the decision of the Representative Body.



## Chapter XIV

### THE CHURCH OF IRELAND CLERGY PENSIONS FUND

#### PART I.

#### PENSION SCHEMES FOR CLERGY

##### Preliminary

Pensions for Church of Ireland Clergy are governed by two Schemes, a Defined Benefit Scheme which was closed to new entrants on 31st May 2013 and a Defined Contribution Scheme which applies to all clergy entering or re-entering service in the Church of Ireland on and from 1st June 2013, and also to clergy in the Service of the Church of Ireland on 31st May 2013 in respect of their continuing pension arrangements.

The Defined Contribution Pension Scheme, established following the closure of the Church of Ireland Clergy Pensions Fund for future accrual of service in respect of all members and heretofore divided into two sections is, under the provisions of Part II of this Chapter, to be divided into two Schemes, one for Northern Ireland and one for the Republic of Ireland, details of which are set out in Part II. The Church of Ireland Clergy Pensions Fund, while closed to new entrants and future accrual of service on 31st May 2013, shall continue to be so designated and shall be regulated and administered in accordance with the provisions of Part III of this Chapter. For the purposes of clarification, definitions relating to both Parts II and III of this Chapter are set out in Part I.

##### 1. Definitions

For the purpose of this Chapter and of any regulations made thereunder, except so far as is otherwise provided or the context otherwise requires, those definitions preceded by \* are relevant only to Part III of this Chapter.

- \* **“accrued pension accumulation”** in respect of a Member of the Clergy who ceases to be a contributing member shall be the benefits calculated in accordance with Section 39.
  - \* **“accrued service”** shall mean the number of years’ service which a member has completed and in the event of the final year of service to 31st May 2013 being incomplete shall include such part of that year as was completed in terms of days. It shall include any additional service purchased by way of additional personal contributions to 31st May 2013 and service transfers made to that date.
- “benefits”** shall include
- (a) retirement pension or retirement annuity payable to a Member of the Clergy;
  - (b) pension or annuity payable to a surviving spouse;
  - (c) child dependency allowances;
  - (d) a lump sum payable either to a member or to such member’s legal personal representatives.
- \* the **“Board”** means the Church of Ireland Pensions Board established and constituted in accordance with Section 25 of this Chapter.
  - \* the **“Clergy PHI Policy”** shall mean the Clergy Permanent Health Insurance Policy approved by the Standing Committee of the General Synod on 21st June 2022 and as amended from time to time.
  - \* **“contributing member”** shall mean a member of the Fund who had not reached Normal Retirement Age on or before 31st May 2013.
  - \* **“episcopal service”** shall mean service as a member of the House of Bishops of the Church of Ireland.

- \* **“Episcopal Stipend”** shall mean the relevant multiple of the Minimum Approved Stipend as determined by the Representative Body from time to time in relation to each member of the House of Bishops of the Church of Ireland.
- \* **“Fund”** shall mean the Church of Ireland Clergy Pensions Fund.
- \* **“Master Trust”** shall mean a retirement benefits pension scheme used by multiple employers/deemed employers to provide retirement benefits to employees/deemed employees under the Pensions Act, or the Pensions Schemes Act 2017 (as amended from time to time) in England and Wales, or the Pensions Schemes Act (Northern Ireland) 2021 (as amended from time to time) and regulated by either the Pensions Authority for the Republic of Ireland or authorised by the Pensions Regulator for the United Kingdom.

**“Member of the Clergy”** shall include an archbishop and bishop, but shall not include a person serving in an auxiliary ministry, a deacon serving in an internship or an auxiliary priest licensed as such under the rules drawn up by the House of Bishops and approved by the General Synod.

**“Minimum Approved Stipend”** shall mean the minimum stipend determined by the General Synod in accordance with the provisions of section 51(1) of Chapter IV.

**“Normal Retirement Age”** from 1st June 2013, in respect of those members of the Fund who were contributing members on 31st May 2013 and also members of the Clergy Defined Contribution Pension Schemes, shall be in accordance with the following table:

Date of birth	Normal Retirement Age
On or before 31st May 1949	65
1st June 1949 to 31st May 1954	66
1st June 1954 to 31st May 1959	67
1st June 1959 and after	68

Subject to the proviso that those members who became members of the Fund on or after 1st January 2009 or ceased to be contributing members and re-entered membership of the Fund on or after 1st January 2009 shall have a Normal Retirement Age of not less than 67.

- \* **“orphan”** or **“child”** as the case may be shall include a stepchild and a child legally adopted by a member of the Fund.
- \* **“Pensionable Episcopal Stipend”** shall be the same multiples of the Pensionable Stipend as those applied to the Minimum Approved Stipend when determining the Episcopal Stipend.
- \* **“Pensionable Stipend”** shall mean the figure approved annually by the Standing Committee on behalf of the General Synod on the recommendation of the Trustee and the Representative Body having regard to the financial status of the Fund and having received actuarial advice and shall not be a figure lower than that for the previous year.

**“Pensions Act”** shall mean the Pensions Act 1990 (as amended from time to time).

**“Pensions Authority”** shall mean the regulatory body for occupational pension schemes in the Republic of Ireland.

**“Pensions Regulator”** shall mean the regulatory body for occupational pension schemes in Northern Ireland.

**“Service in the Church of Ireland”** for the purposes of this Chapter shall mean service as a Member of the Clergy who

- (a) holds the office of bishop, incumbent, vicar, bishop’s curate or curate assistant in the Church of Ireland; or

- (b) is the Dean, the Dean's Vicar, or the Succentor of the Cathedral Church of St Patrick, Dublin; or
- (c) is duly licensed and a paid officer of the Church of Ireland or of any Council of Churches of which the Church of Ireland is a member, or of any Society or Institution or Diocesan Organisation working in connection with the Church of Ireland, as recommended by the House of Bishops and recognised as such by the Representative Body for the purposes of this Chapter; or
- (d) is in receipt of payments under the Clergy PHI Policy.

The Representative Body, in its discretion, may recognise service in a full time appointment in connection with Religious Education as equivalent for the purposes of this Chapter to service in the Church of Ireland but on such terms and conditions as the Trustee may from time to time prescribe.

**"Revenue Authorities"** means, in relation to the Republic of Ireland, the Revenue Commissioners and, in relation to Northern Ireland, HM Revenue & Customs.

**"Taxes Act"** shall mean the Taxes Consolidation Act 1997 (as amended from time to time).

- \* **"the Trustee"** shall mean The Church of Ireland Clergy Pensions Trustee Limited.
- \* **"total prospective service"** shall mean the accrued service which a member would have achieved on reaching Normal Retirement Age having remained a member until that date.
- \* **"voluntary member"** shall mean a Member of the Clergy who was permitted to continue to be a contributor in accordance with section 22 of Chapter XIV of the Constitution 1972.
- \* **"year of service"** shall mean a year or part thereof in respect of which a contribution has been paid to the Fund or, in accordance with any reciprocal agreement with another Church, is deemed to have been paid.

## PART II.

### THE CHURCH OF IRELAND CLERGY DEFINED CONTRIBUTION SCHEMES

2. The Church of Ireland Clergy Defined Contribution Pension Scheme was established with effect from 1st June 2013 and is divided into two Schemes known as the Church of Ireland Clergy Defined Contribution Pension Scheme for Northern Ireland (formerly known as the Northern Ireland Section) and the Church of Ireland Clergy Defined Contribution Pension Scheme for the Republic of Ireland (formerly known as the Republic of Ireland Section).
3. Each Scheme shall have separate trustees appointed by the Representative Body or alternatively, either or both Schemes shall have trustees appointed by a Master Trust.
4. (a) In accordance with statutory pension regulations, either or both Schemes shall be regulated by rules made by the Representative Body in conjunction with the trustees for the particular Scheme and subject to the approval of the General Synod, hereinafter referred to as the Church of Ireland Clergy Defined Contribution Pension Scheme - Northern Ireland Section Scheme Rules or the Church of Ireland Clergy Defined Contribution Pension Scheme - Republic of Ireland Section Scheme Rules or alternatively, either or both Schemes shall be regulated by rules made by the trustees of a Master Trust.
  - (b) Any amendment which may be made to the Church of Ireland Clergy Defined Contribution Pension Scheme - Northern Ireland Section Scheme Rules or the Church of Ireland Clergy Defined Contribution Pension Scheme - Republic of Ireland Section Scheme Rules may be approved by the Standing Committee of the General Synod provided it is reported to the next following General Synod. The Representative Body shall report each appointment of a Master Trust for either or both Schemes and subsequent appointments for either Scheme, to the next following General Synod.
5. Upon reaching Normal Retirement Age members will receive retirement benefits from the relevant

Clergy Pension Defined Contribution Scheme and, where applicable, benefits accrued to 31st May 2013 under the provisions of Part III of this Chapter from the Clergy Pensions Fund.

### Membership

6. A Member of the Clergy who enters Service in the Church of Ireland will be enrolled in the relevant Church of Ireland Clergy Defined Contribution Pension Scheme unless that Member of the Clergy formally elects to opt out of membership of the Scheme.
7. A Member of the Clergy who re-enters Service in the Church of Ireland will be enrolled in the relevant Church of Ireland Clergy Defined Contribution Pension Scheme unless that Member of the Clergy formally elects to opt out of membership of the Scheme.

### Operation of the schemes

8. (a) Member's pension fund

Unless a member, upon or after attaining his or her Normal Retirement Age, requests the cessation of pension contributions, contributions required to be paid to the member's pension fund until the member retires shall be as follows:

- (i) A member contribution of 9% per annum of the relevant Minimum Approved Stipend or Episcopal Stipend by a monthly deduction from the stipend of each member concerned; and
- (ii) A Parish / Diocesan Council / Other contribution of 8% per annum of the relevant Minimum Approved Stipend or Episcopal Stipend by assessment on that Parish / Diocesan Council / Other concerned for paying that member's stipend provided that this contribution rate may be increased from time to time by the Standing Committee on behalf of the General Synod on the recommendation of the Representative Body, having taken appropriate advice, or, having previously been increased, the contribution rate may be reduced from time to time by the Standing Committee on behalf of the General Synod on the recommendation of the Representative Body, having taken appropriate advice, but shall not be reduced below 8% per annum of the relevant Minimum Approved Stipend or Episcopal Stipend.

- (b) Death in Service insured benefit:

Until a member attains his or her Normal Retirement Age contributions to Death in Service insured benefit is payable by a Parish / Diocesan Council / Other contribution at a contribution rate determined by the Representative Body to meet the cost of the benefit by way of assessment on that Parish / Diocesan Council / Other concerned for paying that member's stipend.

### Investment choice

9. Upon enrolment in the relevant Scheme, a member's monthly contributions will initially be invested in the default investment option, as offered from the appointed pension provider, unless otherwise instructed by the member.

### Benefits

10. (a) On retirement, benefits will be paid in accordance with either (i) the Clergy Defined Contribution Scheme Rules, or (ii) the rules of the Master Trust, for each Pension Scheme.
- (b) On death in service before reaching Normal Retirement Age, benefits will be paid in accordance with the Life Assurance policy in place for the relevant jurisdiction.
- (c) On death in service on, or after, reaching Normal Retirement Age, benefits will be paid in accordance with either (i) the Clergy Defined Contribution Scheme Rules, or (ii) the rules of the Master Trust, for each Pension Scheme.
- (d) On death in retirement, benefits will be paid in accordance with selected options made by the member at retirement.

## PART III.

## THE CHURCH OF IRELAND CLERGY PENSIONS FUND

11. The Fund established by Statute of the Church of Ireland, Chapter V of 1976, on 1st January 1976, as The Church of Ireland Clergy Pensions Fund for the financial assistance of clergy who are members of the Fund and who retire or who become unable to continue the exercise of their ministry by reason of infirmity, accident or disease and for the financial assistance of the surviving spouses and orphans of the members of the Fund, shall continue to be designated as "The Church of Ireland Clergy Pensions Fund" and shall be regulated and administered in accordance with the provisions of this Part of this Chapter. The Fund was closed to new entrants and future accrual of service on 31st May 2013.
12. (a) A Member of the Clergy who re-enters Service in the Church of Ireland on or after 1st June 2013 shall have his or her benefits calculated in accordance with Section 39 and will become a member of the relevant Church of Ireland Clergy Defined Contribution Pension Scheme subject to the provisions of this Chapter.
- (b) A contributing member of the Fund on 31st May 2013, who was neither an archbishop nor a bishop or who did not become an archbishop or bishop until after 31st May 2013 shall, upon reaching his or her Normal Retirement Age, receive such benefit from the Fund based on the Pensionable Stipend in relation to his or her office as at 31st May 2013 and accrued service to that date. The pension shall be calculated in accordance with either Section 42 or Section 43 as the case may be.
- (c) A contributing member of the Fund, who was either an archbishop or bishop on 31st May 2013 shall, upon reaching his or her Normal Retirement Age, receive such benefit from the Fund based on applicable Pensionable Episcopal Stipend in relation to his office as at 31st May 2013 and that member's accrued service to 31st May 2013;
- (i) For an archbishop or bishop who entered episcopal service on or before 31st December 2010, Section 68 shall apply.
- (ii) For an archbishop or bishop who entered episcopal service on or after 1st January 2011, Section 77 shall apply.
- (d) With effect from 1st June 2013 all other relevant Sections of this Chapter (excluding Sections 52(1)(a), 73 (1) and 82 (1)) shall apply as if a contributing member as at 31st May 2013 commenced on a pension payable out of the Fund on 1st June 2013 upon reaching his or her Normal Retirement Age, subject to any change in Pensionable Stipend or Pensionable Episcopal Stipend in the interim period.

**Transfer of Existing Funds, Membership and Benefits**

13. Subject to the provisions of Section 15 of this Chapter, nothing herein contained shall affect any right existing on the 31st December 1975, in any person under the provisions of Chapters XIV and XV of the statute entitled the Constitution of the Church of Ireland (Chapter I of 1972), but such right shall continue to exist and shall be enforceable as if the said Chapters XIV and XV had not been repealed.
14. The annuities which immediately prior to 1st January 1976 and under Section 13 hereof were payable to widows and orphans out of the Widows and Orphans (Church of Ireland) General Fund, shall be payable out of the Fund.
15. Notwithstanding the provisions of Section 13 of this Chapter:
- (a) voluntary members of the Widows and Orphans Fund on the 31st December 1975, shall not become members of the Fund, but shall be entitled to a refund of the contributions they have paid to the Widows and Orphans (Church of Ireland) General Fund since they last ceased to be compulsory members, with interest at 3% thereon;
- (b) members who subscribed for increased or double benefits, as the case may be, in accordance with the provisions of Section 14 or 15 of Chapter XIV of the Constitution 1972, shall be entitled to a

refund of the contributions paid in excess of those fixed under paragraphs (a) or (b) of Section 11 of the same Chapter, with interest thereon at 3%:

Provided however that any such Member of the Clergy who gave notice in writing to the Trustee before the 31st December 1976, may continue as a voluntary contributor or to subscribe for increased or double benefits, as the case may be, at the same rate of contribution or excess contribution, and for the benefits or excess benefits in effect on the 31st December 1975.

### **Composition of the fund**

16. The Fund shall consist of
- (a) the capital held by the Trustee in the account of the Fund and the income arising thereon;
  - (b) contributions to the Fund under this Chapter;
  - (c) every donation, benefaction and bequest and every sum of money received for the benefit of the Fund: Provided that the Trustee shall not be bound to accept any donation, benefaction or bequest if in its opinion same shall not be for the benefit of the Fund;
  - (d) such sum as shall be received under the provisions of Section 19 of this Chapter;
  - (e) every such other sum as the General Synod may allocate to the Fund from time to time.

