



# **Isle of Man**

*Ellan Vannin*

**AT 1 of 1895**

## **THE CHURCH ACT 1895**





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## THE CHURCH ACT 1895

<i>Received Royal Assent:</i>	<i>29 June 1895</i>
<i>Promulgated:</i>	<i>5 July 1895</i>
<i>Commenced:</i>	<i>5 July 1895</i>

**AN ACT** to amend and extend the Provisions of the Church Act, 1880.

### Preamble

**Whereas** the Church Commissioners for the Isle of Man (hereinafter referred to as “the Commissioners”) have recommended that four canonries in the Cathedral Church be established, the appointment to such canonries to be vested in the Bishop:

**And whereas** it is deemed expedient that the Bishop should have power to confer distinctions of honour on deserving clergymen serving in the diocese:

**And whereas** it is advisable to amend the *Church Act, 1880* (hereinafter called the principal Act), and to make provision in other respects in relation to the Church in this Isle.

### *Preliminary*

#### **1 Short title, etc**

This Act may be cited as “The Church Act, 1895.” The principal Act and this Act may be together cited as the Church Acts, 1880 and 1895.

This Act shall be construed as one with the principal Act.

#### **2 Definitions**

In this Act, if not inconsistent with the context —

The definition of the word “**benefice**” in section 2 of the principal Act shall include the archdeaconry of this Isle, and all canonries to be created under this Act:

“**Cathedral Church**” means the cathedral church established by section 2A of this Act.<sup>1</sup>

“Vicar” means the incumbent for the time being of the benefice of the West Coast.<sup>2</sup>

## 2A Constitution of Cathedral Church

- (1) The Cathedral Church for the Diocese of Sodor and Man shall be the Parish Church of German which shall cease to be called the Parish Church of German and shall henceforth be called the Cathedral Church of Saint German.
- (2) Notwithstanding subsection (1) of this section, the rights and privileges of the Vicar, of the Vicar and Wardens, and of the Parochial Church Council of the Parish of the West Coast shall not, except in respect of the change of the name of the Parish Church and except in so far as is provided by the Schedule to this Act, and except in relation to the provisions of section 4 subsection (5) of this Act, be affected in anywise whatsoever.<sup>3</sup>
- (3) The Statutes set out in the Schedule to this Act shall apply to the Cathedral Church but the provisions of such Schedule may from time to time be amended by a resolution of the Diocesan Synod following consultation with the Parochial Church Council of the Parish of the West Coast and any such amendment shall take effect on the filing in the Public Record Office of a copy of such resolution certified in accordance with section 2 of the *Church Act 1987*.<sup>4 5</sup>

## 3 [Repealed]<sup>6</sup>

### *Cathedral Chapter and Canons*

## 4 Chapter of the Cathedral

- (1) There shall be a Chapter of the cathedral church consisting of a dean, the Archdeacon, and four canons, by the name of the Dean and Chapter of Man, which Chapter shall be a body corporate, with perpetual succession and a common seal.
- (2) The Vicar shall be *ex-officio* the dean of the cathedral church.<sup>7</sup>
- (3) Each canonry shall be in the patronage of the Bishop, and shall have such designation as may be appointed by the Bishop by writing under his hand.
- (4) Each canonry shall be a benefice, and each canon as such shall be subject to the episcopal jurisdiction of the Bishop.
- (5) The members of the Chapter shall severally be installed in the cathedral church, and have a stall therein.
- (6) The canonry of any canon who shall cease to reside within this Isle shall, at the expiration of six months after his leaving the Isle, be and become *ipso facto* vacant, as if such canon had died or resigned such canonry.

- (7) It shall be lawful for the Chapter from time to time, under their common seal, to make, and when made, to alter and revoke statutes for the order, rule, and governance of the Chapter, and the members and officers thereof in relation to the Chapter, and defining the duties which the incumbent of any canonry is to perform in the cathedral church, and in the administration of the diocese, but no such statutes shall take effect until the same be approved by resolution of the standing committee of the Sodor and Man Diocesan Synod.<sup>8</sup>

