
**THE CONSTITUTION OF THE
CHURCH IN WALES
VOLUME I**

**CHAPTER I
GENERAL AND DEFINITIONS AND INTERPRETATION**

(Ref - 2292)

**CHAPTER I:
GENERAL AND DEFINITIONS AND INTERPRETATION**

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Chapter I

GENERAL AND DEFINITIONS AND INTERPRETATION

Part I: General

1.

- (1) The Constitution of the Church in Wales, which is written in the English and Welsh languages, is set out in this and the following Chapters; and
- (a) any further Chapter or amendment made in any Chapter by the Governing Body;
 - (b) all canons of the Church in Wales; and
 - (c) all rules and regulations made from time to time by or under the authority or with the consent of the Governing Body and certified as such by the Governing Body.
- (2) The English and Welsh versions of the Constitution shall have equal validity.
- (3) For the purpose of interpretation and for the resolution of any ambiguity, the English version shall be the definitive text.

2.

The Constitution shall be binding on all Members of the Church in Wales, as defined in Part II of this Chapter.

3.

The Constitution (except canons amending either the Book of Common Prayer or any chapter of the Constitution) shall be published on the Church in Wales website under the direction of the Standing Committee.

4.

A copy of any part of the Constitution which purports to be certified by the Secretaries of the Governing Body to be a true copy of that part of the Constitution shall be *prima facie* evidence of such part of the Constitution and as such be received in evidence in all courts and the Tribunal of the Church in Wales.

5.

The ecclesiastical law as existing in England on 30th March 1920, with the exception of:

- (a) The Clergy Ordination Act, 1804;
- (b) The Church Discipline Act, 1840;
- (c) The Ecclesiastical Commissioners Act, 1840;
- (d) The Clerical Subscription Act, 1865;
- (e) The Clerical Disabilities Act, 1870;
- (f) The Colonial Clergy Act, 1874;
- (g) The Public Worship Regulation Act, 1874;
- (h) The Sales of Glebe Lands Act, 1888;
- (i) The Clergy Discipline Act, 1892;
- (j) The Benefices Act, 1898;
- (k) The Pluralities Acts;
- (l) The Incumbents' Resignation Acts;

shall be binding on the Members (including any body of Members) of the Church in Wales, and shall be applied to the determination of any question or dispute between them as such Members, in so far as it does not conflict with anything contained in the Constitution or in any special contract as to glebe between the Representative Body and an Incumbent, provided that the Courts of the Church in Wales shall not be bound by any decision of the English Courts in relation to matters of faith, discipline or ceremonial.

6.

(1) Unless otherwise directed in the Constitution, any citation or notice directed to be sent or given may be sent or given through the post. Proof of posting shall be *prima facie* evidence that such citation or notice has been duly sent or given.

(2) Whenever in the Constitution a document is required to be sent by recorded delivery post or as a recorded delivery letter, it shall suffice if such document or letter be handed personally to the addressee and a receipt therefore obtained from him or her.

Part II: Definitions and Interpretation

7.

In this Constitution including the Regulations, except where otherwise expressly provided, the following words and phrases shall have the following meanings:

“Archbishop”	means the Archbishop of Wales for the time being.
“Archdeacon”	means an Archdeacon of an Archdeaconry of the Church in Wales and, in relation to a Parish, the Archdeacon of the archdeaconry in which the Parish is situate.
“Assistant Bishop”	means a bishop appointed to assist the Archbishop or a Diocesan Bishop pursuant to Chapter V section 15.
“Bench of Bishops”	means the Archbishop and the other Diocesan Bishops.
“Benefice”	means a Parish or Grouped Parishes to which a cleric may be instituted as an Incumbent.
“Bishop” and “Diocesan Bishop”	means a Diocesan Bishop of the Church in Wales.
“Chancellor”	means (except in the case of a Cathedral Scheme) the Chancellor of a diocese appointed by the Bishop in accordance with Chapter IX section 28.
“Cleric”	means a clerk in Holy Orders.
“Communicant”	means a person who has lawfully Received Holy Communion in the Church in Wales or some Church in communion with it and is entitled to receive Holy Communion in the Church in Wales.
“Confirmed Communicant”	means a person who has received the sacramental rite of confirmation.
“Congregational Meeting”	means a meeting held pursuant to Regulation 6 of Part II of the Governing Body Regulations relating to Parochial Administration.
“Constitution”	means the Constitution of the Church in Wales as defined in section 1.

“Deanery”	means an area of an Archdeaconry which is under the general oversight of an Area Dean.
“Diocesan Board of Finance”	means a Diocesan Board of Finance appointed by a Diocesan Conference pursuant to Chapter IV A section 24.
“Diocesan Conference”	means the Diocesan Conference of a diocese constituted as provided in Chapter IV A.
“Diocesan Nomination Board”	means the Nomination Board constituted in accordance with Regulation 1 of the Governing Body Regulations relating to Appointments and Nominations.
“Diocesan Registrar”	means the Registrar of a diocese appointed by the Diocesan Bishop in accordance with Chapter IX section 31.
“Governing Body”	means the Governing Body of the Church in Wales constituted as provided in Chapter II.
“Grouped Parishes”	means two or more Parishes which continue as separate entities under one incumbent pursuant to Chapter IV D.
“Incumbent”	means a cleric instituted or collated to the cure of souls of a Benefice.
“Lay Worker”	means a lay person who officiates in accordance with a licence from the Diocesan Bishop or with his permission.
“Meeting”	(unless qualified by the term “physical meeting”) means any of the following: (a) a physical meeting; (b) a video conference, an internet video facility or similar electronic method allowing simultaneous visual and audio participation; (c) a telephone conferencing or similar electronic method allowing simultaneous audio participation; (d) a combination of the above provided that each attendee is able to speak to and be heard by each of the other attendees.
“Member of the Church in Wales”	means: (a) any office holder in the Church in Wales; (b) any Cleric and deaconess in receipt of a pension from the Representative Body; (c) any person whose name is entered on the electoral roll of a Parish; and

	(d) any member of the Governing Body and the Representative Body and any committees of them.
“Ministry Area/Mission Area”	Area means a parish or group of parishes formed for the effective proclamation of the Gospel in a particular area with a common administration as defined by any Diocesan Decree.
“Online Meeting”	<p>means a meeting other than a physical meeting and the place of an online meeting shall be deemed to be the physical location where the largest number of members are present or (if fewer than 5 members are present in the same physical location):</p> <p>(a) the registered office of the Representative Body in the case of any online meeting governed by Chapter II or Chapter III;</p> <p>(b) the registered office of the relevant Diocesan Board of Finance in the case of any online meeting governed by Chapter IV A, Chapter IV B or Chapter VI; and</p> <p>(c) the address of the chair of the meeting in the case of any other meeting governed by this Constitution.</p>
“Parish”	<p>means any of the following ecclesiastical areas in Wales:</p> <p>(a) any parish, whether ancient or new;</p> <p>(b) a rectorial benefice;</p> <p>(c) each parish in a group of parishes;</p> <p>(d) a united parish;</p> <p>(e) a parish into which another parish (or part or parts of a parish or former parish) has been merged.</p>
“Parochial Church Council”	means the body constituted as provided in Chapter IV C.
“Physical Meeting”	means a meeting where all attendees are in the same physical location.
“Provincial Nomination Board”	means the Nomination Board constituted in accordance with Regulation 8 of the Governing Body Regulations relating to Appointments and Nominations.

“Provincial Safeguarding Panel”	means the panel appointed by the Standing Committee to review and advise upon casework relating to the safeguarding of children and adults at risk within the Church in Wales
“Qualified Elector”	means a person whose name is entered on the electoral roll of a Parish in Wales.
“Rectorial Benefice”	means a Benefice established in accordance with Chapter IV D sections 3(j) and 4(3).
“Representative Body”	means the body incorporated by Royal Charter on the 24th day of April 1919 (as amended) and referred to in the Welsh Church Act 1914 and Chapter III.
“Standing Committee”	means the Standing Committee of the Governing Body.
“Tribunal”	means the Disciplinary Tribunal of the Church in Wales established in accordance with Chapter IX Part III.
“Wales”	means the Province of the Church in Wales

8.

Any references in the Constitution:

- (a) to a Chapter number, means that Chapter of the Constitution;
- (b) within a Chapter to a numbered section or subsection or to a Part means that numbered section or subsection or Part of that Chapter; and
- (c) to a Regulation or paragraph number, means that numbered Regulation or paragraph of the Regulation concerned.

9.

For the purposes of the Marriage Act 1949 (and any subsequent or replacement legislation for the purposes of the solemnisation of marriages) a Clerk in Holy Orders of the Church in Wales means a person in deacons', priests' or bishops' orders holding:

- (a) an ecclesiastical office in the Church in Wales; or
- (b) an ecclesiastical licence granted by a Bishop; or
- (c) permission to officiate granted by a Bishop.

**THE CONSTITUTION OF
THE CHURCH IN WALES
VOLUME I**

**CHAPTER II
THE GOVERNING BODY**

(Ref: 2292)

**CHAPTER II:
THE GOVERNING BODY**

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Chapter II

THE GOVERNING BODY

Part I: Composition

1.

The Governing Body shall consist of three Orders, namely: the Bishops, the Clergy, and the Laity.

2.