### **Trustee and Terms of Trust**

17. The Trustee shall be the sole Trustee of the Fund and shall hold the Fund upon trust to apply the same in or towards providing the pensions and other benefits payable under this Chapter and shall make payments from the Fund as provided by this Chapter. No amendment shall be made by the Representative Body to any provision of the Memorandum or the Articles of Association of the Trustee save with the consent of the General Synod.
18. The Fund shall be maintained by the Trustee as a separate fund and shall be invested by the Trustee in accordance with Section 24 of this Chapter.
19. The Representative Body shall, after each valuation of the Fund and after consultation with the Actuary and the Trustee make provision to maintain the solvency and to secure the benefits of the Fund in such manner as it may think fit.

### **Winding up of the fund**

20. If circumstances require that the Fund must be terminated and wound up, then the Fund shall be realised and applied in accordance with the laws of Ireland in force at the time of winding up of the Fund provided that only the General Synod shall decide if the Fund must be terminated and wound up.

### **Administration of the fund**

21. The Fund shall be administered by the Trustee with the assistance of the Board.
22. (1) The powers and duties of the Trustee shall be:
- (a) to make such Regulations as it may deem necessary for the administration of the Fund including Regulations concerning the recognition of pension schemes for use by those deployed on a part-time basis in stipendiary ministry and related matters: Provided that such Regulations do not contravene any of the provisions of this Chapter;
  - (b) to have the Fund valued by the Actuary at intervals of not more than three years and to report on such valuation to the General Synod;
  - (c) to take such action, not being contrary to the provisions of this Chapter, as may be deemed necessary or advisable in the interests of the Fund and its members;
  - (d) to appoint an Actuary and agree the terms of such appointment;



- (e) subject to the approval of the Representative Body to appoint and define the terms and conditions of appointment and duties of the company secretary of the Trustee;
  - (f) to charge expenses of the administration of the Fund against the Fund;
  - (g) to obtain legal advice when considered appropriate;
  - (h) to appoint members of Medical Panel and to define their duties and remuneration;
  - (i) to administer the Fund and the system of contributions and benefits established by this Chapter in accordance with the general principle that a proper actuarial relation shall be maintained between the contributions payable to the Fund and the several benefits proposed to be paid out of the Fund.
  - (j) to receive and decide upon every question arising as to membership, contribution or benefit;
  - (k) to levy, enforce, and receive the contributions and to authorise payment of the benefits provided for by this Chapter;
  - (l) to maintain a roll of members of the Fund;
  - (m) to keep records of and to carry out work in connection with any scheme of State Insurance affecting clergy in Service in the Church of Ireland and/or their dependants which may be necessary under any statute for the time being in force in Northern Ireland or in the Republic of Ireland or as may be required by the General Synod;
  - (n) to report annually to the General Synod and the members of the Fund, such report to include financial statements of the Fund showing receipts and payments therefrom together with the certificate of the Auditor appointed to audit the Accounts of the Representative Body.
- (2) Any person aggrieved by any decision made by the Trustee, or by any decision or action by any body or bodies acting on behalf of the Trustee, under any provision of this Chapter shall have a right to bring such grievance to the Internal Dispute Resolution Procedure established by the Trustee. If such person remains dissatisfied following the determination arising from the Internal Disputes Resolution Procedure, that person may subsequently bring the issue to the Pensions Ombudsman appointed under the Pensions Act.
- (3) The Trustee shall have power to appoint such committees from its own members and other persons as it may deem desirable and to delegate to such committees or to the Board or such other persons as the Trustee may deem appropriate any powers and duties, subject to the provisions of this Chapter and all such delegations shall be subject to review by the Trustee as to their proper discharge. In particular, the Trustee shall delegate to the Board all or part of any of the duties set out at sub-sections (1)(h), (i), (j), (k), (l) and (m).
23. (1) The Trustee, on the advice of the Actuary, is authorised to take any such action or make any such regulation, including in particular the separation of the Fund into a Clergy Pensions Fund (Republic of Ireland) and a Clergy Pensions Fund (Northern Ireland), which is in its opinion necessary and in the best interests of the members and annuitants
- (a) to ensure conformity with any statute for the time being in force in Northern Ireland or in the Republic of Ireland whether such statute be enacted before or after the passing of this statute; or
  - (b) as a consequence of disparity between the currency of the United Kingdom and the currency of the Republic of Ireland.
- (2) Any such action shall not be taken or regulation made effective until it has been approved or confirmed by a resolution of the Representative Body.
- (3) Any such act of the Trustee shall be reported to the General Synod at its next ordinary session.

### Investment Powers of the Trustee

24. (1) The Trustee may retain in any bank account such moneys as it may consider proper and shall have power to invest all moneys coming into its hands on account of the Fund and to transpose and vary any such investments into any form of investment, (including such financial derivatives and other instruments approved from time to time by the Representative Body), that it may think fit. All such investments shall be made in whatever currencies as may be required to enable the Trustee to invest moneys held by it for investment to the best advantage and to give such security and to enter into whatever arrangements as may be necessary in connection therewith: Provided that the Trustee shall not be liable for any loss occasioned by the depreciation or failure of any investment or otherwise save by the Trustee's own wilful default.
- (2) The specific policies adopted from time to time by the Trustee are specified in the Statement of Investment Policy Principles relating to the Clergy Pensions Fund which is approved by the Representative Body and is available for inspection by members of the Fund. Social, environmental and ethical issues in relation to the selection, retention and realisation of investments shall be reviewed on an annual basis by the Investment Committee of the Representative Body on behalf of the Trustee and the Representative Body.

### The Church of Ireland Pensions Board

25. The Board shall consist of seven members appointed as follows:
- (a) One member of the House of Bishops, elected by that House before 30th June 2015 and triennially thereafter;
  - (b) One member of the General Synod who is a member or spouse of a member of the Fund and two other members of the General Synod, elected by the General Synod in the year 2015 and triennially thereafter;
  - (c) One person who is a member or spouse of a member of the Fund and two other persons, elected by the Representative Body at its meeting next following the General Synod in 2015 and triennially thereafter, provided that all such members, on the 1st January preceding election shall have attained the age of seventeen years and have not attained the age of seventy-four years.
26. Any casual vacancy occurring by death, resignation or otherwise shall be filled by election
- (a) in the case of a member elected by the House of Bishops or the Representative Body, by the said House or Body, as the case may be;
  - (b) in the case of a member elected by the General Synod, by the Standing Committee of the General Synod. Any person elected to fill a casual vacancy shall hold office only for as long as the member whose place such person fills would have held office.
27. (1) Four members attending the meeting, either in person or by teleconference, shall form a quorum. At least one of the quorum shall be a member elected by the General Synod and at least one shall be a member elected by the Representative Body. A member of the Board shall not be entitled to be present at a meeting of the Board while any matter to which such member is specifically a party is being considered.
- (2) The Board shall, at its first meeting after 30th June 2015, and triennially thereafter, elect a chairperson, a vice-chairperson, and an honorary secretary out of its own members. The chairperson, or in the chairperson's absence the vice-chairperson, shall have a casting as well as an ordinary vote on all questions. Casual vacancies in any of the offices referred to in this Section may be filled at any meeting of the Board, the person so elected to hold office until the next triennial election.
28. The powers and duties of the Board shall be those powers and duties delegated to it by the Trustee under Section 22(3) of this Chapter. In addition, the Board shall discharge any duties that may at any time be delegated to it by the Trustee or that may otherwise be assigned to it.

**Inalienability**

29. Entitlement to any benefit under this Chapter is proper to the beneficiary only, and shall cease to exist if any instrument or act purports to assign, charge, pledge, hypothecate or anticipate such benefit or to pass it to any trustee in bankruptcy: Provided that nothing in this Section shall prevent the payment of benefit to such person as the Trustee may appoint in any case in which the beneficiary is incapable or incompetent.

**Retirement and Surrender by Applicants**

30. Every applicant to whom a retiring annuity is granted under this Chapter must, before the payment thereof, resign any benefice, curacy, dignity of any kind, or other office held in the Church of Ireland, or any chaplaincy to which such applicant was appointed during the tenure of, and by reason of holding, any of the said offices; and must also surrender any glebe house or other residence, and any glebe lands or other property, occupied or enjoyed by virtue of such benefice or office; but may retain, with the consent of the bishop, but not otherwise, any allowance for good service or for long service: Provided that such retention of allowance shall not be contrary to the terms of any financial scheme of the diocese, as sanctioned by the Representative Body; and Provided further that the Representative Body, with the consent of the diocesan council, may let to any applicant on such terms as may be agreed upon, any such house, residence, lands, or property, or any part thereof, which are not, in the opinion of the Representative Body, required for the use or occupation of such applicant's successor; but subject to the payment by the applicant, during such letting, of any rent, rent-charge, interest, or instalments, payable in respect of the occupation of the premises; and the amount so payable by the applicant shall be deductible from such applicant's retiring annuity, and shall be applied in the same manner as income arising from the proceeds of sale of a glebe in accordance with rule 4 of Chapter XIII.
31. Without prejudice to the continued payment of any pension under this Chapter, every Member of the Clergy in receipt of any such pension shall remain and be subject to the discipline, laws, and ordinances, and amenable to the courts and tribunals of the Church of Ireland in the same manner in all respects as if such person were still in Service in the Church of Ireland.

**Medical Panel**

32. For the purposes of securing an Ill Health pension (Section 47) a Medical Panel shall consist of not less than three medical experts, appointed under Section 22(1)(h).

**Membership**

33. Each Member of the Clergy in Service in the Church of Ireland on the 1st January 1976 was enrolled without medical examination as a member of the Fund, subject to the provisions of this Chapter, and was so enrolled with credit for the number of years' service to which such person was entitled under the provisions of Chapter XV of the Constitution 1972 immediately prior to its repeal.
34. Membership of the Fund is restricted to those who were members of the Fund as at 31st May 2013.
35. No Member of the Clergy, exempted or excluded from membership in the Fund, nor any surviving spouse and/or children of such Member of the Clergy, shall have any claim to any benefit from the said Fund.

**Rates of Contribution and Basis of Payment**

36. With effect from 1st June 2013 and in order to secure the solvency of the Fund a levy shall be paid by each Diocese. All cures and other recognised offices within each Diocese will be subject to the levy which will be set at a percentage of Minimum Approved Stipend. Such levy shall be paid in respect of each curate assistant (including those appointed after 31st May 2013), in addition to the levy on a cure, but only for the duration of the appointment of that curate assistant. The percentage of Minimum Approved Stipend to be applied as the levy will be approved annually by the Standing Committee on behalf of the General Synod on the recommendation of the Trustee and the Representative Body having regard to the financial status of the Fund and having received actuarial advice.

**Contributions from Central Funds**

37. From time to time, contributions to the Fund may be made from the Representative Body or from such other source under the control of the Representative Body or the General Synod, as the Representative Body, with the approval of the Standing Committee of the General Synod, may determine. Such contributions may be transferred at the discretion of the Representative Body in an amount, in a form and at a time deemed by the representative Body to be most appropriate for the balanced and prudent management of the finances of the Representative Body.

#### Other Contributions

38. Any Council, Society, Institution or Organisation which was responsible for the payment of a contribution to the Fund in respect of a member of the Fund as at 31st May 2013 shall pay a levy as prescribed in Section 36 of this Chapter in respect of that member.

#### Withdrawal and Exemptions

39. (1) Should a member cease to be a contributing member other than by retiring in accordance with any of Sections 42, 43, 44, 46 or 47 such member shall receive:
- (a) if such member has not completed two years of service, either a withdrawal benefit of the contributions paid by that member to the Fund with interest thereon at 3% per annum less any applicable tax or, at that member's discretion and with the consent of the Trustee, the accrued pension accumulation, in the form of a deferred pension, payable under Sections 42, 43, 44, 45, 46 or 47 whichever is applicable;
  - (b) if such member has completed two years of service, either the accrued pension accumulation, in the form of a deferred pension, payable under Sections 42, 43, 44, 45, 46 or 47 whichever is applicable, or a transfer to another fund or plan of that member's choice which shall have been approved by the relevant Revenue Authority of such sum as shall be decided upon by the Trustee on the advice of the Actuary as representing the value of the accrued pension accumulation.
- (2) When a member ceased on or after 1st January 1977 to be a contributing member and has not received a withdrawal benefit or a transfer in pursuance of sub-section (1)(b) of this Section, the portion of that member's accrued pension accumulation attributable to the contributions paid on or after 1st January 1976 (or if that member was enrolled after 1st January 1976 the accrued pension accumulation) subsisting on 31st December 1998 and each subsequent year shall be revalued with effect on and from 1st January of the following year in accordance with any applicable legal requirements.
- (3) (a) If a former member entitled to an accrued pension accumulation dies, and is survived by a spouse or dependent children, Sections 52 to 60 inclusive shall apply as if the former member had died in Service in the Church of Ireland, and for the purposes of Sections 52 and 57 pension entitlement shall be deemed to be that former member's accrued pension accumulation.
- (b) If a former member entitled to an accrued pension accumulation dies prior to reaching the age at which payment of pension would have commenced and is unmarried or leaves no surviving spouse nor dependent children, a sum to be decided upon by the Trustee on the advice of the Actuary as representing the value of that former member's accrued pension accumulation shall be paid to the legal personal representatives of the deceased former member: Provided that at least five years' contributions have been paid and that at least two of those years relate to the period after 1st January 1991.
- (c) If a former member who is entitled to an accrued pension entitlement satisfies the requirements of Section 40(b) prior to Normal Retirement Age, the accrued pension entitlement shall be payable during such period, if any, prior to Normal Retirement Age as the Trustee shall decide.
- (d) The Trustee shall deduct from any payment made by it under this Section any tax chargeable in respect of such payment.
- (e) Section 31 of this Chapter shall not apply to a former member who is in receipt of a benefit under this Section.

**Benefits**

40. Every applicant for a pension, unless deemed to have resigned in accordance with Section 36 of Chapter IV, must satisfy the Trustee by such evidence as it shall deem sufficient that, as on the date of commencement of the annuity, either
- (a) such applicant is aged not less than sixty years and has served as a Member of the Clergy of the Church of Ireland for not less than two years; or
  - (b) such applicant has served as a Member of the Clergy of the Church of Ireland for not less than ten years and, as evidenced by a report from the Medical Panel appointed by the Board, is either
    - (i) permanently disabled by age or infirmity from the efficient discharge, without assistance, of ministerial or official duties; or
    - (ii) permanently and wholly disabled by age or infirmity from the efficient discharge of any ministerial or official duties.
41. It shall be the duty of every member of the Fund, surviving spouse of a member of the Fund, or the guardian of the children of a deceased member of the Fund, to furnish the Trustee with such information as the Trustee may from time to time require.

**Normal Retirement Pension**

42. A Member of the Clergy, who was a member of the Fund on or before 31st December 2008 and for whom Normal Retirement Age is per the table in Part I, who retires on reaching their Normal Retirement Age, shall receive a pension calculated in the following manner, that is to say, the accrued service in the Church of Ireland to 31st May 2013 but excluding such years in excess of 40, multiplied by one sixtieth part of the Pensionable Stipend in force on the last day of that member's service.
43. A Member of the Clergy, who has entered membership of the Fund on or after 1st January 2009 and for whom Normal Retirement Age is 67 or 68, as per the table in Part I, who retires on reaching his or her Normal Retirement Age, shall receive a pension calculated in the following manner, that is to say, the accrued service in the Church of Ireland to 31st May 2013, multiplied by one sixtieth part of the Pensionable Stipend in force on the last day of that member's service.

**Early Retirement Pension**

44. Should a member of the Fund who has completed two years' Service in the Church of Ireland wish to retire after attaining the age of 60 years before reaching Normal Retirement Age and applies for payment of their accrued pension, the pension payable shall be the product of a sum calculated in accordance with the provisions of Section 42 or Section 43 as the case may be, multiplied by such rate as the Trustee may determine on the advice of the Actuary. The Trustee may decide that payment of the pension be deferred until the member reaches their Normal Retirement Age.