**5 [Repealed]<sup>9</sup>**

*Expenses of Commissioners and Investments*

**6 to 8 [Repealed]<sup>10</sup>**

**9 [Amends section 27 of the *Church Act 1880.*]**

**10 [Repealed]<sup>11</sup>**

*Ecclesiastical Residences, Dilapidations, etc*

**11 [Repealed]<sup>12</sup>**

**12 [Repealed]<sup>13</sup>**

**13 to 19 [Repealed]<sup>14</sup>**



**SCHEDULE<sup>15</sup>****THE STATUTES**

1. The Bishop, when in the Cathedral Church, shall have the place and dignity of pre-eminence.
2. The Bishop, after having ascertained and taken into account arrangements already made and upon giving to the Vicar not less than thirty days' notice (unless the Vicar agrees for any occasion to accept shorter notice), shall have the right: —
  - (i) to celebrate the Holy Communion on Christmas Day, Easter Day and Whitsunday, and, in addition to these occasions, on four Sundays chosen by him in each year;
  - (ii) to preach at such one of the Services on Christmas Day, on Easter Day and on Whitsunday as he may choose and, in addition to these occasions, to preach or appoint the preacher at such one of the Services on four Sundays chosen by him during the year, not being Sundays in Advent or Lent;
  - (iii) to use the Cathedral Church or any part thereof for Synods, Visitations, Institutions and other episcopal functions, for Ordinations and Confirmations, for episcopal Services and, on weekdays, for diocesan Services, and, at any such Service which he holds: —
    - (a) to determine the ordering thereof in consultation with the Vicar;
    - (b) to claim of the Vicar the assistance of the ministers, officers and servants of the Cathedral Church.
3. The Bishop shall have the right to require that the Cathedral Church be available for the holding of a Consistory Court.
4. Subject to the provisions of this Schedule, the right of the Bishop as Ordinary in the Cathedral Church shall be that which he possesses in a parish church.
5. No person other than a Clerk in Holy Orders of the Church of England or of a Church in communion therewith, a Deaconess or licensed Lay Worker, or a diocesan or parochial Reader, duly licensed by the Bishop, shall be allowed to preach in the Cathedral Church unless the consent of the Bishop as well as that of the Vicar shall first be obtained.
6. The Bishop may on giving to the Vicar not less than two weeks' notice, summon a meeting of the Chapter for consultation upon any matter concerning the welfare of the Cathedral Church or the diocese on which the Bishop desires to consult it.

7. (1) The Bishop shall have the right to confer upon a Canon who vacates his office and immediately on such vacation retires, the title of Canon Emeritus.

(2) The Bishop shall have the right to confer upon a clerk in Holy Orders the title of Honorary Canon.

(3) The Bishop shall have the right to confer upon a person, not being a clerk in Holy Orders, the title of Lay Canon.

(4) A title conferred under this article shall not confer on the holder any benefice or any right to membership of the Chapter or of any other body in the Cathedral Church; but the Bishop may on any occasion invite the holder of any such title to be present (but not to vote) at a meeting of the Chapter.<sup>16</sup>

8. [Repealed]<sup>17</sup>

9. The Bishop, as Visitor, may hold visitations either himself or through his Commissary (not being a member of the Chapter).

10. The Visitor may hold visitations on his own volition, and shall hold a visitation if requested to do so by the Vicar or by the Chapter.

11. Whenever the Visitor holds a visitation, all the members of the Chapter and all ministers, officers and servants of the Cathedral Church shall, if required, appear before him, shall answer any question which he may put, and may, if they desire, make representations which he shall note and consider. And when the Visitor has delivered such admonition as he thinks fit, all but the Vicar and the members of the Chapter shall withdraw, and the visitation shall go forward.

12. (i) If any question or dispute arises as to the interpretation of these Statutes, or the Statutes for the Cathedral Chapter, or as to the lawfulness or interpretation thereof, the matter may be referred by any body or person connected with the Cathedral Church who has an interest in the question or dispute to the Visitor who shall give his decision which shall be final; Provided that if any question or dispute arises regarding the extent of authority of the Bishop, whether as Visitor or otherwise, such question or dispute may be referred to the Archbishop of York whose decision shall be final.

(ii) If a dispute arises between any bodies having jurisdiction over the Cathedral Church or any persons holding office or employed in the Cathedral Church, the dispute with the agreement of the parties may be referred to the Visitor, who either personally or by a Commissary shall hear the parties, and shall communicate in writing to them and to the Parochial Church Council, if not a party, his decision which shall be final and shall be binding upon the parties.

13. No object of historic or artistic importance owned by the Chapter shall be alienated without the consent of the Visitor which consent may be given after taking such advice as the Visitor shall think fit.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> Definition of “Cathedral Church” substituted by Cathedral Church Act 1980 s 1.

<sup>2</sup> Definition of “Vicar” added by Cathedral Church Act 1980 s 1 and amended by SD193/12.

<sup>3</sup> Subs (2) amended by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch 4.

<sup>4</sup> Subs (3) amended by SD254/94 and by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch 4.

<sup>5</sup> S 2A inserted by Cathedral Church Act 1980 s 2.

<sup>6</sup> S 3 repealed by Church Act 1983 Sch 2.

<sup>7</sup> Subs (2) substituted by SD624/11 effective 15/10/2011 by SD625/11.

<sup>8</sup> Subs (7) amended by SD254/94.

<sup>9</sup> S 5 repealed by Church Act 1992 Sch 7.

<sup>10</sup> Ss 6 to 8 repealed by Church Act 1992 Sch 7.

<sup>11</sup> S 10 repealed by Church Act 1983 Sch 2.

<sup>12</sup> S 11 repealed by SD2015/0236.

<sup>13</sup> S 12 repealed by Statute Law Revision Act 1989 Sch 2.

<sup>14</sup> Ss 13 to 19 repealed by Church Act 1992 Sch 7.

<sup>15</sup> Sch added by Cathedral Church Act 1980 s 3.

<sup>16</sup> Article 7 substituted by SD255/96.

<sup>17</sup> Article 8 repealed by SD624/11 effective 15/10/2011.