



Statutory Document No. 624/11

## CHURCH OFFICES MEASURE (ISLE OF MAN) 2011

<i>Approved by Sodor and Man Diocesan Synod</i>	<i>25th November 2010</i>
<i>Approved by Tynwald</i>	<i>18th January 2011</i>
<i>Royal Assent given</i>	<i>12th July 2011</i>
<i>Announced to Tynwald</i>	<i>12th July 2011</i>

A MEASURE enacted pursuant to the Church Legislation Procedure Act 1993 to extend to the Isle of Man certain provisions of the Dioceses, Pastoral and Mission Measure 2007, the Church of England (Miscellaneous Provisions) Measure 2010, the Vacancies in Suffragan Sees and other Ecclesiastical Offices Measure 2010 and the Crown Benefices (Parish Representatives) Measure 2010; to amend the constitution of the Cathedral Chapter; to make new provision for the office of registrar of the diocese; and to make provision for the relinquishment of Holy Orders.

### **1. Dioceses, Pastoral and Mission Measure 2007**

- (1) The following provisions of the Dioceses, Pastoral and Mission Measure 2007<sup>1</sup> ("the 2007 Measure") shall extend to the Isle of Man subject to the modifications specified in subsection (2) —
- (a) section 14 (discharge of certain functions of bishop);
  - (b) section 61 (assistant curates);
  - (c) section 65 and Schedule 7 (repeals) so far as they relate to —
    - (i) section 8 of the Church of England (Miscellaneous Provisions) Measure 1983<sup>2</sup> ("the 1983 Measure");

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<sup>1</sup> 2007 No.1

<sup>2</sup> 1983 No.2

- (ii) the Bishops (Retirement) Measure 1986<sup>3</sup>;
  - (iii) the Clergy (Ordination) Measure 1990<sup>4</sup>;
  - (d) section 66(1) (citation).
- (2) Section 14 is modified as follows —
- (a) in subsections (1) and (3), omit "bishop's council and" (in each place);
  - (b) in subsection (2), omit "Subject to section 15 below,";
  - (c) in subsection (9), for "the Commissioners, the Commission" substitute "the Church Commissioners for England";
- (3) Any instrument made under section 8 of the 1983 Measure which is in force immediately before the coming into operation of this section shall have effect as if it had been made under section 14 of the 2007 Measure.

## **2. Church of England (Miscellaneous Provisions) Measure 2010**

- (1) Section 5 (amendment of Ecclesiastical Jurisdiction Measure 1963) of the Church of England (Miscellaneous Provisions) Measure 2010<sup>5</sup> shall extend to the Isle of Man subject to the modifications specified in subsections (2) and (3).
- (2) Section 5(1) is modified as follows —
- (a) omit paragraph (a);
  - (b) for paragraph (b) substitute —
    - "(b) in subsection (4), for the words "72 years", in both places where they occur, there shall be substituted the words "70 years"; and";
  - (c) in paragraph (c), in the substituted section 2(4A), for the words from "not exceeding" onwards substitute "not exceeding one year at a time, as he may specify, but so that the chancellor shall not continue in office after attaining the age of 75 years."
- (3) Omit section 5(2).

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<sup>3</sup> 1986 No.1

<sup>4</sup> 1990 No.1

<sup>5</sup> 2010 No.1

**3. Vacancies in Suffragan Sees and other Ecclesiastical Offices Measure 2010**

- (1) Section 2 (appointments by Crown during certain vacancies) of the Vacancies in Suffragan Sees and other Ecclesiastical Offices Measure 2010<sup>6</sup> shall extend to the Isle of Man subject to the modifications specified in subsections (2) and (3).
- (2) In section 2(4), for paragraph (a) substitute —
  - (a) "the relevant bishop" means —
    - (i) the bishop to whom the right to institute to the ecclesiastical office has been delegated by an instrument in force under section 14 of the Dioceses, Pastoral and Mission Measure 2007; or
    - (ii) where sub-paragraph (i) does not apply and a new bishop has been appointed to fill the vacancy in the see, that bishop;"
- (3) Omit section 2(5).

**4. Crown Benefices (Parish Representatives) Measure 2010**

- (1) The Crown Benefices (Parish Representatives) Measure 2010<sup>7</sup> shall extend to the Isle of Man subject to the modifications specified in subsections (2) and (3).
- (2) In section 1 —
  - (a) in subsection (1) —
    - (i) in the inserted section 35(1A), omit the words from ", whether" to "Duke of Cornwall";
    - (iii) in the inserted section 35(1B), omit "registered";
  - (b) in subsection (2), for "coming into force of this Measure" substitute "extension of this Measure to the Isle of Man".
- (3) In section 2, omit subsections (2) and (3).

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<sup>6</sup> 2010 No.2

<sup>7</sup> 2010 No.3

**5. Amendment of constitution of Cathedral Chapter**

- (1) In section 4 of the Church Act 1895<sup>8</sup>, for subsection (2) substitute  
—  
“(2) The Vicar shall be ex-officio the dean of the cathedral church.”
- (2) In the Schedule to that Act, paragraph 8 is repealed.
- (3) If on the coming into operation of this section the incumbent of the parish of German is a canon of the cathedral church of St German, the canonry held by him shall thereupon be vacated..