**Late Retirement Pension**

45. (1) A member in Service in the Church of Ireland who was a member on 31st December 2008 but had not yet reached Normal Retirement Age and who subsequently retires after reaching Normal Retirement Age, shall be entitled to a pension which shall be the product of a sum calculated in accordance with the provisions of Section 42 applied on the day on which that member reached Normal Retirement Age, multiplied by such rate as the Trustee may determine on the advice of the Actuary.
- (2) A member in Service in the Church of Ireland who became a member on or after 1st January 2009 and who subsequently retires after reaching Normal Retirement Age shall be entitled to a pension which shall be the product of a sum calculated in accordance with the provisions of Section 43 applied on the day on which that member reaches Normal Retirement Age, multiplied by such rate as the Trustee may determine on the advice of the Actuary.
46. (1) A member in Service in the Church of Ireland on 31st December 2008, who had reached the age of 65 years on that date and retires on or after 1st January 2009, shall be entitled to a pension calculated

in accordance with the provisions of sub-section (2) of this Section and Section 45(1) calculated in the following manner: the pension as calculated as at 31st December 2008 in accordance with sub-section (2) of this Section multiplied by such rate as the Trustee shall determine from time to time on the advice of the Actuary. The year 2009 (or a portion thereof if less than one year) will be deemed to be Year 1 after Normal Retirement Age for the purposes of the calculation.

- (2) In respect of a member who retires under sub-section (1) hereof, the following shall be the basis of calculation:

The pension shall be the product of a sum calculated in accordance with the provisions of Section 42 applied as on the day on which such member reached the age of 65 years, multiplied by the relevant rate % in accordance with the following table:

Postponed Retirement Age	Rate%
66	110
67	122
68	135
69	149
70	165
71	182
72	201
73	222
74	245
75	271

Provided that, if the pension were to be greater if it were calculated in accordance with the provisions of Section 42 relating to:

- (a) years of service to the date of retirement excluding any years in excess of 45; and
- (b) Minimum Approved Stipend for 2008

that member shall receive instead such increased pension.

**III Health Pension**

- 47. A member who is under Normal Retirement Age and seeks to retire on the grounds of ill health under Section 40(b) and who the Trustee determines, on the basis of medical reports furnished by at least two members of the medical panel, cannot be expected to return to duty or take up regular employment shall receive a disability pension for the duration of such member’s incapacity for work equal to 90% of a pension calculated in the manner laid down in Section 42 or Section 43 as the case may be, subject to a minimum pension of 15% of the Pensionable Stipend in force on the last day of service.

Provided that if a member to whom this Section refers is unable to carry out ministerial or official duties for a period of six months (or such shorter period not in any event being less than three months as the Trustee may in any particular case determine) before the date of retirement, such member’s pension shall be calculated in the manner laid down in Section 42 or Section 43 as the case may be, subject to a minimum pension of 15% of the Pensionable Stipend in force on the last day of service.

**Other**

- 48. The provisions of this Chapter in force upon the date on which a member, in accordance with the provisions of Section 39 of this Chapter, ceased to be a contributor to the Fund shall continue to apply to or in respect of that member notwithstanding any modifications which may subsequently be made to those provisions. This Section shall not apply to any modifications to Section 39 of this Chapter which are included in a Statute enacted by the General Synod at its ordinary session in the year 1998.

**AMENDED 2015**

49. The establishment of the Church of Ireland Voluntary Contribution Schemes was approved by resolution of the General Synod dated 21st May 1985. The closure of the Church of Ireland Voluntary Contribution Schemes to contributors and the winding up of these schemes was approved by resolution of the General Synod dated 11th May 2024.

#### **Death Benefits and Surviving Spouse's Pension**

50. Where a member dies while in Service in the Church of Ireland before reaching Normal Retirement Age and in respect of whom a contribution has been paid to the Fund and who was not accepted for insured benefits in the Clergy Defined Contribution Pension Scheme as at 1st June 2013, there shall be paid to such member's legal personal representatives a lump sum equal to the Pensionable Stipend in force on the date of death of the said member multiplied by four.
51. (1) When a member, the payment of whose pension has commenced, dies not more than five years after the date on which such payment commenced, there shall be paid to such member's legal personal representatives a lump sum as may be determined by the Trustee on the advice of the Actuary representing the annual rate of pension operative on the date of death multiplied by the number of years and portion of a year from the date of death to the date which is five years after the date on which payment commenced.
- (2) When a member dies in Service in the Church of Ireland after reaching Normal Retirement Age, such member shall be deemed for the purposes of this Section to have retired on pension on the date of death.
52. Except as hereinafter provided:
- (1) (a) The surviving spouse of a member who dies before reaching Normal Retirement Age while in Service in the Church of Ireland on or after 17th May 2001 shall receive from the date of death of the deceased member a pension as set out in the provisions of the relevant Clergy Defined Contribution Pension Scheme; in addition if a surviving spouse's pension at the rate of two-thirds of the member's pension from the Clergy Pensions Fund at date of death is greater than the provision under the Clergy Defined Contribution Pension Scheme the excess over the Clergy Defined Contribution Pension Scheme provision shall be paid from the Clergy Pensions Fund.
- (b) The surviving spouse of a member who was in Service in the Church of Ireland on 18th May 1989 and was aged 70 years or over on that date, and the surviving spouse of a member who was in receipt of a pension on that date, shall receive a pension at the rate of eight-ninths of the deceased member's pension entitlement at the date of death.
- (c) The surviving spouse of any other member shall receive a pension at the rate of two-thirds of the deceased member's pension entitlement at the date of death or, if such member had exercised the option to commute under Section 86, two-thirds of what such member's pension entitlement would have been at the date of death if such member had not so commuted.
- (2) If the member was enrolled before 19th May 1988, the pension under sub-section (1) (b) or (c) shall be not less than 15% of the Minimum Approved Stipend for the purposes of Section 51 (1) of Chapter IV in force on the last day of service.
53. If a surviving spouse is more than 10 years younger than the deceased member, and if the marriage has taken place less than two years before such member's death, the surviving spouse's benefit shall be for an amount to be determined by the Trustee on the advice of the Actuary.
54. If the member other than a member enrolled under Section 33 of this Chapter was enrolled at age fifty-five years or later such member's surviving spouse's and children's benefits shall be in amounts to be determined by the Trustee on the advice of the Actuary.
55. Subject to the provisions of this Chapter, no benefits shall be payable to the surviving spouse or children of a marriage taking place after retirement.

56. A surviving spouse shall cease to be entitled to any benefit under this Chapter upon having re-married on or before 17th June 1991.

### Children

57. (1) The surviving spouse of a member of the Fund who dies in Service in the Church of Ireland shall receive a child dependency allowance equal to one third of the said surviving spouse's pension as set out in Section 52 in trust for each of the deceased member's children until the month in which the child attains the age of 18 years or marries, whichever is the earlier.

Provided that the total amount payable to the surviving spouse of a member under Section 52 and as trustee under this Section shall not exceed two-thirds of the Pensionable Stipend in force on the last day of the deceased member's service.

- (2) The surviving spouse of any other member of the Fund who is in receipt of a benefit under this Chapter shall receive a child dependency allowance equal to one third of the said surviving spouse's pension entitlement at the date of the member's death in trust for each of the member's children, until the month in which the child attains the age of 18 years or marries, whichever is the earlier.
- (3) The Trustee may at its discretion and without the limitation of age prescribed by sub-sections (1), (2) and (4) of this Section pay a child dependency allowance in respect of a child of any age of a member who dies in, or retires on pension from, Service in the Church of Ireland after 1st January 1986 where the medical panel has certified that such child is at the date of death of the member or upon reaching the age of 18 years (whichever is the later) wholly incapable of self-support by reason of physical or mental handicap.
- (4) The limitation of age prescribed by sub-sections (1) and (2) of this Section shall, in respect of each child who is engaged in third-level education, be 23 years.
58. In the event of the death of both parents of a child eligible for benefits under this Chapter the Trustee shall determine how much, if any, of the benefits which would have been paid to the surviving spouse under Section 52, 73 or 82, if the surviving spouse had remained living, may become payable and be paid in addition to the child dependency allowance, provided always that such benefits will only be paid until such child attains the age of 18 years or, if engaged in third-level education, 23 years, or marries, whichever is the earlier. The said benefits shall be paid to the legally appointed guardian of the said child or if no such guardian has been appointed to such other person as the Trustee may from time to time approve to be held in trust by such guardian or other person for the said child.
59. Notwithstanding anything contained in this Chapter, the Trustee shall give effect to any order made by a civil court concerning retirement benefits consequent on the grant of a decree of judicial separation, annulment or dissolution of the marriage of a member or any order in proceedings concerning the custody of a child or children of a member.
60. (1) Where prior to death a deceased member and that member's spouse were separated or the marriage was annulled or dissolved, and an order to which Section 59 refers has not been made, a child dependency allowance shall be payable in respect of each of the children of the marriage to the person having actual custody of the children or such other person as the Trustee may from time to time approve to be held in trust by such person for each such child until the month in which such child attains the age of 18 or, if engaged in third-level education, of 23, or marries, whichever is the earlier.
- (2) A child dependency allowance payable under this Section shall be calculated in accordance with the provisions of Section 57(1) as if the provisions of that Section applied to this Section.
- (3) The provisions of Section 57(3) shall apply to allowances under this Section without the limitation of age prescribed by sub-section (1) of this Section.

### Pension Increases

61. The rate of



- (a) each pension payable to a member of the Fund under Section 14 or any of Sections 42 to 45 (inclusive) of this Chapter,
- (b) each pension payable to the surviving spouse of a member of the Fund (not being the surviving spouse of a voluntary member) under Section 14 or Section 52 of this Chapter, and
- (c) each child dependency allowance under Section 57 of this Chapter,

which was in course of payment on 31st December 2023 and each subsequent year shall be increased with effect on and from 1st January of the following year or such other date as the Trustee on the advice of the Actuary and with the approval of the Representative Body may determine, by the percentage required by law, or such greater percentage as the Trustee on the advice of the Actuary and with the approval of the Representative Body may determine.'

#### **Payment of Pension**

- 62. All benefits and allowances accrue from day to day so long as title thereto continues.
- 63. Payment shall be made by monthly instalments on the last day of the month following that in which the benefit accrues, notwithstanding that the rate of benefit is expressed as an amount per annum.
- 64. (1) Notwithstanding anything to the contrary in this Chapter, a surviving spouse, within twelve months of becoming eligible for a surviving spouse's pension under this Chapter, may with the approval of the Trustee elect to have entitlement thereto deferred in accordance with the provisions of this Section.
  - (2) The election referred to in sub-section (1) of this Section shall satisfy the following conditions:
    - (a) The election shall be in writing signed by the person entitled to make it or by a person legally authorised to do so on the surviving spouse's behalf.
    - (b) The deferment shall be effective from the date of first eligibility for the pension to which it relates.
    - (c) The deferment shall remain in force until withdrawn in writing signed by or on behalf of the person who made the relevant election, and specifying the date of withdrawal, which shall be not less than 7 days after notice of the withdrawal has been received by the Board.
  - (3) The rate of a pension so deferred shall for the period in which the deferment remains in force but no longer be augmented at the rate of 6% per annum compound interest, and on the termination of that period payment if due shall be made at the rate so augmented: Provided that, when any sum has been paid to the surviving spouse between the date of eligibility for pension and its deferment, the amount of augmentation shall be reduced by such amount as the Actuary shall advise.
  - (4) No pension shall be payable in respect of a period in which a deferment remains in force and if entitlement to a pension ceases during that period, whether by reason of the death of the surviving spouse or otherwise, no payment in respect of arrears for such period shall be payable.
  - (5) No child dependency allowance or any part thereof shall be deferred.

#### **Retirement Benefits (Episcopal)**

- 65. Sections 66 to 75 and 84 to 85 (inclusive) shall apply to an archbishop, bishop or surviving spouse of an archbishop or bishop who had entered episcopal service in the Church of Ireland on or before 31st December 2010.
- 66. Nothing herein contained shall affect any right existing on 31st December 1978, in any person under the provisions of Sections 30 to 40 (inclusive) of Chapter VI of the statute entitled the Constitution of

the Church of Ireland (Chapter I of 1978), but such right shall continue to exist and shall be enforceable as if the said Sections 30 to 40 of the said Chapter VI had not been repealed.

67. The annuities which immediately prior to the enactment of Sections 65 to 85 of this Chapter and under Section 66 hereof were payable to surviving spouses of archbishops and bishops out of the Fund for the Augmentation of the Incomes of Bishops' Widows, shall be payable out of the Fund.

#### **Normal Retirement Pension**

68. An archbishop or bishop who entered episcopal service after 17th May 1990 and who has fulfilled the requirements of Section 28 of Chapter VI shall receive a combined pension calculated in the following manner:

(a) The greater of;

- (i) the accrued service to 31st May 2013 multiplied by one sixtieth of the Pensionable Stipend in force on reaching Normal Retirement Age; or
- (ii) forty sixtieths of the Pensionable Stipend in force on reaching Normal Retirement Age multiplied by the ratio of accrued service to 31st May 2013 to the potential service as a member of the Fund to age 65.

Provided that if as a member of the Fund such person is entitled to an increased late retirement pension under Section 45, such person shall receive instead such increased pension

and

- (iii) in respect of each completed year, or part thereof, of episcopal service up to 31st May 2013, with a maximum of twelve years, one eighteenth of the difference between the Pensionable Stipend in force on the last day of episcopal service and the Pensionable Episcopal Stipend as fixed by the Representative Body and in force on the last day of episcopal service multiplied by the ratio of accrued episcopal service to 31st May 2013 to episcopal service to age 65.

#### **Early Retirement Pension**

69. An archbishop or bishop whose resignation has been accepted under Section 30 (2) of Chapter VI shall receive a pension of an amount to be determined by the Trustee on the advice of the Actuary.

#### **Other**

70. Where an archbishop or bishop has become entitled to a pension under Section 68, and such archbishop or bishop is subsequently instituted or licensed to a paid ecclesiastical office in the Church of Ireland or elsewhere, the following provisions shall apply:

- (a) Such archbishop or bishop shall not be entitled to receive a further lump sum upon ceasing to hold such office.
- (b) Such archbishop's or bishop's legal personal representatives shall not be entitled to receive any benefit under Section 50.

#### **Ill Health Pension**

71. An archbishop or bishop whose resignation has been accepted under Section 29 (3) of Chapter VI shall receive an ill health early retirement pension equal to 90% of a pension calculated in the manner laid down in Section 68.

Provided that if an archbishop or bishop, to whom this Section refers, is unable to carry out archiepiscopal or episcopal duties for a period of six months (or such shorter period not in any event being less than three months as the Trustee may in any particular case determine) before the date appointed under Section 29 (3) of Chapter VI, such archbishop's or bishop's pension shall be calculated in the manner laid down in Section 68.