The Order of the Bishops shall consist of the Archbishop and the other Diocesan Bishops of the Church in Wales. They shall have the right to meet for private debate and decision before voting as an Order.

3.

The Order of the Clergy shall consist of:

- (a) every Assistant Bishop appointed in a full time stipendiary capacity who shall retire with the Order of the Bishops for private debate but shall vote with the Order of the Clergy;
- (b) the Deans of three of the Cathedrals of the Church in Wales elected as provided in Part I of the Regulations relating to the Governing Body;
- (c) one Archdeacon from each Diocese nominated by the Diocesan Bishop after consultation with all the Archdeacons in the Diocese;
- (d) such of the *ex-officio* members, whose offices are set out in Part I of the Regulations relating to the Governing Body, as shall be clerics;
- (e) six elected clerical members for each Diocese, elected by the clerical members of the Diocesan Conference, as provided in Part I of the Regulations relating to the Governing Body; and
- (f) the clerics co-opted by the Governing Body and appointed by the Standing Committee as provided in Part I of the Regulations relating to the Governing Body.

4.

The Order of the Laity shall consist of:

- (a) the *ex-officio* lay members, whose offices are set out in Part I of the Regulations relating to the Governing Body;
- (b) twelve elected lay members for each Diocese, elected by the lay members of the Diocesan Conference, as provided in Part I of the Regulations relating to the Governing Body; and
- (c) lay members co-opted by the Governing Body and appointed by the Standing Committee as provided in Part I of the Regulations relating to the Governing Body.

Part II: Eligibility for Membership

5.

(1) Subject to subsections (2), (3) and (4), every Cleric who holds a dignity, cathedral preferment, benefice or office within the Church in Wales, or a licence from a Diocesan Bishop, shall be eligible to be a member of the Governing Body.

(2) No Cleric in the full-time salaried employment of the Representative Body, a Diocesan Board of Finance or any other such provincial or diocesan body within the Church in Wales shall be eligible to be a member of the Governing Body or its Standing Committee.

(3) No Cleric who is disqualified from acting as a trustee or senior manager of a charity under the laws of Wales shall be eligible to be a member of the Governing Body or any committee or sub-committee thereof.

(4) No Cleric who has retired or who has reached his or her seventieth birthday shall be eligible to be a member of the Governing Body.

(5) No Cleric who is arrested on suspicion of a criminal offence for which the Cleric would be liable for automatic disqualification as a trustee or senior manager of a charity under the laws of Wales as a result of a conviction for that offence (or who is charged with such an offence without being arrested) shall attend any meeting or vote in any proceedings of the Governing Body or any committee or sub-committee thereof until the conclusion of those criminal proceedings.

(6) If a Secretary of the Governing Body becomes aware that a purported member of the Order of Clergy of the Governing Body is ineligible for membership under this section or the Regulations relating to the Governing Body he or she shall give notice to the Bishop of the relevant Diocese that a casual vacancy exists.

(7) The purported exercise of a vote by any Cleric who is ineligible to vote or suspended from voting under the provisions of subsections (2)-(5) shall not invalidate any proceedings in which such vote may be given

6.

(1) Subject to subsections (2), (3), (4) and (5), every lay Confirmed Communicant who is over eighteen years of age and who either resides or has resided at any time for a period of twelve months in a parish which is in Wales or whose name appears in the electoral roll of any parish in Wales and who does not belong to any religious body which is not in communion with the Church in Wales, shall be eligible to be a member of the Governing Body.

(2) No salaried employee of the Representative Body, a Diocesan Board of Finance or any other such provincial or diocesan body within the Church in Wales shall be eligible to be a member of the Governing Body or its Standing Committee.

(3) No lay Communicant who is disqualified from acting as a trustee or senior manager of a charity under the laws of Wales shall be eligible to be a member of the Governing Body or any committee or sub-committee thereof.

(4) No lay Communicant who has reached his or her seventy fifth birthday shall be eligible to be a member of the Governing Body.

(5) A lay Communicant may be elected a member of the Governing Body only for the diocese in which he or she either resides, holds diocesan office or has his or her name on the electoral roll of a parish in such diocese.

(6) No lay Communicant who is arrested on suspicion of a criminal offence for which the lay Communicant would be liable for automatic disqualification as a trustee or senior manager of a charity under the laws of Wales as a result of a conviction for that offence (or who is charged with such an offence without being arrested) shall attend any meeting or vote in any proceedings of the Governing Body or any committee or sub-committee thereof until the conclusion of those criminal proceedings.

(7) If a Secretary of the Governing Body becomes aware that a purported member of the Order of Laity of the Governing Body is ineligible for membership under this section or the Regulations relating to the Governing Body he or she shall give notice to the Bishop of the relevant Diocese that a casual vacancy exists.

(8) The purported exercise of a vote by any lay Communicant who is ineligible to vote or suspended from voting under the provisions of subsections (2)-(6) shall not invalidate any proceedings in which such vote may be given

7.

Every member of the Order of the Laity, before taking his or her seat, shall sign a declaration in the following form in a register to be kept for the purpose by the Secretaries of the Governing Body:

I, J...S...of..., do hereby solemnly declare that I am a Communicant over eighteen years of age and qualified to be a member of the Governing Body of the Church in Wales, and that I do not belong to any religious body which is not in communion with the Church in Wales.

8.

Every retiring member shall be eligible for membership if otherwise duly qualified.

Part III: Meetings

9.

The Archbishop shall be the President of the Governing Body and is hereinafter referred to as the President. If at any time there be no Archbishop, or in case of the Archbishop's incapacity or absence from the British Isles, or refusal to act, the senior Diocesan Bishop, willing to act and capable of acting and not then absent from the British Isles, shall become and be the President of the Governing Body.

10.

No meeting shall be invalidated by any accidental omission to observe any of the Regulations relating to the summoning or holding of such meetings, nor shall the absence or neglect of any of the Secretaries of the Governing Body invalidate any act of the other Secretary or Secretaries or of any meeting herein authorised; and at such meeting in the absence of all the Secretaries of the Governing Body, such meeting shall appoint a deputy secretary for that meeting, who shall render a full and faithful report to the Secretaries.

Part IV: Powers

The Constitution

11.

- (1) Subject to subsections (2) and (3), the Governing Body shall have power:
- (a) to add to, alter, amend, or abrogate any of the provisions of the Constitution;
 - (b) to make new articles, doctrinal statements, rites, ceremonies and formularies and to alter those from time to time existing; and
 - (c) to make provision for matters of faith and discipline and to alter those from time to time existing.
- (2) No such action as is described in subsections (1)(b) and (c) shall be taken except by the procedure relating to bills set out in Part V, backed and introduced in the Governing Body by a majority of the Order of the Bishops.
- (3) Subject to subsection (2), subsections (1)(b) and (c), (2) and (3) and the provisions of section 33 shall only be added to, altered, amended or abrogated by the procedure relating to bills set out in Part V.

General powers

12.

The Governing Body shall have power to make general regulations for the election of the Body, and for the qualification of the electors, and constitutions and regulations for the general management and good government of the Church, and the property and affairs thereof, whether as a whole or according to dioceses, including regulations as to how and by whom appointments to diocesan bishoprics and to Benefices shall be made, and the manner and method in which such constitutions and regulations shall be created and carried out.

13.

- (1) Subject to the provisions of the Welsh Church Act 1914 the Governing Body shall have power to remove any member of the Governing Body or of the Representative Body for sufficient reason.
- (2) The Governing Body shall be the final judge of what constitutes a sufficient reason within the meaning of this section.

Matters relating to the Governing Body

14.

(1) Subject to the provisions of the Welsh Church Act 1914 and the Constitution, the Governing Body shall have power to make regulations in respect of the Governing Body for:

- (a) its composition;
- (b) the qualification of its electors;
- (c) its elections;
- (d) the duration of membership of the Governing Body;
- (e) the removal of members;
- (f) the business and proceedings of the Governing Body including the procedure for making general regulations under this section;
- (g) the composition, powers and procedures of any committee of the Governing Body;
- (h) its management and government;
- (i) its property and affairs; and
- (j) any payment of expenses incurred by members in attendance at meetings of the Governing Body and its committees.

(2) The Governing Body shall have such other supplementary and consequential powers as appear to it necessary or expedient for the purposes of carrying out its functions.

15.

The Governing Body shall have power to provide such houses, offices, and other buildings or accommodation as shall be necessary for the purposes:

- (a) of its meetings;
- (b) of providing a residence for its officers and servants; and
- (c) of providing a muniment room or other safe place of custody for its books and documents, and to pay rent, insurance, and all other expenses caused by its providing such houses or offices.

16.

(1) The Governing Body shall have power to appoint and pay Secretaries and to incur any expenses reasonably necessary and incidental to any of the above purposes.

(2) Any Clerical Secretary of the Governing Body shall be a Cleric in the Church in Wales, and any Lay Secretary of the Governing Body shall be a Communicant of the Church in Wales or of any Church in communion with it.

17.

The Governing Body shall have power to make such standing orders for the regulation of its procedure as it shall think fit, provided that the same are not inconsistent with anything herein enacted, and may from time to time rescind, suspend or vary the same.

18.

(1) The Governing Body shall appoint a Standing Committee of its members and shall have power to appoint such other committees or sub-committees of its members or of its members and others as it considers necessary.