**6. Diocesan registrar**

- (1) There shall continue to be an office of registrar of the diocese of Sodor and Man.
- (2) The Schedule shall have effect with respect to that office.

**7. Relinquishment of Holy Orders**

- (1) The recording of the enrolment of a deed of relinquishment in accordance with the Clerical Disabilities Act 1870 (an Act of Parliament)<sup>9</sup>, whether before or after the coming into operation of this section, shall have, and be deemed always to have had, in the Island the consequences specified in section 4 of that Act.
- (2) The recording of the vacation of the enrolment of such a deed in accordance with the Clerical Disabilities Act 1870 (Amendment) Measure 1934<sup>10</sup>, whether before or after the coming into operation of this section, shall have, and be deemed always to have had, in the Island the consequences specified in sections 1(5) and 2 of that Measure.
- (3) For the avoidance of doubt, the enrolment and the vacation of the enrolment of such a deed may be recorded in the registry of the diocese of Sodor and Man; and the references in subsections (1) and (2) to the recording of such enrolment or vacation include references to the recording of such enrolment or vacation by virtue of this subsection.

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<sup>8</sup> VI p.648

<sup>9</sup> 33 & 34 Vict. c.91

<sup>10</sup> 24 & 25 Geo.5 No.1

**8. Short title and commencement**

- (1) This Measure may be cited as the Church Offices Measure (Isle of Man) 2011.
- (2) This Measure shall come into operation on such day or days as the Bishop may by order appoint.

# *Church Offices Measure (Isle of Man) 2011*

## Section 6.

### SCHEDULE

#### DIOCESAN REGISTRAR

##### *1. Interpretation*

In this Schedule —

"the Board" means the Sodor and Man Diocesan Board of Finance;

"the diocese" means the diocese of Sodor and Man

"the Registrar" means the holder for the time being of the office of registrar of the diocese;

"the Synod" means the Sodor and Man Diocesan Synod.

##### *2. Appointment*

- (1) The Registrar shall be appointed by the Bishop after consulting the standing committee of the Synod.
- (2) The office of registrar of the diocese may be held by 2 persons jointly, but either of those persons may perform any of the functions mentioned in paragraph 6.

##### *3. Qualification*

- (1) A person is not qualified to be appointed or to be Registrar unless he is an advocate, barrister or solicitor learned in the ecclesiastical laws and the laws of the Island.
- (2) Before appointing a person as Registrar the Bishop must satisfy himself that the said person is a communicant.

##### *4. Oaths of office*

The Registrar, before entering on the execution of his office, must in the presence of the bishop take the oaths and make the declaration prescribed by Canon for the purpose.

##### *5. Tenure of office*

- (1) The Registrar shall vacate his office on the date on which he attains the age of 70 years.
- (2) The Registrar may resign his office by notice in writing addressed to and served on the Bishop.
- (3) The Registrar may be removed from office by the Bishop, with the consent of the Archbishop of York, by notice in writing addressed to and served on the Registrar.
- (4) A notice under sub-paragraph (2) or (3) must specify the date, being not less than 3 months after the date of service of the notice, on which the resignation or removal is to take effect.

##### *6. Functions*

- (1) The Registrar shall perform the functions conferred or imposed by or under any statutory provision or Canon or by custom on the registrar of the diocese or the registrar of the consistory court of the diocese.
- (2) The Registrar shall also be the legal adviser to the Bishop.

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### *7. Deputy or acting registrar*

- (1) The Registrar may, with the consent of the Bishop, appoint a fit and proper person to act as deputy registrar of the diocese for such period and for such purpose as may be specified in the instrument of appointment; and during that period and for that purpose a person so appointed shall have all the powers and duties of the Registrar.
- (2) Where the Registrar ceases to hold office as such, a person appointed to act as deputy registrar under sub-paragraph (1) shall cease to hold that office when a new Registrar is appointed.
- (3) If —
  - (a) in the opinion of the Bishop, the Registrar is for any reason unable or unlikely to perform a function of his office or it would be inappropriate for him to perform that function, and
  - (b) there is no person appointed to act as deputy registrar under sub-paragraph (1) able to perform that function,

the Bishop may request the Vicar General to appoint a fit and proper person to perform that function for such period or in such circumstances as the instrument of appointment may specify; and during that period, or in those circumstances, a person so appointed shall have all the powers and duties of the Registrar in relation to that function.

### *8. Remuneration*

- (1) The Board shall pay to the Registrar —
  - (a) such honorarium or annual fee (if any), and
  - (b) such payments in respect of reasonable expenses incurred by the Registrar on travel, subsistence, accommodation and the holding of court hearings,as may be agreed between the Board and the Registrar.
- (2) Any other fees payable to the Registrar shall be fixed by order made by the Board after consultation with the Registrar.
- (3) An order under sub-paragraph (2) shall not have effect unless it is approved by the Synod.

### *9. Transitional provision*

This Schedule applies to the person holding the office of registrar of the diocese on the coming into operation of this Schedule as if he had been appointed under paragraph 2.