### Death Benefits and Surviving Spouse's Pension

72. (1) When an archbishop or bishop, the payment of whose pension commenced after 1st January 1986, dies not more than five years after the date on which such payment commenced, there shall be paid to such archbishop's or bishop's legal personal representatives a lump sum as may be determined by the Trustee on the advice of the Actuary representing the annual rate of pension operative on the date of such archbishop's or bishop's death multiplied by the number of years and portion of a year from the date of death to the date which is five years after the date on which payment commenced.
- (2) When an archbishop or bishop dies after 1st January 1986 in episcopal service after reaching Normal Retirement Age, such archbishop or bishop shall be deemed for the purposes of this Section to have retired on pension on the date of death.
73. (1) The surviving spouse of an archbishop or bishop who dies before reaching Normal Retirement Age while in episcopal service on or after 17th May 2001 shall receive from the date of such archbishop's or bishop's death a pension as set out in the provisions of the Clergy Defined Contribution Pension Scheme; in addition if a surviving spouse's pension at the rate of two-thirds of the archbishop's or bishop's pension from the Clergy Pensions Fund at date of death is greater than the provision under the Clergy Defined Contribution Pension Scheme the excess over the Clergy Defined Contribution Pension Scheme provision shall be paid from the Clergy Pensions Fund.
- (2) The surviving spouse of any other archbishop or bishop who was in episcopal service on 1st January 1979 or who enters episcopal service after that date shall receive a pension at the rate of two-thirds of the deceased archbishop's or bishop's pension entitlement at the date of death or, if that archbishop or bishop had exercised the option to commute under Section 86, two thirds of what that archbishop's or bishop's pension entitlement would have been at the date of death if such archbishop or bishop had not so commuted.
- 74.
- (1) The surviving spouse of an archbishop or bishop who is in receipt of a benefit under Section 73 shall receive a child dependency allowance equal to one third of the said surviving spouse's pension in trust for each of the archbishop's or bishop's children, until the child attains the age of 18 years or, if engaged in third-level education, 23 years, or marries, whichever is the earlier:
- Provided that the total amount payable to the said surviving spouse under Section 73 and as trustee as aforesaid under this Section shall not exceed two-thirds of the Pensionable Episcopal Stipend in force on the last day of the deceased archbishop's or bishop's service.
- (2) The Trustee may at its discretion and without the limitation of age prescribed by sub-section (1) of this Section pay a child dependency allowance in respect of a child of any age of an archbishop or bishop who dies in, or retires on pension from, episcopal service after 1st January 1986 where the medical panel has certified that such child is at the date of death of the archbishop or bishop or upon reaching the age of 18 years (whichever is the later) wholly incapable of self-support by reason of physical or mental handicap.
75. Where an archbishop or bishop dies in episcopal service on or after 1st January 1980, such archbishop's or bishop's pension entitlement for the purposes of Sections 72 73 and 74 shall be calculated in accordance with Section 68.
76. Sections 77 to 85 (inclusive) shall apply to an archbishop, bishop or surviving spouse of an archbishop or bishop who enters episcopal service in the Church of Ireland on or after 1st January 2011.

### Normal Retirement Pension

77. An archbishop or bishop who has fulfilled the requirements of Section 28 of Chapter VI at Normal Retirement Age shall receive a pension calculated in accordance with the provisions of sub-sections (1) and if applicable, sub-section (2) below:
- (1) The actual service to 31st May 2013 as a member of the Fund multiplied by one sixtieth of the Pensionable Episcopal Stipend in force on the last day of such member's service.

- (2) Any additional service to credit under Section 80 multiplied by one sixtieth part of the Pensionable Stipend in force on the last day of such member's service.

#### Early Retirement Pension

78. An archbishop or bishop whose resignation has been accepted under Section 30 (2) of Chapter VI shall receive a pension of an amount to be determined by the Trustee on the advice of the Actuary or the Trustee may decide that payment of the pension be deferred until the member reaches their Normal Retirement Age.

#### Ill Health Pension

79. An archbishop or bishop whose resignation has been accepted under Section 29 (3) of Chapter VI shall receive an ill health early retirement pension equal to 90% of a pension calculated in the manner laid down in Section 77.

Provided that if an archbishop or bishop, to whom this Section refers, is unable to carry out archiepiscopal or episcopal duties for a period of six months (or such shorter period not in any event being less than three months as the Trustee may in any particular case determine) before the date appointed under Section 29 (3) of Chapter VI, such archbishop's or bishop's pension shall be calculated in the manner laid down in Section 77.

#### Additional Personal Contributions

80. The benefit in relation to additional service purchased by an Archbishop or Bishop to 31st May 2013 shall be based on the Pensionable Stipend.

#### Death Benefits and Surviving Spouse's Pension

81. (1) When an archbishop or bishop, the payment of whose pension has commenced, dies not more than five years after the date on which such payment commenced, there shall be paid to such archbishop's or bishop's legal personal representatives a lump sum as may be determined by the Trustee on the advice of the Actuary representing the annual rate of pension operative on the date of such archbishop's or bishop's death multiplied by the number of years and portion of a year from the date of death to the date which is five years after the date on which payment commenced.
- (2) When an archbishop or bishop dies in episcopal service after reaching Normal Retirement Age, such archbishop or bishop shall be deemed for the purposes of this Section to have retired on pension on the date of death.
82. (1) The surviving spouse of an archbishop or bishop who dies before reaching Normal Retirement Age while in episcopal service shall receive from the date of such archbishop's or bishop's death a pension as set out in the provisions of the Clergy Defined Contribution Pension Scheme; in addition if a surviving spouse's pension at the rate of two-thirds of the archbishop's or bishop's pension from the Clergy Pensions Fund at date of death is greater than the provision under the Clergy Defined Contribution Pension Scheme the excess over the Clergy Defined Contribution Pension Scheme provision shall be paid from the Clergy Pensions Fund.
- (2) The surviving spouse of an archbishop or bishop who dies after reaching Normal Retirement Age while in episcopal service or the surviving spouse of an archbishop or bishop the payment of whose pension had commenced shall receive a pension at the rate of two-thirds of the deceased archbishop's or bishop's pension entitlement at the date of death, or, if such archbishop or bishop had exercised the option to commute under Section 86, two thirds of what that archbishop's or bishop's pension entitlement would have been at the date of death if such archbishop or bishop had not so commuted.
83. (1) The surviving spouse of an archbishop or bishop who is in receipt of a benefit under Section 82 shall receive a child dependency allowance equal to one third of the said surviving spouse's pension in trust for each of the archbishop's or bishop's children, until the child attains the age of 18 years or, if engaged in third-level education, 23 years, or marries, whichever is the earlier:

Provided that the total amount payable to the said surviving spouse under Section 82 and as

trustee as aforesaid under this Section shall not exceed two-thirds of the Pensionable Episcopal Stipend (as the case may be) as fixed by the Representative Body and in force on the last day of the deceased archbishop's or bishop's service.

- (2) The Trustee may at its discretion and without the limitation of age prescribed by sub-section (1) of this Section pay a child dependency allowance in respect of a child of any age of an archbishop or bishop who dies in, or retires on pension from, episcopal service after 1st January 2011 where the medical panel has certified that such child is at the date of death of the archbishop or bishop or upon reaching the age of 18 years (whichever is the later) wholly incapable of self-support by reason of physical or mental handicap.

#### **Pension Increases**

##### **84. The rate of**

- (a) every pension payable to an archbishop or bishop under Section 67 or any of Sections 68, 70 71 and 77, 78, 79 of this Chapter,
- (b) every pension payable to the surviving spouse of an archbishop or bishop under Section 67 or Sections 73 and 82 of this Chapter, and
- (c) every child dependency allowance payable under Sections 74 and 83 of this Chapter

which was in course of payment on 31st December 1980 or any subsequent year shall be increased with effect on and from 1st January of the following year by the same percentage as that determined under Section 61 of this Chapter.

85. Sections 29, 30 (subject to the qualification contained in Section 70), 31, 45, 53, 54, 55, 56, 58, 62, 63 and 64 shall apply to the benefits payable under Sections 68 to 84.

#### **Commutation of Pensions**

86. (1) On reaching Normal Retirement Age, a member of the Fund in the Republic of Ireland may opt either:
- (a) to commute not more than one fourth of the pension to which such member would be entitled upon retiring on that day into a lump sum at such rate as the Trustee may determine on the advice of the Actuary in which case the lump sum shall be payable forthwith and the pension entitlement under Sections 42 and 43 and Sections 68 and 77 shall be reduced by a percentage identical with the percentage of the pension which has been commuted; or
  - (b) to defer a decision until retirement.
- (2) A member of the Fund who retires from Service in the Church of Ireland before reaching Normal Retirement Age, or who retires after reaching that age (having deferred a decision under sub-section (1) if appropriate) may opt to commute not more than one fourth of the pension to which such member is entitled into a lump sum at such rate as the Trustee may determine on the advice of the Actuary.
- (3) The exercise of an option under sub-section (1) or (2) shall be made in writing, before actual date of retirement but shall be made not more than six months before date of retirement, and when received by the Board shall be irrevocable.
- (4) In no case shall a lump sum exceed one and a half years' Minimum Approved Stipend of the office held by the member concerned (or, in the case of an archbishop or bishop, one and a half times the Episcopal Stipend, as the case may be, as fixed by the Representative Body) in force at the date on which the lump sum becomes payable under sub-section (1) (a) or (2).

#### **Certificate of Continued Solvency**

87. The General Synod shall not consider any motion affecting the system of benefits and contributions set out in this Chapter unless the Actuary has certified that the solvency position of the Fund will not be adversely affected to a material extent.

#### **Compliance with Pensions Act**

88. This Chapter and the Fund are subject to the Pensions Act and shall take effect subject to any modification necessary to comply with it. The duties of the Representative Body, the Trustee, the Actuary and the Auditor shall be regulated by and carried out in accordance with the Pensions Act.

#### **Compliance with Taxes Consolidation Act 1997**

89. The Fund is a retirement benefit scheme as defined by Section 771 of the Act, capable of being treated by the Revenue Commissioners as an Exempt Approved Scheme. Notwithstanding anything in this Chapter, no benefit shall be provided under the Fund which would exceed the maximum benefit permitted, or would otherwise conflict with requirements imposed, by the Revenue Commissioners from time to time as a condition of approval under the Act. Any benefit otherwise provided shall be reduced or varied as may be necessary to ensure that the maximum is not exceeded and that there is no conflict with the requirements of the Revenue Commissioners.

## **Chapter XV**

### **THE SUPPLEMENTAL FUND**

1. With effect from 1st January 1976, the funds listed in the Schedule to this Chapter shall be grouped together under the title "The Supplemental Fund" and shall be held by the Representative Body for the provision of assistance to retired clergy of the Church of Ireland, and to the surviving spouses, orphans or other dependants of clergy of the Church of Ireland, in accordance with the provisions of this Chapter.
2. The Supplemental Fund shall be administered by the Church of Ireland Pensions Board established under Chapter XIV of the Constitution and hereinafter referred to as "The Board".
3. The Board shall
  - (a) from time to time make such rules and regulations as it considers proper to enable it to administer the income of the Supplemental Fund;
  - (b) determine the manner in which assistance may be given and the amount of such assistance;
  - (c) charge the expenses of administering the Supplemental Fund against the income of the Supplemental Fund;
  - (d) report to the General Synod upon any changes made to the rules and regulations concerning assistance from the Fund during the preceding year.
4. The Representative Body shall carry out the decisions of the Board made in accordance with the provisions of section 3.

#### **Schedule**

Funds to be included in the Supplemental Fund:

1. The Supplemental Fund established under Part III of Chapter XIV of the Constitution of 1972.
2. The Augmentation of Widows' Annuities Fund established by Statute Chapter II of 1939 and referred to in Part IV of Chapter XIV of the Constitution 1972.
3. Every donation, benefaction or bequest, specifically made to the Fund or to the Representative Body or the trustee concerned.
4. Every amount allocated to the Supplemental Fund by the General Synod.





**Chapter XVI**  
**SAFEGUARDING**

PART I.

MINISTRY WITH CHILDREN

1. Safeguarding Trust: The Church of Ireland Code of Good Practice for Ministry with Children, approved by the Standing Committee of the General Synod and reported to the General Synod, hereinafter referred to as Safeguarding Trust shall be implemented and adhered to throughout the Church of Ireland in the Church's ministry with children.
2. Each bishop and diocesan council shall ensure that Safeguarding Trust be implemented and adhered to by all parishes, clergy and diocesan bodies within the diocese and in any diocesan activity.

PART II.

MINISTRY WITH ADULTS

3. Adult Safeguarding: The Church of Ireland Code of Good Practice, approved by the Standing Committee of the General Synod and reported to the General Synod, hereinafter referred to as Adult Safeguarding, shall be implemented and adhered to throughout the Church of Ireland in the Church's ministry with adults at risk of harm and adults in need of protection, also referred to as vulnerable adults in some legislation and guidance.
4. Each bishop and diocesan council shall ensure that Adult Safeguarding: The Church of Ireland Code of Good Practice be implemented and adhered to by all parishes, clergy and diocesan bodies within the diocese and in any diocesan activity.



## Chapter XVII

### CHARITABLE PURPOSE AND OBJECTS

#### PART I.

1. In this Chapter –
  - a. the “Relevant Authorities” means the Charity Commission for Northern Ireland (in Northern Ireland) and the Charities Regulatory Authority (in the Republic of Ireland);
  - b. the “Statement of Charitable Purpose and Objects (NI)” means the Statement of Charitable Purposes and Objects contained in Part II of this Chapter;
  - c. the “Statement of Charitable Purpose and Objects (ROI)” means the Statement of Charitable Purposes and Objects contained in Part IV of this Chapter;
  - d. the “Statement of Public Benefit” means the Statement of Public Benefit contained in Part III of this Chapter.
2. The Church of Ireland hereby adopts the Statement of Charitable Purpose and Objects (NI) and the Statement of Charitable Purpose and Objects (ROI).
3. The Church of Ireland hereby adopts the Statement of Public Benefit.
4. Henceforth, bodies governed by the laws of the Church of Ireland registering as charities under the Charities Act (Northern Ireland) 2008 in Northern Ireland shall be bound by and use the Statement of Charitable Purpose and Objects (NI) and the Statement of Public Benefit when submitting registering documents to the Charity Commission for Northern Ireland.
5. Henceforth, bodies governed by the laws of the Church of Ireland registering as charities under the Charities Act 2009 in the Republic of Ireland shall be bound by and shall use the Charitable Purpose and Objects (ROI) when submitting registering documents to the Charities Regulatory Authority.
6. No amendment may be made by the General Synod to the Church’s charitable purpose and objects clauses that would cause the Church of Ireland or any part thereof to cease to be a charity at law.
7. The income and property of any body governed by the laws of the Church of Ireland and registering as a charity with one or other of the Relevant Authorities shall be applied solely towards the promotion of its main object(s) and in accordance with the Statement of Charitable Purpose and Objects (NI) or the Statement of Charitable Purpose and Objects (ROI), as applicable.
8. No portion of the income and property of any body governed by the laws of the Church of Ireland and registering as a charity with one or other of the Relevant Authorities shall be paid or transferred directly or indirectly by way of dividend, bonus or distribution of profit to members of that body.
9. The provisions of this section and of sections 6, 7 and 8 shall not be amended, altered or repealed save with the consent of the Relevant Authorities.
10. Save as hereinafter provided provisions of this Chapter shall not apply to the registration of a Local Ecumenical Partnership as a charity with either of the Relevant Authorities. Registration of a Local Ecumenical Partnership as a charity with either of the Relevant Authorities shall be in accordance with such regulations as may be made by the Standing Committee of the General Synod pursuant to section 11 A(2) of Chapter 9 of the Constitution of the Church of Ireland and as may be approved by the Relevant Authorities.

## PART II.

### STATEMENT OF CHARITABLE PURPOSE AND OBJECTS (NI)

The charitable purpose of the Church of Ireland is the advancement of religion. The principal function of the [insert name of relevant body] is to support the advancement of the Christian religion by promoting, through the work of the [insert name of relevant body] the whole mission of the Church, pastoral, evangelistic, social, educational and ecumenical. Being open to and engaging with society as a whole and offering support for those needing help are fundamental to the practical delivery of the benefits of Christianity. As a result of activity in the pursuit of the advancement of the Christian religion, the [insert name of relevant body] has custody of property and of records, materials and artefacts of significance to the cultural and religious heritage and maintenance of which is undertaken by the [insert name of relevant body].