(2) Membership of committees and sub-committees (with the exception of the Standing Committee) may include persons who are salaried employees of the Representative Body or a Diocesan Board of Finance provided that such persons do not comprise more than 25% of the total membership of that committee or sub-committee and the appointment of each such employee shall be specifically approved in each instance by the Standing Committee.

19.

The Governing Body shall have power at any time to change its name and title.

Matters relating to the Representative Body

20.

The Governing Body shall have power to make alterations in the number of members of the Representative Body and to make regulations in respect of the Representative Body for:

- (a) the numbers of its members;
- (b) their qualification, election, removal or retirement;
- (c) its powers and duties; and
- (d) its procedures;

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provided that such regulations do not conflict with the statutory authority, powers and duties of the Representative Body.

Matters relating to Diocesan Conferences

21.

The Governing Body shall have the power:

- (a) to review any act of a Diocesan Conference;
- (b) to control, alter, repeal or supersede any regulation made by a Diocesan Conference so far as may be necessary (of which the Governing Body shall be the final judge) to provide against the admission of any principle inexpedient for the common interest of the Church in Wales. The procedure by bill shall not apply to this subsection;
- (c) upon a petition signed by not less than one-third of the members of a Diocesan Conference to alter, repeal, or add to any of the rules and regulations relating to a Diocesan Conference; and
- (d) to issue any order or direction to a Diocesan Conference.

22.

(1) The Governing Body may refer any question to a Diocesan Conference, or the Diocesan Conferences, for their discussion and report.

(2) A Diocesan Conference may, by resolution, request that a motion be put before the Governing Body, which shall be proposed and seconded by two Governing Body members from that Diocese.

23.

The Governing Body may make Regulations to make provision for Diocesan Conferences for:

- (a) the clerical membership;
- (b) the convening of meetings; and
- (c) the business and proceedings.

Miscellaneous Powers

24.

Subject to the provisions of the Welsh Church Act 1914 and of the Constitution, the Governing Body shall have power to make Regulations for the following purposes:

- (a) the appointment to an office in the Church in Wales for which no specific provision is made in or under the Constitution;
- (b) to make provisions in respect of Deanery Conferences;
- (c) to make provisions for Parochial Administration in respect of Annual and other Vestry Meetings for:
 - (i) membership;
 - (ii) the duration of membership;
 - (iii) the removal of members;
 - (iv) business and procedure;
 - (v) meetings; and
 - (vi) powers;
- (d) to make provisions for Parochial Administration in respect of the Electoral Roll for:
 - (i) preparation, maintenance and management of the Roll; and
 - (ii) publication and inspection;
- (e) to make provision for Parochial Administration in respect of Parochial Church Councils and Churchwardens for matters relating to the Parochial Church Councils, churchwardens, sub-wardens and sidespersons;
- (f) to make provision for general parochial matters relating to the administration of a Parish and Grouped Parishes;
- (g) to make provisions relating to appointments and nominations for the right to collate or nominate for institution to vacant cures;
- (h) to make provisions relating to the election of the Diocesan Bishop for:
 - (i) the appointment of Episcopal Electors;
 - (ii) the Bishops' Electoral College; and
 - (iii) the appointment of Bishops;
- (i) to make provisions relating to the election of the Archbishop of Wales for:
 - (i) the Archbishop's Electoral College;
 - (ii) the appointment of the Archbishop; and
- (j) provisions relating to Parsonages.

25.

The Governing Body shall have power to make an order to transfer any part of a diocese to, and unite it with, any other diocese, now existing or hereafter to be created, provided that such an order shall not be valid unless and until it is assented to by the Conference or Conferences of the diocese or dioceses thereby affected, and shall not be carried out during the episcopate of the Bishop or Bishops of such diocese or dioceses at the time the order was made, without his or their consent.

26.

(1) The Governing Body shall have power to divide a diocese provided that no such division shall be made without the consent of the Diocesan Conference of that diocese and the consent of the Bishop of that diocese.

(2) In the event of the division of a diocese during his episcopate, the Bishop shall be entitled to choose of which of the sees he shall be Bishop.

Part V: Bill Procedure

Introduction of a Bill

27.

(1) Except in the cases provided for in section 11(2), a bill may be introduced by any two or more members of the Governing Body or by a Diocesan Conference.

(2) Those desirous of introducing a bill ("the Backers") may obtain the advice and assistance of the Drafting Sub-committee of the Standing Committee in preparing the bill prior to forwarding it to the Standing Committee in accordance with subsection (3).

(3) A copy of the proposed bill, in English and Welsh, with the names of the Backers, shall be forwarded to the Secretaries of the Governing Body not later than two weeks before the meeting of the Standing Committee at which the Backers intend the proposed bill to be considered.

(4) The Standing Committee shall consider at its next meeting every proposed bill forwarded to it in accordance with subsection (3).

(5) The Standing Committee if it is satisfied that the proposed bill is in order shall so inform the Backers and forthwith publish the bill by circulating a printed copy of it, in English and Welsh, with the names of the Backers printed on it, to all members of the Governing Body, together with a memorandum explaining the reason for the bill.

(6) If the Standing Committee is not satisfied that the proposed bill is in order it shall so inform the Backers, and may, with their consent or the consent of a majority of them, refer the proposed bill to the Drafting Sub-Committee for further advice and assistance.

Publication and consideration of a bill

28.

(1) Upon the publication of a bill, a Select Committee of members of the Governing Body shall be appointed by the Standing Committee for the purpose of considering and collating any amendments which members of the Governing Body may wish to move to the bill.

(2) The Standing Committee may, upon publication of a bill, decide to consult the dioceses regarding it in whatever manner it deems appropriate.

(3) Any member of the Governing Body may move an amendment to the bill, provided that written notice of every such amendment shall be given by the member to the Secretaries of the Governing Body within the six weeks immediately following the publication of the bill (or such longer period as may be prescribed by the Standing Committee).

(4) The Select Committee may itself propose amendments to the bill.

(5) The Select Committee shall submit a report to the Standing Committee within four months of the publication of the bill, provided that the Standing Committee may extend the time within which the Select Committee is to report if it decides to consult the dioceses in accordance with subsection (2) or extend the period for moving amendments in accordance with subsection (3).

(6) In its report, the Select Committee shall make a recommendation on each amendment proposed, and shall also recommend to the Standing Committee whether or not the bill should be deemed non-controversial. The report shall indicate any significant difference of opinion within the Select Committee regarding its recommendations.

29.

(1) Upon receiving the report of the Select Committee, the Standing Committee shall forthwith cause the report to be published to all members of the Governing Body and the bill shall be set down for consideration in committee at the next meeting of the Governing Body.

(2) Where the Standing Committee has accepted a recommendation of the Select Committee that a bill should be deemed non-controversial, it shall forthwith so report to the members of the Governing Body before the commencement of the meeting at which the committee stage of the bill is to be taken.

(3) In the case of a bill which has been deemed non-controversial by the Select Committee and the Standing Committee, the bill shall nevertheless proceed to the committee stage if one Diocesan Bishop or any ten members of the Governing Body so request by rising in their places. If no such request is made, the motion that the bill be passed shall be voted on forthwith in accordance with section 32, without any further consideration or debate.

30.

(1) For the purpose of procedure under the committee stage of the bill, a member shall be appointed by the Governing Body to act as Chair of the Committee.

(2) At the committee stage only those amendments received by the Select Committee shall be moved, provided nevertheless that:

- (a) amendments proposed by the Select Committee;
- (b) amendments arising out of other amendments made during the same session; and
- (c) such other amendments as may be allowed with special leave of the Chair of the Committee;

may be moved at the committee stage of the bill.

(3) After such consideration in committee, the bill shall be reported to the Governing Body and the motion that the bill be passed set down for immediate debate, provided that, if the Chair of the Governing Body so decides, the bill shall be set down for debate either on the next day or at the next meeting of the Governing Body.

(4) Where the motion that the bill be passed is not set down for immediate debate, it shall be permissible to refer the bill for further consideration by the Select Committee and for further consideration in committee at the Governing Body, provided that only amendments within the terms of subsections (2)(a), (b) and (c) may thereafter be moved.

(5) A bill the committee stage of which is not completed within three years of its publication shall be deemed to have lapsed.

31.

On the motion that the bill be passed no amendment shall be allowed, and the votes of each order shall be taken thereon separately, provided always that the Order of the Bishops shall not vote until after the declaration of the votes of the other two Orders. Upon such declaration of votes the Order of the Bishops may, if they think fit, retire for private debate, and announce the result of their voting at such later time during that meeting of the Governing Body as they shall think fit.

32.

(1) If the bill is passed by a two-thirds majority of the members present and voting of each of the three Orders, the President shall promulgate it as a canon of the Church in Wales, and it shall thenceforth be a law of the Church in Wales and binding on all its Members.

(2) If a bill be rejected by two out of the three Orders, it shall not be introduced again for a period of three years.

Part VI: Motions

Provisions relating to motions (other than those relating to bills)

33.

(1) All motions before the Governing Body (except such as require to be introduced and enacted by bill procedure to become effective) must be passed by a majority of its members, present and voting.

(2) Such majority may be ascertained by a show of hands of such members, but a division may be required before or after the show of hands by one Diocesan Bishop or any ten members rising in their places, and in that case the motion shall not be deemed to be passed unless it receives the assent of a majority of each of the Orders of the Bishops, the Clergy and the Laity.