## PART III.

### STATEMENT OF PUBLIC BENEFIT (NI)

#### **Purpose 1**

The expression of the precepts of the Christian religion through engagement with the general public, and in particular with the disadvantaged, the sick, the elderly and the young is a public benefit. This can be measured and evidenced through increased social integration and pastoral care delivered at the point of need. The direct benefit of participation in Church life includes the enjoyment of public worship and the giving and receiving of pastoral ministry, improved understanding of the values relating to civic engagement, community cohesion and providing a bridge between diverse groups as well as improved educational outcomes through the Church's ministry of teaching.

The beneficiaries are the general public, and the public valuation of the benefits can be evidenced through attendance at public worship, participation in Church governance and willingness to support through contributions the continuing witness of the Church. The wider benefit to the public will outweigh any detriment arising in the course of Christian outreach. Any private benefit arising out of the fulfilment of our Christian ministry or to lay staff is essential to the fulfilment of the purpose of the advancement of religion. No Trustee may receive remuneration, reward or other private benefit for carrying out their Trustee responsibility.

#### **Purpose 2**

The direct benefits flowing from this purpose include the provision of archive records, public enjoyment of cultural and historic buildings and artefacts such as church plate, furnishings and materials as well as an overall improved appreciation of longstanding Christian heritage.

This is demonstrated through on-going provision of access to records and the use made of these records in, for example, research and genealogy, through conservation efforts in respect of records, property and artefacts and the subsequent and continued requests for access and use of our materials by wider society. There is no harm arising from the purpose. The beneficiaries are the general public. No private benefit is received by Trustees fulfilling their Trustee responsibilities in respect of these records, buildings or artefacts, but in the course of conservation and to make these accessible to the public, the engagement of professional staff and services is essential but incidental to the fulfilment of the purpose.

## PART IV.

## STATEMENT OF CHARITABLE PURPOSE AND OBJECTS (ROI)

**1. The Charitable purpose:**

The Charitable purpose of the [insert name of relevant body] of the Church of Ireland is the advancement of religion.

**2. The Charitable objects:**

The principal function of the [insert name of relevant body] of the Church of Ireland is to support the advancement of the Christian religion by promoting, through the work of the [insert name of relevant body], the whole mission of the Church, pastoral, evangelistic, social, educational and ecumenical. Being open to and engaging with society as a whole and offering support for those needing help are fundamental to the practical delivery of the benefits of Christianity. As a result of activity in the pursuit of the advancement of the Christian religion, the [insert name of relevant body] has custody of property and of records, materials and artefacts of significance to the cultural and religious heritage and maintenance of which is undertaken by the [insert name of relevant body].'

## PART V.

## STATEMENT OF REQUIRED CLAUSES (ROI)

**1. Required Clauses on Income and Property ROI**

No charity trustee as defined by section 2(1) of the Charities Act, 2009 of a parish shall be appointed to any office of the parish paid by salary or fees, or receive any remuneration or other benefit in money or money's worth from the parish. However, nothing shall prevent any payment in good faith by the parish in respect of:

- a) The performance by the select vestry of its obligations under section 24 of Chapter III of the Constitution and under the Glebe Rules (as contained in Chapter XIII of the Constitution) to repair, maintain and insure each glebe or other ecclesiastical residence in the parish and to provide for same such carpets, curtains and equipment as may be determined by regulation of the diocesan council;
- b) Reasonable and proper remuneration to any member or servant of the parish (not being a charity trustee) for any services rendered to the parish;
- c) Interest at a rate not exceeding 1% above the Euro Interbank Offered Rate (Euribor) per annum on money lent by charity trustees or other members of the parish to the parish;
- d) Reasonable and proper rent for premises demised and let by any member of the parish (including any charity trustee) to the parish;
- e) Reasonable and proper out-of-pocket expenses incurred by any charity trustee in connection with his or her attendance to any matter affecting the parish;
- f) Fees, remuneration or other benefit in money or money's worth to any company of which a charity trustee may be a member holding not more than one hundredth part of the issued capital of such Company;
- g) Any payment by the parish to a person pursuant to an agreement entered into in compliance with section 89 of the Charities Act, 2009 (as for the time being amended, extended or replaced).



## STANDING ORDERS OF GENERAL SYNOD

ADOPTED BY THE HOUSE OF REPRESENTATIVES  
MAY, 1965

(amended 1970, 1971, 1972, 1975, 1979, 1984, 1985, 1987, 1988, 1997, 2000, 2003, 2009, 2011, 2017, 2018, 2021, 2022 and 2024)

### General

1. The Holy Bible and the Book of Common Prayer shall lie in front of the President.
2. Each day's proceedings shall open with a reading from Holy Scripture and prayer.
3. The hours for the Synod when in ordinary session shall be as follows:-

First day: 11.00 a.m. to 1.00 p.m.; 2.00 p.m. to 6.30 p.m. or, if the first and second readings of all Bills sent to the members with the summonses have not then been concluded, until such later hour as the Synod shall determine.

Second day: 10.00 a.m. to 1.00 p.m.; 2.00 p.m. to 6.30 p.m.

Third day: 10.00 a.m. to 1.00 p.m.; 2.00 p.m. to 4.30 p.m. or such other hour as the Synod may determine.

Provided that:

(a) The Standing Committee may by Resolution determine that –

i. the number of days of the Synod; and/or

ii. the hour at which the Synod shall commence or conclude on any day shall be otherwise than as stated above.

(b) The Synod by Resolution assented to by at least two-thirds of the members of the House of Representatives present and voting thereon may (unless the Bishops present by a majority object) prolong the period of any sitting to such hour as may be named in such Resolution.

The hours for the Synod when in special session shall be specified in the notice convening the meeting.

4. (a) Notice of each ordinary meeting of the General Synod shall be sent to every member thereof at least 21 days before the day fixed for such meeting.  
(b) Notice of each special meeting of the General Synod shall be sent to every member thereof at least 7 days before the day fixed for such meeting.
5. Every member shall be issued with details of how to gain admission to the meeting of the Synod, as will members of the Representative Body and its Chief Officer and Secretary, the Assessor of the General Synod and other officers of the Synod. Representatives of Churches invited by the General Synod or by the Standing Committee shall also be admitted to the meeting of the Synod
6. Reporters shall be admitted to such part of the Synod as the Synod may appoint except when the Synod shall exclude them by standing order or by an express vote.
7. Four honorary secretaries, two clerical and two lay, shall be elected by their respective orders from among their own members. Any casual vacancy may be filled by the Standing Committee provided

always that the clerical or lay representative so elected by the Standing Committee shall be deemed to hold office only until the day previous to the next meeting of the General Synod.

8. On the first day of each ordinary session the President shall appoint as Assessor a person having legal qualifications and experience of the form of government of the Church. The Assessor shall hold office until immediately prior to the following ordinary session and shall be eligible for re-appointment.
9. When the President shall have taken the Chair, no member shall continue speaking, except when addressing the Chair.
10. At a physical meeting of Synod, no member shall pass between the Chair and a member who is speaking.
11. If it appear on notice being taken that a quorum is not present, the President shall thereupon adjourn the Synod, without question put, until an hour to be named by the President, or until the next day of meeting, as he shall think fit.
12. A motion to suspend Standing Orders may be moved without notice and to be passed such motion shall require the consent of three-fourths of the members present and voting.
13. All questions of order and relevance shall be decided by the President.
14. The President shall regulate the proceedings of the Synod in all matters not provided for in these Orders by analogy to parliamentary practice.

#### Rules of Debate

15. Every member desiring to speak shall address the Chair, and when two or more members indicate a desire to address the Chair the President shall decide which of them shall speak.
16. The President shall confine each speaker to the subject-matter of debate; it shall not be in order for any member to interrupt the speaker, except through the medium of the President.
17. Whenever the President indicates that they wish to speak any member shall desist from speaking until the President indicates that the said member may continue.
18. No speech of more than five minutes' duration shall be permitted except
  - (a) the proposer of the reports of the Standing Committee and the Representative Body, who may speak for fifteen minutes each; and
  - (b) the seconder of the reports of the Standing Committee and the Representative Body and the proposer of any other report or of any bill, who may speak for ten minutes;

provided that the President (or person chairing the Synod at that time), having regard to the circumstances, including the gravity or complexity of the subject of the debate and the time available for the disposal of business, may decide that compliance with the above restrictions ought to be waived in regard to a particular speech.
19. The President shall leave the Chair when desiring to take part in a debate.
 

(Note - Appointment to the Chair - see appendix)
20. The proposer of a motion shall have a right of reply, but otherwise a member shall not be permitted to speak more than once on the same question except on the Amendment/Detail Stage of a bill. The seconder of a motion or amendment may reserve the right to make a speech to any period of the debate.
21. Members of the Representative Body and its Chief Officer and Secretary shall be entitled to address the House on any question before it. Ecumenical guests shall be entitled to address the House on reports and motions, but shall not be entitled to address the house on bills. Only those who are members of the House shall be entitled to vote.



## Bills

22. Notice of motion for leave to bring in bills for specified purposes may be sent to the honorary secretaries of the Synod with the proposed bill at any time not less than one week before the day appointed for the opening of the session of the Synod, and shall appear on the Agenda for the first day of such session; provided that any bill which is lodged with the honorary secretaries not less than six weeks before the first day of the session (excluding the period from Sunday next before Easter (Palm Sunday) to Easter Day inclusive) shall be printed and sent to the members with the summonses.
23. On leave being asked to bring in a bill, the name or names of the member or members proposing to bring in the bill shall be stated and the name or names shall be printed with the bill.
24. (a) At the first ordinary session of each Synod a Bills Committee consisting of six members with the Assessor ex officio shall be elected to hold office until immediately prior to the first ordinary session of the following General Synod.
  - (b) The Bills Committee shall meet prior to each session of the General Synod to consider legal and drafting aspects of the Bills being presented. The proposer of each Bill shall be notified of the date and place of meeting, and the proposer or the proposer's nominee shall be entitled to participate during the consideration of such Bill.
  - (c) It shall be competent for the Synod to refer to the Bills Committee any amendments which may be proposed during the progress of a Bill through the Synod.
25. Bills shall be considered in the order of lodgement thereof with the honorary secretaries, save that bills introduced at the request of the Synod or the House of Bishops or the Standing Committee or the Representative Body or the Pensions Board shall have priority over other bills.
26. Where there are for consideration two or more bills dealing with the same subject matter, the President, if of the opinion that it is advisable so to do, may direct that the question be not put on the Principle Stage of any such bills until there shall have been a debate on the Principle Stage of the other or others.
27. Notice of any amendment proposed to a bill shall be given in writing to the honorary secretaries. (And see S.O.s Nos. 34 to 39.)
28. In the case of any Ordinary Bill which has been printed and sent to the members with the summonses, no amendment shall be considered, save with the leave of the Synod, unless it has been notified to the honorary secretaries on or before the Friday next preceding the session of the Synod; and in the case of such bill (not being a bill to which Standing Order 30 refers) the Synod, if it thinks fit, may proceed on the day of the introduction to the Principle and Amendment/Detail Stages.
29. Procedure on Ordinary Bills (Ch. 1 sec. 25 of the Constitution) shall be as follows:-

## (a) Introduction

The member moving for leave to introduce a bill shall be permitted to make a brief explanatory statement of not more than five minutes' duration, and if the motion is opposed, a member opposing may make a statement in opposition of not more than five minutes' duration. The member moving for leave may postpone making a statement until after the member opposing has spoken.

Only the one speech in support of, and one in opposition to, the motion may be made, and the question shall then be put without amendment or further debate; provided that in the case of a bill proposed to be introduced at the request of the Synod or the House of Bishops or the Standing Committee or the Representative Body or the Pensions Board the resolution giving leave to introduce it shall be put without debate unless notice of intention to oppose the resolution has been given to the honorary secretaries of the Synod on or before the Friday next preceding the meeting of the Synod.

Leave to introduce having been given, the bill shall be read, without debate, and an order made fixing a day for the Principle Stage.

## (b) Principle Stage

On the motion "that the bill now be considered in Principle", the debate, if any, shall be confined to the question whether the Synod approves the proposal in principle, matters of detail being postponed to the Amendment/Detail Stage. The only amendment which may be moved to this motion is one proposing to delete all or some of the words after "That," and the substitution of words which state some reason against the bill being considered in principle forthwith. The bill having been through the Principle Stage, an order shall be made fixing a day for consideration at the Amendment/Detail Stage.

## (c) Amendment/Detail Stage

The Synod shall consider the bill, clause by clause, together with any relevant amendments which may be proposed, the preamble being taken last. At the conclusion of this consideration an order shall be made fixing a day for the Final Consideration and Final Decision stages.

## (d) Final Consideration Stage

At this stage the Synod may consider amendments which arise out of the Amendment/Detail Stage and of which notice has been given at least one day before this stage. Amendments rejected during the Amendment/Detail Stage shall not be in order. Amendments may also be made without notice if in the opinion of the President they involve merely matters of drafting or the correction of grammatical or clerical errors.

When the bill has received relevant consideration, an order may be made fixing a day for the Final Decision, provided that such order must permit, unless the Synod otherwise direct, for a at least one clear day being interposed between consideration at the Detail/Amendment Stage and the Final Decision.

## (e) Final Decision Stage

On the motion "That the bill be passed," any debate shall be confined to what is provided in the bill.

**30. Procedure on Special Bills (Ch. 1 sec. 26 of the Constitution) shall be as for Ordinary Bills; provided that:-**

- (a) Leave to introduce such a bill may only be given at an ordinary session of the Synod; leave having been given, the bill shall be deemed to have completed the Introduction Stage, but it shall not be processed further until the next ordinary session when it will come before the Synod for the Principle Stage. No amendment to such a Bill may be moved at the Introduction Stage, but notice of any such amendment must be given at this stage provided that written notice of any such amendment if received by the Honorary Secretaries within one calendar month of the end of this Ordinary Session shall be deemed to have been given at the Introduction Stage. Amendments of which notice has been given at the Introduction stage may be moved at the Amendment/Detail stage, and no other amendment may then be moved except any dealing with omissions, grammatical or clerical errors.
- (b) Copies of the resolution giving leave to introduce shall be sent to each diocesan synod within one month after the ending of the session at which the resolution was passed.
- (c) The consent of not less than two-thirds of each order, present and voting, shall be required to pass the motions (i) for leave to introduce the bill, (ii) that the bill now progress through the Principle Stage and (iii) the bill now progress through the Amendment/Detail and Final Decision Stages, and
- (d) Debate on the motion that leave to introduce be given shall be governed by the rules of debate without the limitations imposed by S.O. 29(a).