(3) If such motion obtains a majority of two of the three Orders, it may be introduced and moved at the next ordinary meeting of the Governing Body, and if it then obtains the assent of all the members of the Order of the Bishops present and voting, and of a two-thirds majority of either the Order of the Clergy or the Order of the Laity present and voting, it shall be deemed to be duly passed by the Governing Body.

34.

(1) When a motion which will necessitate amendment of the Constitution is passed by the Governing Body, such motion, in the absence of other direction, shall be deemed to include an instruction to the Drafting Sub-Committee of the Standing Committee to prepare the appropriate amendment or amendments to the Constitution.

(2) When a motion passed by the Governing Body is stated to be made in pursuance of this subsection, the terms of the motion, without awaiting any amendment of the Constitution which otherwise would be necessary, shall take effect forthwith, but at most only until the next ordinary meeting of the Governing Body.

(3) When a motion which necessitates amendment of the Constitution is passed by the Governing Body and is stated to be made in pursuance of this subsection, such motion shall be deemed to include an instruction to the Standing Committee to give effect to the appropriate amendment or amendments to the Constitution once they have been prepared by the Drafting Sub-Committee unless that Sub-Committee recommends or the Standing Committee determines otherwise.

Part VII: Procedure for the making and bringing into force of Regulations

35.

- (1) Subject to the provisions of this section, the Standing Committee of the Governing Body is authorized to make and bring into operation all regulations which the Governing Body has the power to make under the Constitution and this Chapter.
- (2) The powers of the Standing Committee to make regulations include powers to alter, amend, add to, or make new provision in the place of, existing Regulations.
- (3) The Representative Body, or any two or more members of the Governing Body, (hereinafter referred to as "the proposer") may propose draft Regulations to the Standing Committee.
- (4) The proposer shall sign and deliver the draft regulations to the Secretary of the Standing Committee together with an explanatory note setting out the reasons for the proposal not less than four weeks before the meeting of the Standing Committee at which the proposer intends the draft regulations to be considered.
- (5) The proposer may obtain the advice and assistance of the Drafting Sub-Committee in preparing the draft regulations prior to their delivery in accordance with subsection (4).
- (6) If the draft regulations are delivered in accordance with subsection (4), the Standing Committee at its meeting shall consider the draft Regulations and if the principle of the draft is accepted, with or without amendments, shall instruct the Drafting Sub-Committee to prepare the regulations.
- (7) The Drafting Sub-Committee shall submit the regulations to the Standing Committee who may:
 - (a) remit them to the Drafting Sub-Committee for further drafting;
 - (b) decide to recommend to the Governing Body at its next meeting that the regulations be made; or
 - (c) make the regulations, in which case the Standing Committee shall decide the date of the coming into operation of all or any of the provisions of the regulations and subsections (8), (9) and (10) shall apply.
- (8) In their next report to the Governing Body the Standing Committee shall include a copy of all regulations made by them under subsection (7)(c) together with an explanatory memorandum of the reasons for and the effect of the regulations. No amendment or annulment shall be moved to such regulations at that stage.

- (9) Not less than three months before the next meeting of the Governing Body following the meeting at which the report of the making of the regulations under subsection (7)(c) by the Standing Committee was given, written notice of a motion to amend or annul such regulations may be signed by at least one Diocesan Bishop or at least ten members of the Governing Body. Such notice shall be delivered to the Secretaries of the Governing Body. Any such motion shall be set down for debate at the next meeting of the Governing Body.
- (10) (a) If notice is given in accordance with subsection (9), such Regulations, if they are already in force, shall continue in force until the conclusion of the debate on the motion to amend or to annul.
- (b) If, in accordance with section 33, the motion is passed, such regulations shall be amended or annulled as the case may be, and:
- (i) in the case of annulment the regulations shall be deemed to have no effect from the date of their annulment, but this shall be without prejudice to the validity of anything which has been carried out in accordance with the regulations prior to their annulment;
 - (ii) in the case of amendment, the amendment shall be deemed to have taken effect from the date of such amendment of the regulations and shall be without prejudice to the validity of anything which has been carried out in accordance with the regulations prior to their amendment.

Part VIII: General

Saving of powers of the Archbishop and Diocesan Bishops

36.

Nothing herein shall affect the rights at present existing in a Diocesan Bishop in respect of institution to any Benefice or ecclesiastical office, or any right of the Archbishop and Bishops assembled in Synod in reference to the confirmation of, or any right of the Archbishop in reference to the consecration of a Bishop-Elect.

37.

Subject to the Constitution, no proceeding of the Governing Body shall interfere with the exercise by the Archbishop of the powers and functions inherent in the Office of Metropolitan, nor with the exercise by the Diocesan Bishops of the powers and functions inherent in the Episcopal Office.

**THE CONSTITUTION OF
THE CHURCH IN WALES
VOLUME I**

**CHAPTER II
REGULATIONS RELATING TO
THE GOVERNING BODY**

(Ref: 2292)

CHAPTER II

REGULATIONS RELATING TO THE GOVERNING BODY

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Regulations relating to the Governing Body

In exercise of its powers under Chapter II of the Constitution the Governing Body hereby makes the following regulations entitled "Regulations relating to the Governing Body" set out as follows:

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Part II: Duration of Membership

Part III: Meetings

Part IV: Provisions consequent upon the election of the Archbishop

Part V: Standing Committee of the Governing Body

Part VI: Other committees of the Governing Body

Part I: Composition of the Governing Body

1. *The Deans*

- 1.1 The three Deans referred to in Chapter II section 3(b) shall be elected by the Deans of the Cathedral of each Diocese in accordance with the following procedure:
 - 1.1.1 not later than fifteen months before the commencement of the triennium to which the election relates, the Secretaries of the Governing Body shall notify the Dean who is the first in seniority of the Deans of the Cathedral of each Diocese that an election is to be held and the numbers to be elected;
 - 1.1.2 such election shall be held no later than the 31st January in the year preceding the triennium to which it relates and the Dean who is the first in seniority shall arrange such election and shall determine the manner in which it shall be held in consultation with all the Deans;
 - 1.1.3 the Dean who is first in seniority shall notify the Secretaries of the Governing Body of the result of the election within 28 days from the date it is held;
 - 1.1.4 in the event of failure to hold such election or to notify the Secretaries of the Governing Body of the result, the President shall nominate the three Deans referred to in Chapter II section 3(b); and
 - 1.1.5 the failure of the Deans to elect three of their number as members or to notify the Secretaries of the Governing Body of the result of such election, or the failure of the President to exercise his power of nomination, shall not prevent the Governing Body proceeding with the despatch of business nor invalidate its proceedings.
- 1.2 The Deans elected shall hold office for a term of three years and shall be eligible for re-election.

Chapter II - Regulations relating to the Governing Body

2. Archdeacons

- 2.1 The Archdeacons nominated by their Diocesan Bishops in accordance with Chapter II section 3(c) shall hold office for a term of three years and shall be eligible for renomination for further terms.
- 2.2 The failure of a Diocesan Bishop to nominate an Archdeacon in accordance with Chapter II section 3(c) shall not prevent the Governing Body proceeding with despatch of business nor invalidate its proceedings.

3. Ex-officio members

Unless they are already *ex-officio* members of the Governing Body under some other provision of the Constitution, the Chair and Deputy Chair of the Representative Body shall be *ex-officio* members of the Governing Body.

4. Co-opted members

- 4.1 The members of Governing Body shall co-opt as members (by way of election):
 - 4.1.1 three Clerics who (at the time of their co-option) either:
 - (a) have been in Holy Orders for less than four years; or
 - (b) exercise ministry pursuant to a licence from a Bishop but are not in receipt of a stipend from the Church in Wales; and
 - 4.1.2 six lay persons who shall be under the age of thirty years at the time of their co-option.
- 4.2 The Standing Committee may appoint as members of Governing Body:
 - 4.2.1 up to three Clerics; and
 - 4.2.2 up to six lay persons.
- 4.3 Any casual vacancy created by the resignation, expulsion, disqualification or death of a member elected pursuant to regulation 4.1 shall be filled by a by-election.
- 4.4 Any casual vacancy created by the resignation, expulsion, disqualification or death of a member elected pursuant to regulation 4.2 shall be filled by the Standing Committee.
- 4.5 Members elected or appointed in accordance with this regulation 4 are referred to as co-opted members.
- 4.6 A Cleric co-opted under this regulation 4 shall continue membership of the Governing Body only while such Cleric remains a Cleric in the Church in Wales.

5. Elected Members

- 5.1 For the election of clerical and lay members, each Diocesan Conference:
 - 5.1.1 may elect a member from the diocese as a whole; or
 - 5.1.2 may form electoral districts from archdeaconries, area deaneries or parishes and may apportion the number of representatives to be elected from each such district.
- 5.2 The Diocesan Conference shall make supplemental lists of Clerics and lay persons from which casual vacancies shall be filled according to the order in which they are placed on such lists by the Conference.

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- 5.3 Each election and the making of such lists shall be held and made respectively in time to enable the newly elected members to take office immediately on the expiration of the term of office of the members then retiring, and the Governing Body shall make due provision for such purposes.
- 5.4 In the event of the death, removal or disqualification of any elected member his or her place shall be filled from the appropriate supplemental list of members of the diocese for which such member sat.

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6. In the event of any change taking place in the representation of a diocese on the Governing Body, the Bishop of such diocese shall cause the same to be notified to the Secretaries of the Governing Body.
7. The failure of any diocese to elect or return members, clerical or lay, or to make and forward supplemental lists, or the failure of the Governing Body to exercise its powers of co-option, shall not prevent the Governing Body from proceeding to despatch of business, nor invalidate its proceedings

Part II: Duration of Membership

8. Any member of the Governing Body who joins a religious body which is not in communion with the Church in Wales and any *ex-officio* member of the Governing Body who ceases to hold the office in respect of which he or she became a member shall thereupon cease to be a member of the Governing Body.
- 9.1 The membership of an elected or co-opted member of the Governing Body who is a lay person shall cease on his or her seventy-fifth birthday and the membership of an elected or co-opted member of the Governing Body who is a Cleric shall cease upon retirement or upon reaching his or her seventieth birthday whichever is the earlier, save that if such retirement or birthday occurs during the currency of a meeting of the Governing Body or any committee thereof his or her membership shall continue nevertheless until the termination of such meeting. A meeting at any time adjourned beyond the then following next day shall be deemed to be terminated for the purpose of this regulation.
- 9.2 Where a person, in order to hold some office, is required to be "qualified to be a member of the Governing Body", the fact that such person is over seventy-five years of age if that person is a lay person or the fact that such person is over seventy years of age if that person is a Cleric shall not preclude him or her from holding such office.
- 9.3 Paragraph 9.1 shall not apply to *ex-officio* members.
- 10.1 A clerical member of the Governing Body, elected for the diocese in which he or she was then serving, shall continue a member only whilst serving or residing in such diocese.
- 10.2 A lay member of the Governing Body elected for the diocese in which he or she was then residing, shall continue a member only whilst residing in such diocese, save that this paragraph shall not apply to one holding diocesan office, or whose name is on the electoral roll of a parish in such diocese.
11. Subject to the respective provisions of Regulations 4, 9.1 and 10, every person elected or co-opted to membership of the Governing Body shall hold office for a term of three years.

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12. Subject to compliance with the requirements of Regulation 4, 9.1 and 10 as the case may be, a person appointed to fill a casual vacancy among the elected or co-opted members shall hold office until the date when the member whom such person replaces would have been due to retire apart from the provisions of those respective regulations.
13. On 31st December in every year one third of the members elected by each diocese and one third of the co-opted members shall retire, and in their stead like numbers of members shall be elected by each diocese and co-opted by the Governing Body, provided always that a Cleric shall be elected or co-opted to succeed a Cleric and a lay person to succeed a lay person.
14. Any elected member may, by notice in writing addressed to the Bishop of the diocese for which such member has been elected, resign his or her seat on the Governing Body, and on receipt by the Bishop of such resignation the seat of such member shall become vacant and his or her place shall be filled from the appropriate supplemental list of members of such diocese.
15. Any co-opted member may, by notice in writing addressed to the Secretaries of the Governing Body, resign his or her seat on the Governing Body.

Part III: Meetings

16. All meetings of the Governing Body shall be convened in the name and by the authority of the President, who shall deliver his mandate to the Secretaries of the Governing Body to summon by citation the Governing Body for the time and to the place fixed by the Governing Body, the Standing Committee thereof or the President, as the case may be.
17. Subject to any specific requirements of the Constitution, the Chair of the Governing Body shall be:
 - 17.1 the President or, in his absence, the Diocesan Bishop next in order of precedence present and willing to act; or
 - 17.2 a person chosen by the President or, in his absence, by the Diocesan Bishop next in order of precedence and present, from a panel of Chairmen approved by the Governing Body.
18. There shall be at least one ordinary meeting of the Governing Body in every year at such time and place as shall from time to time be prescribed by the Governing Body.

Chapter II - Regulations relating to the Governing Body

19. The Standing Committee shall have power to alter the time and place fixed for the next meeting of the Governing Body and to substitute another time and place.
20. [Deleted]
21. The Secretary of each Diocesan Conference within one week after an election shall return to the Secretaries of the Governing Body the names and addresses of all elected members together with the names and addresses of all persons who have been placed on the supplemental lists of members.
22. In the event of any member having been elected for more than one diocese, the Secretaries of the Governing Body shall give notice in writing to such member, calling on him or her to signify in writing within twenty one days his or her choice of the diocese for which he or she will serve. In the event of such member failing so to signify his or her choice, the President shall choose the diocese for which he or she shall serve, and thereupon the seat or seats of such member for any other diocese or dioceses for which he or she shall have been elected shall be filled up from the appropriate supplemental list of members of such diocese or dioceses.
- 23.1 Seven weeks before an ordinary meeting of the Governing Body, the Secretaries shall send the President's citation in writing to each member thereof to attend the same at the given time and place.
- 23.2 Any member or members desirous of proposing a motion at such meeting shall, except by special leave of the Governing Body, give notice thereof, together with the name of a member who has agreed to second such motion, to the Secretaries not later than five weeks before the commencement of the meeting. Where such a motion is being proposed pursuant to a resolution of a Diocesan Conference, the Secretary of that Conference may give such notice as required by this paragraph together with the names of those members who have agreed to propose and second the motion on that Conference's behalf.
- 23.3 An agenda for an ordinary meeting of the Governing Body shall be sent to each member thereof fourteen days before the commencement of such meeting.
24. The Secretaries of the Governing Body shall attend every meeting thereof, and shall keep minutes of its proceedings, receive notices of proposed bills, and notices of motion and other business, and shall prepare the agenda for the meetings, according to the instructions of the President.
25. The President shall, with the advice of the Standing Committee, decide the order of entering upon the agenda for any ordinary meeting business which he desires to bring before the Governing Body or of which notice has been received from members, and he may assign any such business to a particular day of the session.

Chapter II - Regulations relating to the Governing Body

26. Subject to Chapter II, these Regulations and to any standing orders from time to time made with reference thereto:
 - 26.1 the business and procedure of any meeting of the Governing Body shall be regulated by the Chair; and
 - 26.2 the Chair shall have power to appoint assessors, if he or she thinks fit.
27. A quorum of the Governing Body shall be forty, in which number there shall be not less than one Diocesan Bishop, twelve clerical and sixteen lay members. If any member draws attention to the fact that a quorum may not be present, the Chair shall count the Governing Body and if satisfied that no quorum is present shall either:
 - 27.1 adjourn the Governing Body to such time on the same or the next day as he thinks fit; or
 - 27.2 adjourn the Governing Body generally in order that the President may decide upon the future conduct of the meeting. If the Governing Body is adjourned as aforesaid, the President shall subsequently determine that it stand adjourned either to a day (not being less than seven weeks later) and place fixed by him, which shall be notified to the members of the Governing Body in the manner prescribed in Regulation 23, or without day, as he thinks fit.
28. Any question relating only to standing orders or the conduct of business shall be decided by a majority of the Governing Body. The Chair of the meeting shall decide whether any particular question falls within this Regulation.
29. Any question within the meaning of the last Regulation may be brought forward by any member on notice of motion in writing, handed in during the meeting to the Chair.
- 30.1 The President may at his own discretion and shall at the request in writing of any Diocesan Bishop, or at the request in writing signed by not less than one third of the clerical and of the lay members of the Governing Body, deliver his mandate to the Secretaries of the Governing Body to summon by citation a special meeting of the Governing Body for any stated purpose.
- 30.2 Such special meeting shall be held upon a day not earlier than the fourteenth day from the date of the issue of such mandate and in such place as the President may determine.
- 30.3 The citation to such special meeting shall state the business to be transacted thereat, and shall be sent to all members at least seven days before the day fixed for holding the same.
31. No business shall be transacted at any special meeting other than that stated in the notice convening the same, but the procedure and powers of a special meeting shall be the same as the procedure and powers of an ordinary meeting of the Governing Body.
32. After the conclusion of the business of the Governing Body, the proceedings and minutes shall be authenticated by the signature of the Chair.

Part IV : Provisions consequent upon the election of the Archbishop

- 33.1 At the meeting of the Governing Body held next after the election and accession of the Archbishop, the senior Diocesan Bishop present and willing to act shall take the chair and shall call upon one of the Secretaries to produce and read the document notifying the election and accession of the Archbishop.
- 33.2 After the reading of such document the Archbishop shall take the chair and shall say prayers, including the Lord's Prayer and the Apostles' Creed.
- 33.3 At the conclusion of prayers the Archbishop shall proceed with the business of the Governing Body.

Part V: The Standing Committee of the Governing Body

34. Composition

- 34.1 The Governing Body triennially shall appoint a Standing Committee of its members to hold office from 1 January in the relevant year.
- 34.2 The Committee shall consist of:
- 34.2.1 the Diocesan Bishop and two members (one clerical and one lay) from each diocese, the two members to be appointed by the Standing Committee of the Diocesan Conference from among the Governing Body members from that diocese;
- 34.2.2 the Chair and Deputy Chair of the Representative Body;
- 34.2.3 such members of the Governing Body (not exceeding two in number) as the Governing Body may decide to appoint, on the nomination of the Standing Committee, at the Governing Body meeting immediately prior to the start of a new triennial period; and
- 34.2.4 such persons (not exceeding two in number) as the Standing Committee may decide to co-opt.
- 34.3 Any casual vacancy among the appointed or co-opted members shall be filled by the body entitled to make that appointment..
- 34.4 At the first meeting during each triennial period, and as necessary following any vacancy in either office, the Standing Committee shall elect a Chair and Vice-Chair from among its members. Thereafter, in the event of the absence of the Chair and the Vice-Chair from any meeting, the Standing Committee shall appoint another member to preside at that meeting.