31. (a) A notice of motion (other than a notice of motion referred to in (d) or (e) of this Order) shall be delivered to the Honorary Secretaries not less than one month before the day appointed for the opening of the session of the Synod at which the motion is to be moved.
- (b) A notice of motion duly delivered to the Honorary Secretaries in accordance with (a) of this Order shall be sent to the members of the Synod with the Summons for the Synod at which the motion is to be moved. Such notice shall also be printed on the agenda for the 1st day of such Synod, and may be taken into consideration without further notice.
- (c) A notice of motion shall be signed by the intended mover or by some member on the mover's behalf.
- (d) A notice of motion received during a session of the Synod shall be read to the Synod by one of the Honorary Secretaries on such day as the President shall direct, but such motion shall not be taken into consideration until the next following session unless:-
- (i) it arises out of business already transacted at the session at which it is received, or
  - (ii) The President and a two-thirds majority of the members present and voting consent to its being taken into consideration at the session at which it is received. If a motion is taken into consideration under (i) or (ii) it shall be taken into consideration on such day as the President shall direct.
  - (iii) A Notice of Motion received during a Session of the Synod shall be signed by the intended mover with a written indication of support signed by five other members.
  - (iv) The full text of such a Motion shall be submitted in writing to the Honorary Secretaries, shall be read to the Synod by one of the Honorary Secretaries on such day as the President shall direct and such Motion shall be made available for consideration by all members of the Synod as soon as possible after receipt from the person proposing the Motion and in any event not later than 12 noon on the final day of the Session unless in exceptional circumstances the President directs otherwise.
  - (v) All amendments to any such Motion shall be delivered in writing to the Honorary Secretaries and the text of such amendments shall be made available for consideration by all members of the Synod as soon as possible after receipt from the person tabling the amendment and in any event not later than 1.00 p.m. on the third day of the Synod unless the President shall direct otherwise.
  - (vi) Any such Motion which is not taken into consideration under (i) or (ii) above shall be sent to the members of the Synod with the Summonses for the next following Session.
- (e) A motion may be moved without notice by the unanimous leave of the Synod.
32. Motions shall be set down in the order in which the notices were given, provided that motions relating to the same subject shall be taken consecutively and provided that motions relating to any committee or board or commission shall be taken in conjunction with the report of such committee or board or commission.
33. A motion which does not propose that action be taken beyond its publication or transmission to certain persons shall not be moved unless the permission of the Synod has been previously obtained. When such a motion has been submitted the President shall put the question that leave be given to the member desiring to propose the motion to do so, and a vote shall be taken on this question without debate.
34. No motion or amendment, during the Amendment/Detail Stage, shall be taken into consideration unless it be seconded; but, if seconded, it shall not be withdrawn without the leave of the Synod.

#### Amendments

35. A question having been proposed may be amended (a) by leaving out specified words or (b) by inserting

in lieu of specified words included therein other specified words, or (c) by adding or inserting specified words; provided that an amendment which is in effect a direct negative to the question may not be moved. All amendments shall be delivered in writing to the honorary secretaries.

36. All amendments shall be put according to the priority of the words proposed to be inserted in or omitted from the clause under consideration, and, except by leave of the Synod, no amendment may be proposed in any part of a question after a later part has been amended.
37. The question to be put in regard to any proposed amendment shall in all cases be whether the proposed amendment be made.
38. (a) At any time before the question has been put in regard to any proposed amendment the mover thereof may with the leave of the Synod alter the terms thereof, but no other amendment to a proposed amendment shall be in order.  
 (b) When an amendment has been made, the question thus amended becomes the substantive question and further amendments may then be proposed.
39. Where amendments have been made, the main question as amended shall be put and where no amendments have been made the question shall be put as originally proposed.
40. The Synod may order a complicated question to be divided.

#### Enforced Closure of Debate

41. (a) At any time after a question has been proposed in the Synod, a member may claim to move "that the question be now put," and, unless it shall appear to the President that such a motion is an abuse of Standing Orders, it shall be put forthwith and decided without amendment or debate.  
 (b) At any time after a question has been proposed in the Synod a member who considers that a vote on the question is undesirable may claim to move "that the Synod do now pass from this question to its next business," and, unless it shall appear to the President that such a motion is an abuse of Standing Orders, it shall be put forthwith and decided without amendment or debate.  
 (c) The proposer of a closure motion under (a) or (b) above may not interrupt a speaker to do so, and the President, before putting such motion, shall read the original motion (or the motion as amended as the case may be) which was being debated.  
 (d) If a closure motion under (a) or (b) above is negated this shall not of itself preclude the proposal of (i) further amendments and (ii), at the discretion of the President, further closure motions, upon the subject in debate.

#### Motion for Adjournment of Debate or of the Synod

42. No discussion shall be permitted on a motion for adjournment; but the question shall be put immediately from the Chair, and decided by a show of hands on such motion, or by a division, if called for.
43. No adjournment of a debate or of the Synod may be moved if a similar motion on the same subject has been made within the preceding hour.

#### Voting Procedure

44. This Standing Order and Standing Order 45 shall apply to physical meetings of Synod.  
 (a) When any question is to be put to the Synod, the President shall rise and announce that "The question is that ...", thereupon reading or stating the question, and shall require that as many as are of that opinion shall say "Aye" and as many as are of the contrary opinion shall say "No".

The President shall judge from the answers to such requests and state the result, as an opinion, of putting the question.

- (b) After the President shall have stated the result, as an opinion, of the putting of any question, any member may call for a vote upon that question. If a vote is not called for, the President shall forthwith declare the result to be that which had previously been expressed as an opinion.
  - (c) When a vote is called for, it shall be taken by show of hands unless 20 members request a division; and the President, before calling for a show of hands, shall afford sufficient opportunity for requests to be made for a division or for a vote by orders.
  - (d) A vote by orders shall be taken if ten members of either order or the provisions of Ch. 1 sec. 25 of the Constitution so require, and such vote shall be by show of hands unless a division is requested by the requisite number of members.
  - (e) When a division is to be taken, an interval of five minutes shall be allowed after which the doors shall be closed and the question put a second time. The President shall appoint two tellers for each side and order the House to divide; whereupon every member of the House of Representatives present, and wishing to vote, shall record an opinion by passing into the lobby with the "Ayes" or with the "Noes". At the conclusion of the voting the tellers, having added their own votes, shall report the result to the President, who shall communicate it to the Synod.
  - (f) No question shall be deemed to be carried in the House of Representatives unless, in the case of both orders voting together, there is a majority in favour of the same of the representatives voting thereon, or in the case of the votes being taken by orders there is a majority in favour of the same of the representatives of each order voting thereon. (But see S.O. 29(c) in the case of Special Bills.)
45. When a division is called for, it shall be taken, notwithstanding that the time may have arrived at which, according to standing orders, the Synod ought to adjourn, or proceed to some other business.

(Note - Voting by bishops in Synod - see appendix)

46. This Standing Order shall apply to electronic meetings of Synod.

- (a) During an electronic meeting of Synod, when any question is to be put to the Synod or to a Committee of the whole Synod, the President shall announce that "The question is that ...", and thereupon call for an electronic vote to be taken.
- (b) A vote by orders shall be taken if ten members of either order or the provisions of Ch. 1 sec. 25 of the Constitution so require, and such vote shall be by means of an electronic poll or other appropriate mechanism unless a division is requested by the requisite number of members. A vote by division shall be taken if 20 members request a division.
- (c) When a division is to be taken, an interval of five minutes shall be allowed after which no one further shall be admitted to the meeting and the question shall be put a second time. The President shall ensure that there is a suitable means of recording the vote of every member of the House of Representatives present, and wishing to vote. At the conclusion of the voting the President shall communicate the result to the Synod.
- (d) No question shall be deemed to be carried in the House of Representatives unless, in the case of both orders voting together, there is a majority in favour of the same of the representatives voting thereon, or in the case of the votes being taken by orders there is a majority in favour of the same of the representatives of each order voting thereon. (But see S.O. 29(c) in the case of Special Bills.)

#### Committees of the Synod

47. All committees of the Synod shall make their reports available for inclusion in the Book of Reports to be sent to members. Such reports shall also be made available to lie on the table in front of the President.
48. The Synod may order any resolutions, presented by committees upon the first day of the session, to be

taken into consideration without further notice.

49. When a motion for the appointment of a committee is carried, the mover thereof shall then, or at the next meeting of the Synod, move the appointment of the members proposed to serve on the Committee, one of whom shall be named as convener. The name of the mover of the resolution for the Committee shall be included in the list of proposed members, provided that this shall not be obligatory when the resolution has been moved on behalf of the House of Bishops, the Standing Committee or the Representative Body.
50. No committee shall, without leave of the Synod, consist of more than fifteen members. Each Committee shall appoint its own chairperson.
51. Every report of a committee requiring action shall be accompanied by a resolution or resolutions for the consideration of the Synod, and the mere adoption by the Synod of a report of a committee shall not be an authority for the expenditure of money.

#### Request for Information

52. If any member ask for information with regard to the business of any committee, either of the Synod or of the Representative Body, it shall be the duty of the chairperson of such committee, or of some other member thereof or of the Chief Officer and Secretary of the Representative Body, if so requested, to reply: Provided that at least one clear day's notice of such question shall have been given. The terms of all such requests received by the Honorary Secretaries not less than one week before the first day of a session of the Synod shall be made available to members on the said first day. Any such requests shall be answered on each day of the session at 2 p.m. or as soon thereafter as may be practicable.

#### Allocation of Money in the Hands of the R.C.B.

53. No resolution relating to the allocation of money in the hands of the Representative Body other than (a) money to the credit of the General Purposes Fund, or (b) for the payment of the expenses of the Synod and its committees shall be put to the Synod until a report from the Representative Body on the subject shall have been first obtained.

#### Separate Consideration by Bishops of Any Matter in Debate

54. When the bishops shall express their wish to consider separately any matter in debate, and upon such separate consideration shall think fit to communicate to the Synod their opinion upon such matter, the communication so made shall be inserted in the printed orders of the day, and shall come before the Synod in due course for its consideration.
55. If the communication so made shall relate to a bill previously discussed at the Amendment/Detail Stage and then awaiting the Final Consideration and Decision Stages, the publication as aforesaid of such communication shall of itself have the effect of re-committing the bill for further consideration upon the subject of such communication, but for no other purpose.

(Note - Voting by bishops in Synod - see appendix)

#### Orders of the Day

56. Prior to each session of the Synod the honorary secretaries shall prepare an agenda paper which shall include (a) all items required by the Constitution or Standing Orders to be discharged by the Synod, (b) all items which the Synod at a previous session has directed to be included, and (c) all bills, reports and notices of intention to propose motions or amendments which have been received by them by the appointed date. Motions relating to any committee, board or commission shall be placed on the agenda paper in conjunction with the report of the appropriate committee, board or commission.

57. On the first day at such time as the President shall deem appropriate and in any event not later than 12 noon, the Synod shall consider a motion or motions to be presented by the honorary secretaries with the approval of the President to allocate the time available under Standing Order 3 between the items listed on the agenda paper. In allocating the Synod's time the Honorary Secretaries shall bear in mind that the first priority of the Church of Ireland is spiritual not material. On the adoption of such motion or motions (with or without amendments) business shall be conducted in accordance therewith. Such motion or motions shall include provision of not less than one and a half hours each for consideration of the reports of the Standing Committee and the Representative Body.
58. The minutes of the proceedings of the session as certified by the honorary secretaries shall be presented to the next meeting of the Standing Committee and shall be confirmed by the signature of the Chairperson.

#### Consideration of the General State of the Church

59. On any day of meeting it shall be open to any member, at an hour when motions have precedence, to move that in priority to all other motions the Synod shall proceed to take into consideration the general state of the Church, its progress, prospects and needs. Such motion shall be put without discussion.
60. On such motion being passed, any subject then brought forward by any of the bishops shall have precedence of all others.
61. During such consideration neither strangers nor reporters shall be admitted to any part of the Synod hall or gallery.
62. Such consideration, if not sooner concluded, shall automatically cease at the expiration of one hour, unless prolonged by a special vote.
63. It shall not be necessary for a member bringing forward any subject to conclude with a resolution.
64. A separate record of the proceedings during such consideration shall be kept, and shall be authenticated by the signature of the President before the resumption of the business of the Synod.
65. During such consideration the discussion shall be regulated by the President, whose decision shall be final in all matters not provided for in the foregoing orders.

#### Petitions

66. A petition in writing may be made by any person or persons of the age of 18 years or upwards being a member or members of the Church of Ireland. Such petition shall be sent to the honorary secretaries of the Synod not later than one week before the day appointed for the meeting of the Synod. Any such petition shall be presented to the Synod by a member thereof and shall be referred to the Petitions Committee which shall be elected at the first session of each Synod.

## APPENDIX

## Voting by Bishops in Synod

Procedure relative to voting by the bishops at meetings of the General Synod is in accordance with the provisions contained in the following sections of Chapter I of the Constitution:

20. If at any time the bishops express their wish to consider separately any matter in debate, the further discussion of that matter shall be postponed until the bishops shall have had the opportunity of so doing.
21. The bishops shall vote separately from the representatives, and no question shall be deemed to have been carried unless there be in its favour a majority of the bishops present, if they desire to vote, and a majority of the clerical and lay representatives present voting conjointly or by orders: Provided always, that if a question affirmed by a majority of the clerical and lay representatives present and voting, conjointly or by orders, but in favour of which there shall not be a majority of the bishops, shall be re-affirmed at the next ordinary session of the General Synod, by not less than two-thirds of the clerical and lay representatives present and voting conjointly or by orders, it shall be deemed to be carried, unless it be negatived by not less than two-thirds of the then members of the House of Bishops, the said two-thirds being present and voting, and giving their reasons in writing.
22. The bishops shall not vote until after the declaration of the votes of the clerical and lay representatives. If they desire to vote, the bishops may withdraw from the General Synod for that purpose, and may reserve the declaration of their vote until the following day.

## Appointment to the Chair

Procedure relative to the appointment to the Chair at meetings of the General Synod is in accordance with the provisions contained in the following section of Chapter I of the Constitution:

18. The President may, at his discretion, invite any member of the House of Bishops to take the Chair for such period during a session as the President may determine; any person so taking the Chair shall have, and may exercise, all the powers and functions conferred by Standing Orders on the President.



## STANDING COMMITTEE OF GENERAL SYNOD

The Constitution, Duties and Powers of the Standing Committee as provided by the resolution of the General Synod dated the 9th May 1967, as amended

1972, 1974, 1975, 1980, 1989, 1992, 1996, 2011, 2013 and 2023.

### Rules

- (1) Defining the Constitution of the Standing Committee.
- (2) Prescribing its Duties and Powers.

### PART I.

#### CONSTITUTION

1. The word "diocese" shall signify any diocese or united diocese under the jurisdiction of one bishop and the words "in writing" shall include communication by email.
2. The Standing Committee shall consist of ex officio, elected, and co-opted members.
3. No person shall be eligible to be, or shall continue to be, a member of the Standing Committee who shall not be a member of the General Synod.
4. The ex officio members shall be:
  - (a) the archbishops and bishops; and
  - (b) the honorary secretaries of the General Synod, who shall act as honorary secretaries of the Standing Committee.
5. (1) The elected members shall consist of -
  - (a) one clerical and one lay member for each diocese, being in each case a member who is forty-five years or over at the date of election; and
  - (b) one clerical and one lay member for each diocese, being in each case a member who is under forty-five years of age on such date.

Provided that:

- (i) if on the 1st December immediately before any election date there are in any diocese four or fewer beneficed or licensed clergy under the age of forty-five years, and
- (ii) if the diocesan council of such diocese (or, if there is more than one diocesan council, all the diocesan councils of such diocese) represent to the Standing Committee not later than 1st March immediately before any election date that in relation to that election in respect of that diocese this sub-section should apply as if for the references therein to "forty-five years" there were substituted references to "fifty-five years",

the Standing Committee shall have power to direct accordingly<sup>1</sup>.