35. Meetings

- 35.1 The Standing Committee shall meet at least three times in every year and may also be convened and consulted by the President if and when he thinks fit.
- 35.2 The Secretaries of the Governing Body shall be the Secretaries of the Standing Committee and shall attend and keep the minutes of every meeting of the Standing Committee.
- 35.3 The Secretary of the Representative Body shall attend every meeting of the Standing Committee and may speak but not vote.

Chapter II - Regulations relating to the Governing Body

36. Powers and Duties

- 36.1 The Standing Committee shall advise the Governing Body on matters of policy, including:
- 36.1.1 long term planning and the relationship of such planning to resources;
 - 36.1.2 the establishment of priorities in the use of resources; and
 - 36.1.3 the approval of budgets prepared by the Representative Body.
- 36.2 The Standing Committee shall have power to make regulations for the Church in Wales in accordance with the procedure for making regulations determined from time to time by the Governing Body.
- 36.3 Subject to the overall control of the Governing Body and to the provisions of this paragraph and of paragraphs 36.4 and 36.5, the Committee shall have the power to regulate its own procedures, including the appointment of working groups and sub-committees of its members, and the Committee may, from time to time and as it deems fit, co-opt any person or persons to serve on such working group or sub-committee.
- 36.4 The Standing Committee shall appoint an Appointments and Business Sub-Committee, whose members shall be the President of the Governing Body, the Chair of the Standing Committee, three clerics elected by the Standing Committee from among its members and three lay members elected by the Standing Committee from among its members. The Chairmen of any Commissions or Sub-Committees of the Standing Committee shall be invited to attend meetings of this Sub-Committee when business involving the work of such Commission or Sub-Committee is to be discussed, and they may speak at such meeting but not vote.
- 36.5 The Standing Committee shall appoint under the provisions of paragraph 36.3 a Drafting Sub-Committee and the Chair of a Legal Sub-Committee who shall appoint the other members of that Sub-Committee in consultation with the Chair of the Standing Committee when occasion so requires.
- 37.1 The Standing Committee shall cause the proceedings and minutes of the Governing Body to be duly recorded and shall cause such parts of the same as shall be ordered, or which they think ought to be published, to be printed in English and Welsh, for the general use of the Church in Wales.
- 37.2 The Standing Committee may authorise the Secretaries of the Governing Body to supply to any person a copy of any part of the English or Welsh versions of the Constitution on such terms as they shall think fit.
- 37.3.1 The Standing Committee shall have power to incur any expense reasonably necessary to carry out the duties hereby or by any future regulation of the Governing Body entrusted to or imposed upon them.
 - 37.3.2 The members of the Standing Committee shall be indemnified by the Representative Body against any expense so incurred.
- 37.4 The Standing Committee shall make all necessary arrangements for the safe keeping of the books and documents, and all other such property of the Governing Body.

Part VI: Other committees of the Governing Body

38. The Governing Body shall have power to appoint other committees of its members, and to make rules and regulations for the powers of and the procedure to be followed by any committee, provided that all acts and decisions of any such committee, unless previously authorised, must be ratified and confirmed by the Governing Body before becoming valid.
39. Except as herein expressly provided, if any member of a committee shall cease to be a member of the Governing Body such member shall be deemed thereupon to have vacated his or her place on the said committee, and such place may be filled by the Standing Committee, and any member so appointed shall act until the next meeting of the Governing Body.

**THE CONSTITUTION OF
THE CHURCH IN WALES
VOLUME I**

**CHAPTER III
THE REPRESENTATIVE BODY**

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**CHAPTER III:
THE REPRESENTATIVE BODY**

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Chapter III

THE REPRESENTATIVE BODY

Part I: General

1.

The Representative Body shall be subject to such alterations to the provisions of this Chapter and to such regulations made in respect of the Representative Body as shall from time to time be adopted by the Governing Body, provided always that such provisions and regulations and alterations do not conflict with the Representative Body's statutory authority, powers and duties.

Part II: Composition

Membership

2.

- (1) The Representative Body shall consist of:
 - (a) *ex-officio* members who shall be:
 - (i) the Archbishop;
 - (ii) the Chair of each Diocesan Board of Finance; and
 - (iii) the Chair of the Standing Committee.
 - (b) elected members, who shall be one Cleric and one lay person from each Diocese elected by the respective Diocesan Conferences who shall hold office for a period of three years from 1 January in the relevant year and shall be eligible for re-election for further periods of three years if otherwise duly qualified;
 - (c) co-opted members who shall be limited to two, co-opted by the *ex-officio* and elected members of the Representative Body without any regard for dioceses, who shall hold office for a period of three years from the date of their co-option and shall be eligible for co-option for further periods of three years if otherwise duly qualified; and
 - (d) nominated members, who shall be limited to four, nominated by the Bench of Bishops in consultation with the Standing Committee, who shall hold office for a period of three years from the date of their nomination and shall be eligible for nomination for further periods of three years if otherwise duly qualified.

- (2) In the event of any member having been elected for more than one diocese, the Secretary of the Representative Body shall give notice in writing to such member calling on him or her to signify in writing within twenty one days his or her choice of the diocese for which he or she will serve. In the event of such member failing so to signify his or her choice, the Chair shall choose the diocese for which he or she shall serve, and thereupon the seat or seats of such member for any other diocese or dioceses for which he or she shall have been elected shall be filled up from the appropriate supplemental list of members of such diocese or dioceses.

3.

- (1) Each Diocesan Conference shall, by election, make supplemental lists of Clerics and lay persons from which casual vacancies among the elected members of the Representative Body shall be filled according to the order in which they are placed on such lists by the Conference.
- (2) The ex-officio and elected members shall fill a casual vacancy among the elected members from the relevant supplemental list prepared by the Diocesan Conference, always appointing a cleric to succeed a cleric and a lay person to succeed a lay person.
- (3) The ex-officio and elected members may fill a casual vacancy among those members co-opted by them.
- (4) The Bench of Bishops, in consultation with the Standing Committee, may fill a casual vacancy among those members nominated by them.
- (5) Subject to section 8, a person appointed to fill a casual vacancy among members shall hold office until the date when the member whom he or she replaces would have been due to retire apart from that section.

4.

The failure of any diocese to elect or return members, clerical or lay, or to make and return supplemental lists, or the failure of the Representative Body to exercise its powers of co-option or filling vacancies, or the failure of the Bench of Bishops to exercise their powers of nomination or filling vacancies shall not prevent the Representative Body from proceeding with the despatch of business nor invalidate its proceedings.

5.

Any member of the Representative Body may resign from office by notice in writing addressed to the Secretary of the Representative Body.

Part III: Qualification for Membership

6.

(1) Subject to subsections (2) and (3), every Cleric who holds a dignity, cathedral preferment, benefice or office within the Church in Wales or a licence from a Diocesan Bishop, shall be qualified to be a member of the Representative Body or any committee or sub-committee thereof.

(2) No Cleric in the full-time salaried employment of the Representative Body, a Diocesan Board of Finance or any other such provincial or diocesan body within the Church in Wales shall be eligible to be a member of the Representative Body.

(3) No Cleric who has retired or who has reached his or her seventieth birthday shall be qualified to be a member of the Representative Body.

7.

(1) Subject to subsections (2), (3) and (4), every lay Communicant who is over eighteen years of age, and who either resides or has resided at any time for a period of twelve months in a parish which is in Wales or whose name appears in the electoral roll of any parish in Wales and who does not belong to any religious body which is not in communion with the Church in Wales, shall be qualified to be a member of the Representative Body or any committee or sub-committee thereof.

(2) No salaried employee of the Representative Body, a Diocesan Board of Finance or any other such provincial or diocesan body within the Church in Wales shall be eligible to be a member of the Representative Body.

(3) No Lay communicant who has reached his or her seventy fifth birthday shall be qualified to be a member of the Representative Body.

(4) A lay Communicant may be elected a member of the Representative Body only for the diocese in which he or she either resides, holds diocesan office or has his or her name on the electoral roll of a parish in such diocese.

8.

The membership of an elected, co-opted or nominated member of the Representative Body shall if that member is a Cleric cease on his or her seventieth birthday or if that member is a lay person shall cease on his or her seventy fifth birthday, save that if such retirement or birthday occurs during the currency of a meeting of the Representative Body or any committee thereof his or her membership shall continue nevertheless until the termination of such meeting. A meeting at any

time adjourned beyond the then following next day shall be deemed to be terminated for the purpose of this section.

9.

Every lay person before taking his or her seat, shall sign a declaration in the following form in a register to be kept for that purpose by the Secretary of the Representative Body:

I, J...S...of...,do hereby solemnly declare that I am a Communicant over eighteen years of age and qualified to be a member of the Representative Body of the Church in Wales, and that I do not belong to any religious body which is not in communion with the Church in Wales.

10.

Any member of the Representative Body shall on retirement be eligible for membership if otherwise duly qualified.

Part IV: Procedure

11.

(1) The Representative Body shall elect triennially from amongst its members a Chair and a Deputy Chair. In the Chair's absence the Deputy Chair shall preside at meetings of the Representative Body and if neither the Chair nor the Deputy Chair is present at any such meeting, the Representative Body shall elect some other member to preside at that meeting.