<sup>1</sup>Under 2011, cap III, s5 it is provided that 'In the year 2011 the representatives and supplementals elected under the provisions of Section 5(1) of Chapter I of the Constitution shall be elected for a period beginning on 1st January 2012 and terminating on the day

- (2) Every elected member shall retire from office at the conclusion of business on the first day of the first ordinary session of each General Synod.
- (3) The vacancies so caused shall be filled by election by ballot in accordance with the following rules, the clerical members-elect of General Synod for each diocese being entitled to nominate and to vote for the clerical members for that diocese, and the lay members-elect of General Synod for each diocese being entitled to nominate and to vote for the lay members for that diocese:
  1. The Honorary Secretaries shall, not later than six weeks prior to the first ordinary session of each General Synod, send to each member-elect of the House of Representatives a copy of these rules.
  2. (1) Each clerical member-elect may nominate
    - (a) a clerical member-elect for the diocese who is forty-five<sup>2</sup> years or over on the first day of the forthcoming session of the General Synod; and
    - (b) a clerical member-elect for the diocese who is under forty-five\* years on such date.
  - (2) Each lay member-elect may nominate
    - (a) a lay member-elect for the diocese who is forty-five\* years or over on the first day of the forthcoming session of the General Synod; and
    - (b) a lay member-elect for the diocese who is under forty-five\* years on such date.
  - (3) Nominations shall be in writing, shall indicate that the consent of each person being nominated has been obtained, shall be signed by the member-elect of General Synod making the nomination and countersigned by the member-elect being nominated, and shall be sent to the Honorary Secretaries so as to reach them by the date appointed by the Honorary Secretaries, which shall be no later than three weeks before the first day of the forthcoming session of the General Synod.
  - (4) Where a member-elect nominates by email it shall only be valid where:
    - (a) the nomination and the confirmation of consent to the nomination provided for in (b) below are sent to an email address designated by the Honorary Secretaries (email nominations and confirmations sent to an Honorary Secretary's personal email address are not valid); and,
    - (b) the member-elect being nominated confirms by email (separately or forwarded with the nominator's email) that they consent to the nomination; and,
    - (c) both the nomination and the consent are sent to the Honorary Secretaries at the designated email address so as to reach them not later than the date appointed by the Honorary Secretaries, which shall be no later than three weeks before the first day of the forthcoming session of the General Synod.
3. (1) Where more than one person has been nominated for a particular place, the Honorary Secretaries shall prepare a voting ballot, which may be either electronic or physical (but not both), setting out in alphabetical order the names of those persons who shall have been nominated, and shall, not later than fourteen days before the first day of the forthcoming session, send the ballot to each person entitled to vote for that place. If sent by post, the voting paper shall be accompanied by an envelope marked "voting paper" and addressed to the Honorary Secretaries.
- (2) Where only one person has been nominated for a particular place, such person shall be declared elected.
- (3) Where no nomination is received for a particular place, the Honorary Secretaries shall so

preceding the first ordinary session of the General Synod 2015.'

<sup>2</sup>In the case of any diocese where the Standing Committee has so directed, for "forty-five" read "fifty-five"

report to the General Synod on the first day of the forthcoming session, and an election to fill such place shall be held on the second day of such session at the commencement of business.

4. The ballots must be returned to the Honorary Secretaries, whether electronically (via the electronic means specified by the Honorary Secretaries) or by post (to Church of Ireland House, Church Ave., Rathmines, Dublin 6, D06 CF67), so as to reach them by the appointed date, which shall be not later than four days before the first day of the forthcoming session. The Honorary Secretaries shall thereupon count the votes and report the result to the General Synod on the first day of the forthcoming session.
  5. For each place the person who shall receive the greatest number of votes shall be declared elected. In the event of a tie, it shall be decided by lot under the direction of the Honorary Secretaries.
- (4) Any casual vacancy by death, resignation or otherwise occurring among the elected members not less than three months before the first ordinary session of each General Synod shall be filled by the clerical or lay representatives, as the case may be, of the diocese for which such vacancy shall have occurred, the election to be conducted in accordance with the following rules:
1. The honorary secretaries shall, within three weeks after they have been informed of the vacancy, send a list of eligible candidates to the clerical or lay representatives, as the case may be, of the diocese for which the vacancy shall have occurred.
  2. Each such representative may nominate one of the eligible candidates, such nomination to be in writing, indicating that the consent of the person being nominated has been obtained, and to be sent to the honorary secretaries so as to reach them not later than fourteen days following the date of issue of the list of candidates.
  3. Where only one person has been nominated for a particular place, the honorary secretaries shall report this to the next meeting of the Standing Committee, which shall declare such person to be elected.
  4. Where more than one person has been nominated to fill the vacancy, the Honorary Secretaries shall prepare a voting ballot, which may be either electronic or physical (but not both), setting out in alphabetical order the names of those who have been nominated, and shall issue said ballot to each of those entitled to vote with instructions to vote thereon for one person only. The instructions shall also state whether the casual vacancy has occurred amongst the members elected under section 5(1) (a) or (b). Section 3 of this Part shall be sent with the ballot. If sent by post, the voting paper shall be accompanied by an envelope marked "voting paper" and addressed to the honorary secretaries.
  5. The ballots must be returned to the Honorary Secretaries either electronically (via the electronic means specified by the Honorary Secretaries) or by post (to Church of Ireland House, Church Ave., Rathmines, Dublin 6, D06 CF67) so as to reach them not later than fourteen days following the date of their issue.
  6. The Honorary Secretaries shall examine the ballots so returned and report the result to the next meeting of the Standing Committee, which shall declare the person who shall have obtained the greatest number of votes to be elected.
  7. If the voting results in a tie for the first place between two or more persons, a further voting ballot, which may be either electronic or physical (but not both), on which shall be set forth in alphabetical order the names of such persons, shall be issued by the Honorary Secretaries to those who are entitled to vote, with instructions to vote for one only of the persons named and to return the ballots within fourteen days from the date of issue.
  8. The honorary secretaries shall examine and report on the second voting papers, and the Standing Committee shall declare the person who shall have obtained the greatest number of votes to be elected.

9. If such second voting shall result in a tie between two or more persons, it shall be decided by lot under direction from the chair.

(5) Any casual vacancy by death, resignation or otherwise occurring among the elected members less than three months before the first ordinary session of each General Synod shall not be filled pending the said session of the General Synod.

6.

There shall be seven co-opted members.

(2) Every co-opted member shall retire from office at the conclusion of business on the first day of the first ordinary session of each General Synod.

(3) The vacancies so caused shall be filled by election by the ex officio and elected members by ballot, either electronic or physical (but not both), in accordance with the following rules:

1. Prior to the first ordinary session of each General Synod the Standing Committee shall appoint the date by which nominations must be received and the date by which ballots must be returned. On the conclusion of the session of the General Synod, the Honorary Secretaries shall inform each ex officio and elected member of the dates so appointed.

2. Each ex officio or elected member may nominate not more than seven persons, being members of the General Synod. Such nominations shall be in writing, shall specify the diocese which each person being nominated represents in the General Synod, shall indicate that the consent of each person being nominated has been obtained, and shall be sent to the Honorary Secretaries so as to reach them not later than the appointed date.

3. Immediately after the close of nominations, the Honorary Secretaries shall prepare a voting ballot, either electronic or physical (but not both), setting out in alphabetical order the names of those persons who have been nominated under rules 2 and 3, and the dioceses which each such person represents in the General Synod. They shall distribute this ballot to each ex officio and elected member. The ballot shall be accompanied by (a) a statement setting out the record of attendance of any person nominated, who served as a member of Standing Committee in the previous triennium (b) if sent by post, an envelope marked "voting paper" and addressed to the Honorary Secretaries.

4. Each ex officio and elected member may vote for not more than seven of the persons whose names appear on the ballot.

5. The ballots must be returned to the Honorary Secretaries, either electronically (via the electronic means specified by the Honorary Secretaries) or by post (to Church of Ireland House, Church Ave., Rathmines, Dublin 6, D06 CF67), so as to reach them not later than the appointed date. The Honorary Secretaries shall thereupon count the votes, and the result of the count shall be attached to the agenda for the next meeting of the Standing Committee.

6. The seven persons who shall have received the greatest number of votes shall be declared elected. In the event of a tie, it shall be decided by lot under the direction of the Honorary Secretaries.

(4) Any casual vacancy by death, resignation, or otherwise occurring among the co-opted members shall be filled, as soon as conveniently may be, at a meeting of the Standing Committee by election by the members present.

7. Any member who shall have retired in accordance with section 5 or 6 shall be capable of being re-elected either to fill the vacancy occasioned by such retirement or any other vacancy then or at any future time occurring, for which such member shall be in other respects duly qualified.

8. Any elected or co-opted member may, in writing addressed to the honorary secretaries, resign from the Standing Committee.

## PART II.

## POWERS AND DUTIES

9. The Standing Committee shall exercise all such powers and duties as may from time to time be conferred upon it by the Constitution of the Church of Ireland.

(See Appendix)

10. The Standing Committee shall possess and may exercise such of the powers vested in the General Synod as shall from time to time be committed to it by the General Synod.
11. The Standing Committee may deliberate and confer upon all matters affecting the interests of the Church of Ireland and cognizable by the General Synod, may make such inquiries as it shall deem to be requisite, and may communicate with all such bodies and persons as it shall consider necessary; provided that any action taken by the Standing Committee, not already sanctioned by the General Synod, shall be submitted to the General Synod for approval at its next session.
12. The Standing Committee shall watch any legislation or proposals for legislation which may be brought forward in Oireachtas Éireann or in the Parliament of Northern Ireland or in the Parliament of the United Kingdom and which may affect the interests of the Church of Ireland, and may take such action with respect thereto as it may deem necessary.
13. (1) The Standing Committee shall act as a permanent committee on educational endowments with a view to preserving and regulating all such endowments connected with the Church of Ireland in all matters not sufficiently provided for by existing organisations; it may enter into communication with any commissioners or other body having jurisdiction to deal with educational endowments upon the management of which it may be deemed expedient that the Church of Ireland should be represented; it shall have full power in the name of the General Synod to arrange the principle and method according to which the representatives of the Church of Ireland shall be appointed or selected as members of any board or body constituted by any scheme dealing with educational endowments, provided that, as far as it rests with the Standing Committee, local trustees shall not be superseded without their own consent; and it shall have full power on behalf of the General Synod to take such action as may be deemed expedient before any court, commissioners or other body upon the occasion of the making or alteration of any such scheme.
- (2) The Standing Committee shall take such steps as may be deemed expedient and as occasion may require in the case of the making or alteration of any scheme of educational endowment by any court or body having jurisdiction in that behalf to see that so far as possible bodies are incorporated such as would be satisfactory to the Church of Ireland for holding such educational property and endowments as it may be impracticable or undesirable to vest in the Representative Body.
- (3) The Standing Committee shall present copies of any scheme, original or altered, in respect of which it has taken action, to the next ordinary session of the General Synod.
14. The Standing Committee shall make all necessary arrangements for meetings of the General Synod, shall defray the working expenses of the General Synod and of the Standing Committee, and shall pay such further sums as may from time to time be expressly authorised by the General Synod.
15. The Standing Committee shall, in respect of the synod hall,
- (a) maintain the buildings, furniture and premises in good order and condition;
  - (b) pay all rents, rates, taxes, insurances and other charges necessarily or properly payable;
  - (c) make such additions and improvements as may from time to time be authorised by the General Synod;
  - (d) have power at its discretion to permit its use, in whole or in part, by other bodies, and to receive payment for same.

16. The Standing Committee is authorised to draw against the annual income of the General Purposes Fund for such extraordinary expenses as it may find to be absolutely necessary, any such expenditure to be submitted for confirmation and approval to the next ordinary session of the General Synod.
17. The Standing Committee shall pay to the Registrar of the Court of the General Synod all fees to which that Registrar shall be entitled according to the second schedule appended to the Rules of such Court.
18. The Standing Committee shall each year appoint an accountant or firm of accountants, duly qualified to audit the accounts of the Representative Body, and shall cause a copy of the report of such auditor to be submitted to the General Synod.
19. The Standing Committee is authorised to administer a Priorities Fund established in pursuance of a resolution of the General Synod, 16th May 1979; to receive contributions to such Fund; and to sanction on behalf of the General Synod payments out of such Fund. It shall report annually on such Fund, such report to include financial statements of the Fund showing receipts and payments therefrom together with the certificate of the Auditor appointed to audit the Accounts of the Representative Body.
20. The Standing Committee shall, at a meeting to be held as soon as conveniently may be after each triennial election, appoint such number of persons as it shall decide, in addition to the honorary secretaries of the General Synod, to form a legal advisory committee, and may from time to time fill by election any vacancy which may occur on the said committee: provided that only persons qualified to hold the office of a diocesan chancellor shall be eligible for appointment to the legal advisory committee.
21. The Standing Committee shall have power to:
  - (a) determine the number of members which shall form a quorum;
  - (b) appoint sub-committees of its members and determine the quorum for each such sub-committee;
  - (c) appoint advisory committees and determine the quorum for each such committee;
  - (d) appoint delegates to represent the Church of Ireland at conferences;
  - (e) appoint and pay such officers and servants at it shall deem necessary, and obtain such other paid assistance as may from time to time be required;
  - (f) remove officers and servants, when it shall think proper to do so.
22. The Standing Committee shall make to each ordinary session of the General Synod a report on its proceedings, which shall include a statement of its receipts and expenditure during the year, audited by an auditor to be appointed each year by the Representative Body.

## APPENDIX

### POWERS AND DUTIES CONFERRED UPON THE STANDING COMMITTEE

#### BY THE CONSTITUTION, 2003.

#### EXPERIMENTAL USE OF SERVICES

1. Any form of Service and any Lectionary and any Catechism which a Liturgical Committee appointed by the General Synod has recommended for experimental use with a view to its permanent use being authorised by resolution and bill under the provisions of this section may be used without the enactment of a statute from such date and for such period, not exceeding fifteen years, as may be appointed by the House of Bishops and notified by it to the Standing Committee of the General Synod ... (Chapter I, section 26 (3)).

#### DIOCESAN BOUNDARIES

2. The power of transferring any portion of a diocese to another diocese or union of dioceses contiguous to such transferred portion may in any particular case be exercised on behalf of the General Synod by the Standing Committee, if it is requested to do so by the synod or synods of every diocese affected thereby. (Chapter I, section 31 (2)).

#### ARCHDEACONS

3. If the diocesan synod, with the consent of the Standing Committee of the General Synod, shall so determine, there may be two or more archdeacons in any diocese. (Chapter II section 38 (a)).

#### FEES FOR SEARCHES AND CERTIFICATES

4. ... for every search in a register of baptisms or of burials and for every single certificate of baptism or of burial the fees prescribed from time to time by the Standing Committee of the General Synod ... (Chapter III, section 25 (2)).

#### COURT OF THE GENERAL SYNOD

5. The Standing Committee of the General Synod shall forthwith after the first ordinary session of each General Synod elect ten lay judges, to constitute the list of lay judges, and shall also from time to time fill by election any vacancy or vacancies which may occur in the list of lay judges for the time being and shall report to the following session of the General Synod. (Chapter VIII, section 32).

#### THE CHURCH OF IRELAND PENSIONS BOARD

6. Any casual vacancy occurring by death, resignation or otherwise shall be filled by election, in the case of a member elected by the General Synod, by the Standing Committee of the General Synod (Chapter XIV, Section 16(b)).





## **BOARD OF EDUCATION OF THE GENERAL SYNOD**

**The Constitution and Duties of the Board of Education as provided by Resolution of the General Synod dated 12th May 1965, as amended 1972, 1987, 1988, 1991, 1993, 1994 and 2019.**

### **BOARD**

#### **Para. 1.**

The name of the Board shall be the Board of Education of the General Synod of the Church of Ireland.

The Board of Education of the General Synod shall consist of ex officio members, elected members and co-opted members. The ex officio members shall be the Archbishops and Bishops and the honorary secretaries of the General Synod, all for the time being. The elected members shall consist of one clerical and one lay member representing each diocese. The co-opted members shall be equal in number to the number of dioceses for the time being in addition to nine representatives of teachers of schools in connection with the Church of Ireland. The word "diocese" in this and the next two following clauses shall signify any diocese or united diocese under the jurisdiction of one Bishop. No person shall be eligible to be or shall continue to be an elected member of the Board of Education of the General Synod who shall not be a member of the General Synod. The honorary secretaries of the General Synod shall act as honorary secretaries of the Board of Education of the General Synod.