(2) The Chair or, if there be no Chair or in the case of the Chair's incapacity or absence from the British Isles, the Deputy Chair of the Representative Body shall be empowered to call a special meeting of the Representative Body at such time and place as he or she shall prescribe on giving to its members not less than fourteen days notice in writing.

12.

(1) The Representative Body shall hold at least two ordinary meetings in every year and may hold other meetings as required.

(2) The Representative Body shall decide the place and date of each such meeting.

Part V: Powers

13.

The Representative Body shall possess and exercise any power conferred upon it by the Governing Body.

14.

Subject to the provisions of the Welsh Church Act 1914 and of the Constitution, the Representative Body shall have power:

- (a) to regulate its own procedures; and
- (b) to declare how many members present shall form a quorum.

15.

Appointment of Committees

(1) The Representative Body shall have power to appoint committees or sub-committees of its members or of its members and others and to specify the powers and terms of reference for each such committee or sub-committee.

(2) Membership of committees and sub-committees may include persons who are salaried employees of the Representative Body or a Diocesan Board of Finance provided that such persons do not comprise more than 25% of the total membership of that committee or sub-committee and the appointment of each such employee shall be specifically approved in each instance by the Representative Body.

16.

Property and Management of Resources

In the management of its resources, the Representative Body shall:

- (a) the numbers of its members; in consultation with the Standing Committee, review its resources and their management and use to effect the purposes of the Archbishop, Bishops, Clergy and Laity of the Church in Wales; and
- (b) formulate an annual provincial budget for presentation to the Standing Committee for approval, which budget shall relate the total available financial resources to the policy and priorities decided upon by the Standing Committee.

17.

The Representative Body shall hold all property which shall become vested in it in trust for the uses and purposes of the Archbishop, Bishops, Clergy, and Laity of the Church in Wales, and for other the special trusts, pursuant to the provisions of the Welsh Church Act 1914.

18.

The Representative Body shall hold all property which is or shall become vested in it upon the trusts referred to in section 17 but, subject to its statutory authority, powers and duties, under the order and control of the Governing Body.

19.

(1) On a sale of any land vested in the Representative Body and being or representing glebe or repurchased glebe land transferred to the Representative Body pursuant to the provisions of the Welsh Church Act 1914, the net proceeds of sale thereof and the property from time to time representing the same shall be held and invested or re-invested as capital and shall not be expended as income save insofar as such expenditure shall be authorised by a bill duly enacted in accordance with the provisions in that behalf contained in Chapter II.

(2) The provisions of this section shall not be altered, amended or abrogated except by a proposal introduced and enacted by the procedure set out in Chapter II with regard to bills.

20.

(1) All monies for the time being held by the Representative Body in trust for the Church in Wales or for any purpose connected therewith may be invested in the purchase or upon the security of:

- (a) freehold land situate in England or Wales with or without buildings thereon and subject or not subject to leases or tenancies easements or restrictive covenants;
- (b) a perpetual rent charge or perpetual rent charges issuing out of land in England or Wales;
- (c) stocks funds securities or other property in or upon which trustees are or may from time to time be authorised by law to invest trust monies; and
- (d) any other stocks funds securities or property whatsoever.

(2) Notwithstanding anything hereinbefore contained no money shall be invested in or upon any stocks funds securities or other investment in bearer form.

(3) The Representative Body may lend money on the security of any property on which it can properly lend up to the full value of the property and may contract that such money shall not be called in during any period of years.

(4) The Representative Body may retain either temporarily or permanently any investments which by reason of any gift benefaction or legacy may become vested in it in trust for the Church in Wales, or any purpose connected therewith, in their then existing state of investment notwithstanding that the same are not investments for the time being authorised hereunder, and the Representative Body may similarly retain

all or any investments made or purporting to be made under or by virtue of its powers of investment.

21.

(1) The Representative Body shall have power, subject to any Regulations to the contrary which may from time to time be made by the Governing Body, from time to time to raise money on mortgage, or otherwise, on the security of any property vested in it, except:

- (a) churches and sites for churches;
- (b) funds and endowments specially allocated to the repair, restoration, or improvement of any church; and
- (c) plate, furniture, or other moveable chattels belonging to any church.

(2) The Representative Body may apply money so raised to any purposes to which money under its control might for the time being be applied.

22.

No member of the Representative Body or of any committee or sub-committee of the Representative Body shall be liable for any loss occasioned by the depreciation or failure of any investment, or otherwise, save when caused by the wilful default of such member.

23.

Subject as hereinafter provided, the Representative Body shall have full powers of selling, exchanging, leasing and managing all real and personal property at any time vested in it.

provided always that:

- (1) the said powers of sale or exchange shall not be exercised as regards:
- (a) any plate, furniture or other moveable chattel (except such as are mentioned in subsection (2)) belonging to or used in connection with the celebration of divine worship in any church; or
 - (b) episcopal or capitular lands, glebes or sites for churches (other than sites hereinafter specially provided for), episcopal or glebe houses, ecclesiastical residences or any moveable chattel held or enjoyed with or incident to the occupation of any such residence; or
 - (c) any school house or any land occupied therewith;

unless authorised by a resolution of a majority of the Representative Body, present and voting, and assented to in writing by the Bishop of the diocese in which such property is situated, but it shall not be necessary for any purchaser to enquire whether such authorisation or consent has been given.

(2) The Representative Body shall not have power to sell, or exchange, lease or dispose of any consecrated site, or any church or building erected thereon, or to dispose of ornaments, vessels or instruments used in connection with any of the sacraments, unless authorised by a resolution of three-quarters of the members of the Representative Body, present and voting, and assented to in writing by the Bishop of the diocese in which such consecrated site, ornaments, vessels, or instruments are situated.

(3) All other powers of leasing and managing shall be exercised only in such manner and in accordance with such regulations as may from time to time be made by the Governing Body.

(4) It shall be open to any person or body of persons in the diocese where such property is situated to make representation to the Representative Body requesting it to take action under this section.

24.

The Representative Body shall have power to reduce any stipend or grant payable by it upon giving three months' previous notice, if at any time adverse circumstances affecting the revenue of the Representative Body make that reduction necessary.

25.

The Representative Body shall have power to issue directions to and to control a Diocesan Parsonage Board.

26.

The Representative Body shall have power to make regulations with regard to sums of money entrusted by it to a Diocesan Conference pursuant to Chapter IV A section 15.

27.

The Representative Body, under the title of The Representative Body of the Church in Wales, shall have power to bring, defend, or compromise any action, and may take any step or engage any legal or other assistance necessary for such purpose.

28.

The Representative Body shall have the right at any time to appoint at its expense an architect or surveyor for the purpose of obtaining a report upon any property vested in it, and such architect or surveyor shall be entitled to inspect any such property on giving reasonable notice to the occupier thereof.

29.

The Representative Body shall have power to appoint and pay a secretary who shall be a Communicant, and such other officers and servants as it shall deem necessary, and may remove any such officer or servant when it shall think proper so to do, and appoint another from time to time in his or her stead.

30.

The Representative Body shall have power to provide such houses, offices, and other buildings or accommodation as shall be necessary for the purpose of its meetings, or for the purpose of 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 rent, insurance, and all other expenses caused by its providing such houses or offices, or which may otherwise be necessary.

31.

(1) The Representative Body shall have a Common Seal and shall execute documents by affixing its Common Seal thereto in the presence of the Secretary or the Assistant Secretary of the Representative Body or the Solicitor to the Representative Body and one member of the Representative Body.

(2) The Representative Body shall provide for the safe custody of the Common Seal, which shall only be used by the authority of the Representative Body.

**THE CONSTITUTION OF
THE CHURCH IN WALES
VOLUME I**

**CHAPTER IV A
THE DIOCESAN CONFERENCE**

**Issue 1
April 2010**

CHAPTER IV A

THE DIOCESAN CONFERENCE

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Chapter IV

A : THE DIOCESAN CONFERENCE

Part I: General

1.

In each Diocese there shall be a Diocesan Conference (“the Conference”).

2.

The Conference shall be subject to any regulations made by the Governing Body.

3.

The Conference shall conform to and carry out any order or direction of the Governing Body.

4.

Nothing in this Chapter shall be construed as giving to the Conference any right to pass any resolution or to come to any decision upon any matter concerning discipline, faith, or ceremonial.

Part II: Membership

5.

The Bishop, or in his absence his Commissary specially authorised by him in writing, shall be a member of the Conference.

6.

The Conference shall consist of:

- (a) clerical members;
- (b) ex-officio members;
- (c) nominated members;
- (d) co-opted members; and
- (e) elected members.

7.

All members of the Conference shall be Communicants and over the age of sixteen years.

8.

(1) Subject to subsection (2), the Clerical members of the Conference shall be all the stipendiary Clerics and all other Clerics in the diocese holding a licence from the Bishop.

(2) Clerical membership of the Conference shall cease in the case of any such stipendiary Cleric upon retirement from the stipendiary ministry and in the case of all such other Clerics holding a licence from the Bishop upon ceasing to hold any appointment as a cleric in the diocese, the surrender or revocation of the licence or the attainment of the age of seventy, whichever shall first occur.

9.