#### **Para. 2.**

The present elected members of the Board of Education of the General Synod shall retire from office at the conclusion of the triennial period for which the Diocesan Synod of the Diocese which they represent appointed them. Triennially thereafter every elected member of the Board of Education of the General Synod shall retire from office on the first day of the ordinary session of the said Diocesan Synod. The vacancies so caused shall be filled during the session in which they shall occur by the clergy or synod members in the diocesan synod of the diocese for which such vacancies shall have occurred the clergy present voting for the clerical members, and the synod members present voting for the lay members only: Provided always that in any united diocese in which there shall be no joint meeting of the diocesan synods, the election of clerical and lay members of the Board of Education of the General Synod may be carried out in such manner as may be determined by agreement between the diocesan councils.

#### **Para. 3.**

Any casual vacancy by death, resignation, or otherwise, occurring among the elected members shall be filled, as soon as conveniently may be, by the diocesan council of the diocese for which such vacancy shall have occurred, the clerical councillors present voting for a clerical member and the lay councillors present voting for a lay member only: Provided always that in any united diocese in which there shall be no joint council meeting such election may be carried out in such a manner as may be determined by agreement between the diocesan councils.

#### **Para. 4.**

The co-opted members of the Board of Education of the General Synod shall continue in office until the day prior to the November meeting of the Board of Education of the General Synod in 2003: at which meeting, and triennially thereafter, the proper number of qualified persons shall be chosen as co-opted members. Any casual vacancy by death, resignation, or otherwise, occurring among co-opted members, shall as soon as

conveniently may be after the occurrence thereof, be filled at a meeting of the Board of Education of the General Synod by the members present.

**Para. 5.**

The Board of Education of the General Synod shall meet each year in February or March and at such other times as it may deem necessary. Special meetings shall be called by order of an Archbishop or upon a resolution of the Executive Committee.

**EXECUTIVE COMMITTEE**

**Para. 6.**

- (i) An Executive Committee consisting of ten members of the Board of Education of the General Synod shall be appointed annually not later than 15th March and shall hold office for one year from 1st April following its appointment. The members shall be:
  - (a) Two members of the House of Bishops, nominated by that House;
  - (b) Two of the Honorary Secretaries (one from the province of Armagh and one from the province of Dublin), to be nominated by the Honorary Secretaries;
  - (c) Three members of the Board of Education (Republic of Ireland), nominated by that Committee;
  - (d) Three members of the Board of Education (Northern Ireland), nominated by that Committee.
- (ii) The Secretary of the Board of Education of the General Synod and the Northern Ireland Education Organiser shall be entitled to attend and speak, but not to vote, at meetings of the Executive Committee.
- (iii) The Executive Committee shall have all the authority of the Board excepting:
  - (a) Final approval of the annual report to the General Synod;
  - (b) The election of the Executive Committee;
  - (c) The co-option of members to the Board of Education of the General Synod.
- (iv) The Executive Committee, in appointing sub-committees, shall have authority to appoint any member of the Board of Education of the General Synod.

**Board of Education (Northern Ireland)**

**Para. 7.**

- (a) The Board of Education of the General Synod shall appoint a Board of Education (Northern Ireland) which shall consist of:
  - (1) The Archbishop of Armagh, who shall be chairperson of the Board of Education (Northern Ireland), plus two other Bishops from the Northern Province as nominated by the House of Bishops.
  - (2) Six representatives resident in Northern Ireland, one from each of the Dioceses of Armagh, Clogher, Derry and Raphoe, Down and Dromore, Connor and the United Dioceses of Kilmore, Elphin and Ardagh on the said Board of Education of the General Synod, elected as provided by Paragraphs 2 and 3: Provided that, if any of the elected members of the Board of Education of the General Synod representing any of the Dioceses of Armagh, Clogher, Derry and Raphoe or Kilmore, Elphin and Ardagh is resident in the Republic of Ireland, an additional person (being a member of the

General Synod resident in Northern Ireland) may be elected in like manner as a representative of such Diocese on the Board of Education (Northern Ireland).

\* The Board of Education of the General Synod shall make appointments under (2) upon receipt of nominations by the appropriate group of members of the Board of Education of the General Synod.

- (3) The Honorary Secretaries of the General Synod for the time being resident in the province of Armagh. It is expected that only one representative from the Honorary Secretaries will attend each meeting and this can vary between the secretaries depending on availability.
- (b) The Board of Education of the General Synod shall have power to appoint to the Board of Education (Northern Ireland) not more than ten other members on the recommendation of the ex officio members and representatives of the above mentioned Dioceses. These should include the nominee(s) appointed to represent the Church of Ireland on the Education Authority as well as representatives from the primary, post primary sectors of education; third level (teacher training) and youth and children's work in the Church of Ireland.
- (c) The Board of Education (Northern Ireland) shall meet as often as it may deem necessary and at the time and place it shall appoint, and shall appoint two of their members to act as Honorary Secretaries.
- (d) Attendance at the Board of Education (NI) will be published in the annual report and when a member is absent for more than three consecutive meetings then the nominating diocese may be asked to replace the member. If the member is co-opted then they may be asked to step down from the Board.

#### **Board of Education (Republic of Ireland)**

##### **Para. 7A.**

- (1) The Board of Education of the General Synod shall in February or March 2004 and thereafter triennially appoint from among its members a Board of Education (Republic of Ireland) which shall consist of
- (a) the Archbishop of Dublin, who shall be chairperson of the Board of Education (Republic of Ireland);
  - (b) two other members of the House of Bishops appointed by that House whose diocese lie wholly or partly within the Republic of Ireland;
  - (c) the Honorary Secretaries of the General Synod for the time being resident in the Republic of Ireland;
  - (d) two elected members of the Board of Education of the General Synod, being resident in the Republic of Ireland;
  - (e) two representatives of primary education, of whom one shall be a teacher and one a chairperson of a board of management;
  - (f) two representatives of post-primary education, of whom one shall be a principal and one an assistant teacher;
  - (g) two representatives of third-level education;
  - (h) one representative of the Church of Ireland Youth Council;
  - (i) one representative of the Adult Education Council;
  - (j) one representative of the Sunday School Society for Ireland.
- (2) The Board of Education of the General Synod shall make appointments under (1) (d) to (j) upon receipt of nominations by the appropriate group of members of the Board of Education of the General Synod.

- (3) The Board of Education (Republic of Ireland) may at its discretion co-opt up to two additional members from among the members of the Board of Education of the General Synod resident in the Republic of Ireland.
- (4) The Board of Education (Republic of Ireland) shall elect a vice-chairperson.
- (5) The Secretary to the Board of Education of the General Synod shall act as Secretary to the Board of Education (Republic of Ireland).
- (6) The other Officers of the Board of Education of the General Synod shall be entitled to receive Board of Education (Republic of Ireland) documents and to attend and speak, but not to vote, at meetings of the Board of Education (Republic of Ireland).
- (7) The Board of Education (Republic of Ireland) shall meet as often as it may deem necessary and at the time and place which it shall appoint.

**Para. 8.**

In pursuance of the missional role of the Church of Ireland:

- (a) It shall be the duty of the Board of Education of the General Synod to define the policy of the Church in education, both religious and secular, and, in promotion of this policy, to take such steps as may be deemed necessary to co-ordinate activities in all fields of education affecting the interests of the Church of Ireland. The Board of Education of the General Synod shall maintain close contact with government, Diocesan Boards of Education, and other educational and school authorities with a view to the most efficient and economical use of resources including funds, transport facilities and teachers.
- (b) It shall be the duty of the Board of Education of the General Synod to support church based religious education and faith development through liaison with such structures and bodies as shall be established by the Church of Ireland to further children's ministry, youth ministry and Safeguarding.

**Para. 9.**

The Board of Education of the General Synod shall study any legislation or proposed legislation likely to affect the educational interests of the Church of Ireland and take such action with respect thereto as it may deem necessary. The Board of Education of the General Synod may deliberate and confer on all educational matters affecting the interests of the Church, may make such enquiries as it shall deem to be requisite and may communicate with government authorities and all such bodies and persons as it shall consider necessary: Provided that any action taken by the Board of Education of the General Synod, not already sanctioned by the General Synod, shall be submitted to the General Synod for approval at its next meeting.

**Para. 10.**

The Board of Education of the General Synod shall discharge such other duties and exercise such other powers as the General Synod may from time to time prescribe.

**Para. 11.**

The Board of Education of the General Synod shall make an annual report of its proceedings to the General Synod.

**Para. 12.**

The Board of Education (Northern Ireland) shall have power to represent the Board of Education of the General Synod in all educational matters affecting only Northern Ireland. The Board of Education NI shall have full power in the name of General Synod to nominate Church of Ireland representatives to any education body in Northern Ireland as required. Examples of such bodies are the Transferor Representatives' Council, the Education Authority, and the Controlled Schools Support Council.

The Board of Education (Northern Ireland) shall work at all times to preserve and exercise the statutory rights accorded to the Church of Ireland as a Transferor Church and as managing authority in respect of those schools not transferred to state control.

The Board of Education (Northern Ireland) shall work, as appropriate, with other Transferor churches to ensure that the statutory requirements as set out in The Education and Libraries (Northern Ireland) Order 1986 in respect of the provision Religious Education and collective worship in controlled and voluntary schools other than nursery and special schools are preserved and complied with.

The Board of Education (Republic of Ireland) shall have power to represent the Board of Education of the General Synod in all educational matters applying solely to the Republic of Ireland.

**Para. 13.**

The Board of Education (Northern Ireland) shall send reports of its proceedings to the Board of Education of the General Synod and shall prepare annually a Report relating to educational matters in Northern Ireland which shall be included as part of the annual Report from the Board of Education of the General Synod to the General Synod referred to in Para. 11 above.

The Board of Education (Republic of Ireland) shall send reports of its proceedings to the Board of Education of the General Synod and shall prepare annually a Report relating to educational matters in the Republic of Ireland which shall be included as part of the annual Report from the Board of Education of the General Synod to the General Synod referred to in Para. 11 above.

**Para. 14.**

The Boards may conduct religious education examinations and may work through Diocesan Boards of Education in matters relating to the religious education of children.



## IRISH CHURCH ACT, 1867

### SECTION 20

20. The present ecclesiastical law of Ireland, and the present articles, doctrines, rites, rules, discipline, and ordinances of the said Church, with and subject to such (if any) modification or alteration as after the first day of January, one thousand eight hundred and seventy-one, may be duly made therein according to the constitution of the said Church for the time being, shall be deemed to be binding on the members for the time being thereof in the same manner as if such members had mutually contracted and agreed to abide by and observe the same, and shall be capable of being enforced in the temporal courts in relation to any property which under and by virtue of this Act is reserved and given to or taken and enjoyed by the said Church or any members thereof, in the same manner and to the same extent as if such property had been expressly given, granted, or conveyed upon trust to be held, occupied, and enjoyed by persons who should observe and keep and be in all respects bound by the said ecclesiastical law, and the said articles, doctrines, rites, rules, discipline, and ordinances of the said Church, subject as aforesaid ...





## GLEBE LANDS REPRESENTATIVE CHURCH BODY, IRELAND, ACT 1875

### SECTIONS TWO, THREE, FOUR, FIVE AND EIGHT

2. It shall be lawful for the said Representative Church Body to invest all monies vested in them for that purpose in the absolute purchase, or in procuring leases or fee-farm grants subject to annual or other rents, and with or without fines, of lands for the erection thereon of churches, or of glebes for the use of the clergymen of said church, or for schools or other buildings in connection with said church buildings, or for other church purposes, the lands so to be purchased not to exceed thirty acres for each glebe, or to permit such clergymen and congregations to occupy and use the same at such rent and upon such terms and conditions as the Representative Church Body shall think fit; and the Representative Church Body may execute all such deeds, grants, leases or other documents as may be necessary for the purpose aforesaid.
3. It shall be lawful for the trustees of any college, church building, schoolhouse, glebe or other real property, whether freehold or chattel, or any personal property held in trust for the said church or any congregation in connexion therewith, or any person or persons in whom the same may be vested, if they or he respectively shall think fit, to grant, assign, or otherwise vest in the said Representative Church Body, with their concurrence, such college, church building, schoolhouse, glebe or other real property, whether freehold or chattel, or any personal property, to be held by the said Representative Church Body upon such trust and subject to such rights as at the time of such grant, assignment, or vesting affected the same respectively, and the former trustees shall be thereupon released from the trusts thereof respectively.
4. It shall be lawful for any person whomsoever, entitled so to do, to give, grant, devise, bequeath, or assure, by any deed, will, or other instrument sufficient in law to create or convey an estate therein, any messuages, lands, hereditaments, or any estate therein, to the said Representative Church Body for any college, or for any church, glebe, building, or schoolhouse in connexion with any congregation or church: Provided always, that under the provisions aforesaid or otherwise not more than thirty acres shall be held in trust for any congregation, nor more than one hundred acres in trust for any college; Provided always, nevertheless, that any such gift, grant, bequest, or assurance of lands in excess of the acreage hereby authorised to be held as aforesaid shall be void as to the excess only.
5. The said Representative Church Body may from time to time sell, lease, exchange or otherwise dispose of, on such terms and in such manner as they think fit, or mortgage, any lands vested in them, and not being otherwise required for purposes of the said church or any of the colleges or congregations connected therewith, and may enter into, execute, and do all contracts, assurances and things necessary or proper in that behalf; and every such sale or lease as aforesaid may be made either absolutely for a sum in money, or for any annual rent or rents, to be made payable as the said Representative Church Body direct, or partly for a sum of money and partly for such rent or rents as aforesaid, as the said Representative Church Body think fit, and the said Representative Church Body may afterwards sell any rent so to be made payable.
8. The term "glebe" in this Act shall mean and include any house, with the piece or parcel of land attached thereto, occupied or to be occupied by any ecclesiastical person while having spiritual charge of any parish or district to which such house and land shall have heretofore belonged, or for which it shall be or shall have been granted or purchased or required as a residence for such ecclesiastical person whilst having such spiritual charge; and the term "ecclesiastical person" shall mean and include any archbishop, bishop, and clergyman of the said church.



## THE TRUSTEE CHURCHES (IRELAND) ACT, 1884

1. It shall be lawful for the trustees or other governing body of any such church<sup>1</sup> or chapel as aforesaid, by instrument under their hands, to transfer to the representative church body of the said church (with its consent) all or any part of the property vested in them for the purposes of such church or chapel, and thereupon the same shall vest in and be held by the said representative body upon the trusts for the time being applicable thereto.
2. It shall be lawful for any such trustees or other governing body as aforesaid by any unanimous resolution to put an end to any trust now or for the time being subsisting with respect to such church or chapel, and to vest the same and any other property subject to such trust in the said Representative Body, or any other person or persons or body corporate, and to define the future trusts thereof, either by assimilating the same to the regulations affecting other similar property in the same diocese, or in any other manner for the benefit of the said Irish Church which may be sanctioned by the chief legislative authority for the time being of the said church.
3. No such resolution shall be valid until it shall have been accepted and recorded in such manner as the said chief legislative authority may direct; and no such resolution which affects or purports to affect any right of patronage or presentation to any such church or chapel shall be so accepted or recorded without the consent in writing of the patron or patrons thereof.
4. Every such resolution when duly accepted and recorded shall be applicable to the said church or chapel and the property and affairs thereof, and shall be valid and binding to all intents and purposes, anything in the said recited Acts of Parliament, or any of them, or in the instrument forming the trusts relating to such church or chapel or property, to the contrary notwithstanding.
5. Nothing contained in this Act shall affect any powers of revocation attached to any trust to which this Act applies, or prevent any person having such power, or having a right to take or resume the possession of any property affected by such trust, from exercising such power or right.

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<sup>1</sup>The churches referred to in this Act are, as recited in the preamble thereto, those erected, prior to the passing of the Irish Church Act, 1869, either in accordance with certain private trusts, or under the provisions of the several Church Building Acts for the time being in force in that behalf.



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