Subject to the provisions of the Constitution, each Conference shall determine for itself:

- (a) the number and nature of the ex-officio, co-opted, and nominated members respectively, provided that the number of such ex-officio, co-opted, and nominated members shall together not exceed one-sixth of the total number of members;
- (b) the number of lay members to be elected, provided that the clerical members shall not exceed the lay members in number and that there shall be no fewer than three lay members elected for each Deanery; and
- (c) the necessary qualification for lay membership, the time when and the manner in which such members shall be elected and whether by the Deanery Conference or by the Vestry Meetings.

10.

Every lay member of the Conference, before acting as such, shall sign a declaration in the following form in a book to be kept for that purpose by the Secretary:

I, J...S...of...do hereby solemnly declare that I am a Communicant over sixteen years of age, and qualified to be a member of the...Diocesan Conference, and I do not belong to any religious body which is not in communion with the Church in Wales.

Part III: Proceedings

11.

Subject to the provisions of the Welsh Church Act 1914, the Constitution and any regulations made by the Governing Body, the Conference shall have the power to make regulations for:

- (a) its convening;
- (b) its business and proceedings;
- (c) the composition, powers and procedures of any of its committees; and
- (d) the duration of membership.

12.

(1) The Bishop shall be President of the Conference.

(2) In the case of the death, resignation, or incapacity of the Bishop, or of his absence without having appointed a Commissary for the purpose, the President of the Governing Body, or, in the event of his death, resignation, incapacity, or absence, the Diocesan Bishop next in order of precedence shall be President, or shall appoint in writing a Commissary who shall be President; such President shall without prejudice to the rights of the Archbishop, exercise all the powers ordinarily exercised by the Bishop in the Conference.

13.

Every act of the Conference assented to by its President and by a majority of the clerics and laity present and voting conjointly, or, if so demanded by thirty members rising in their places, by a majority of the clerical members and of the lay members present and voting by orders, shall bind the Conference and all other members of the Church in Wales in the diocese.

14.

In the event of the President withholding his assent to a resolution, it shall be competent for any member to bring the resolution forward again at the next annual meeting of the Conference, when, if it is passed by a two-thirds majority of the clerical members and of the lay members present and voting by orders, the resolution shall be referred to the Synod of the Province of the Church in Wales, whose decision shall bind the Conference and all other members of the Church in Wales in the Diocese.

Part IV: Powers and Duties

15.

Subject to the direction and control of the Governing Body, the Conference shall manage its own affairs and its own property, if any, and such sums of money as may be entrusted to it for distribution by the Representative Body, subject to any regulations made by or conditions imposed by the Representative Body or to any special trusts affecting the same.

16.

The Conference shall from time to time duly elect the diocesan representatives to serve on the Governing Body and on the Representative Body and elect supplemental members of each.

17.

The Conference shall appoint Episcopal Electors in accordance with the provisions of the Constitution.

18.

The Conference shall elect clerical and lay members of the Diocesan Nomination Board, and supplemental members, in the manner provided in the Governing Body Regulations relating to Appointments and Nominations and, subject to the Constitution, the Conference shall settle for itself the manner of electing the members of the Board.

19.

If, in the opinion of the Bishop and the Conference, a Deanery for any reason has ceased to be effective, such action (if any) as the circumstances warrant shall be taken under Chapter IV D section 2.

20.

(1) The Conference, or its Standing Committee if so empowered by the Conference, shall have power to require any Parish, Grouped Parishes, district or area to contribute towards the actual and/or anticipated expenditure of the diocese and in the exercise of such power shall consider any representations made to it.

(2) The Conference shall have power to provide that, if any district or area fail to fulfil any engagement into which it has entered with the Conference, or to make payment of any sum for which it has been assessed by the Conference, or which it has been called upon by the Conference to pay, the members elected for such district or area shall not be admitted to the Conference, and the qualified electors of such district or area shall not be allowed to return representatives during such default.

21.

(1) Subject to the provisions of the Governing Body Regulations relating to the Deanery Conference, the Conference may control the management of the affairs of a Deanery Conference.

(2) The Conference shall have power to control, alter, repeal, or supersede any rule or regulation made by a Deanery Conference, a Vestry Meeting, and a Parochial Church Council, so far as may be necessary (as to which, the decision of the Conference shall be final) to provide against the admission of any principle inexpedient for the common interest of the Church in Wales in the Diocese.

22.

The Conference shall appoint a Secretary for such term as the Conference shall determine.

Part V: Boards and Committees

Standing Committee

23.

- (1) The Conference shall appoint a standing committee which shall have such powers as are given to it by the Conference in regulations or by resolution.
- (2) Such standing committee shall co-operate with the Bishop in the creation of conventional districts and it shall report to the Conference and to the Governing Body annually what conventional districts, if any, have been created.

Diocesan Board of Finance

24.

- (1) The Conference shall appoint a Diocesan Board of Finance ("the Board"), the constitution and powers of which shall be in accordance with the Constitution and shall be set out in the relevant documents which create the Board.
- (2) The Board shall make a scheme whereby every church in the Diocese shall be inspected at least once every five years, which scheme shall provide:
 - (a) for the establishment of a fund by means of contributions from parochial, diocesan or other sources;
 - (b) for the payment out of such fund or otherwise of the cost of the inspection of the churches in the Diocese;
 - (c) for the appointment of architects or chartered surveyors competent to inspect the churches in the Diocese;
 - (d) for the architect or chartered surveyor to make a report to the Board in the case of every church inspected, and copies of the report so made shall be sent to the Archdeacon and to the Parochial Church Council of the parish in which the church is situate; and
 - (e) for such other detail not inconsistent with this section as the Board deems fit.

25.

The Board with the approval of the Bishop shall have power to place on a defaulters' list a Parish, Grouped Parishes or area which culpably neglects to meet its financial obligations. Before taking action the Board shall give to the Parochial Church Council or Councils full opportunity of stating the case for the Parish or Grouped Parishes. When a vacancy occurs in the incumbency of such Parish or Grouped Parishes, the incumbency may be suspended or a new Incumbent appointed under the procedure laid down in Chapter VI section 6.

The Diocesan Parsonage Board

26.

The Board shall appoint a Diocesan Parsonage Board (“the Parsonage Board”) whose duty it shall be:

- (a) to have the general oversight and management of Parsonages in the Diocese (as defined in Chapter VII); and
- (b) to see that any repairs or work duly authorised to be done to or in connection with such Parsonages are properly carried out.

27.

- (1) The Parsonage Board shall not be less than six in number and shall be composed of an equal number of clerical and lay members who must be qualified to be members of the Conference. The Parsonage Board members shall hold office for three years from the date of their appointment but shall be eligible for re-appointment.
- (2) The failure of the Board to appoint the number of members of the Parsonage Board prescribed in subsection (1) shall not prevent the Parsonage Board from proceeding to the despatch of business nor invalidate its decisions.
- (3) The Board shall fill a casual vacancy arising in the membership of the Parsonage Board and a person appointed to fill such a vacancy shall hold office until the expiry of the three year period of appointment of the member whom he or she replaces.

28.

The Parsonage Board shall conform to the directions and be under the control of the Representative Body.

Part VI: Miscellaneous

29.

Any person who may consider himself or herself aggrieved by an act of the Conference may, in the case of property held under or administered by the Conference, appeal to the Provincial Court, whose decision shall be final.

**THE CONSTITUTION OF
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VOLUME I**

**CHAPTER IV A
REGULATIONS RELATING TO
THE DIOCESAN CONFERENCE**

**Issue 1
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Governing Body Regulations relating to the Diocesan Conference

In exercise of its powers under Chapter II of the Constitution the Governing Body hereby makes the following regulations entitled "Governing Body Regulations relating to the Diocesan Conference" which are set out as follows:

Part I: Convening a Special Meeting

Part II: Business and Proceedings

Part I: Convening a Special Meeting

- 1.1 The Bishop may at his own discretion, and shall, at a request in writing signed by not less than one-fourth of the members of the Conference, instruct the Secretary of the Conference to convene a special meeting of the Conference.
- 1.2 The Secretary shall thereupon convene such special meeting by a notice in writing, stating the business to be transacted thereat.
- 1.3 The notice of such special meeting shall be sent to all members at least seven days before the day fixed for holding the meeting.
- 1.4 No business shall be transacted at a special meeting other than that stated in the notice convening the same.

Part II: Business and Proceedings

2. The President shall have a casting vote.
3. The Conference shall be elected triennially and shall meet not less than once a year.
- 4.1 The Secretary of the Conference, at least seven days before the first meeting of each session of the Conference, shall prepare and publish a list of the members, and the said list, when signed by the Bishop, shall be conclusive evidence that those named on it and none other are the members of the Conference.
- 4.2 The accuracy of such list shall be the subject of appeal to the Chancellor.
5. The presence of the Bishop or his Commissary, or of the President of the Governing Body, or the Diocesan Bishop next in order of precedence or his Commissary, together with one-fourth of the clerical members and one-fifth of the lay members, shall be necessary to constitute a meeting of the Conference.
6. The failure of any district or area to return members shall not prevent the Conference from proceeding with the despatch of business.

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**CHAPTER IV B
THE DEANERY CONFERENCE**

**Issue 1
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CHAPTER IV B

THE DEANERY CONFERENCE

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Chapter IV

B: THE DEANERY CONFERENCE

Part I: General

1.

In each Deanery there shall be a Deanery Conference ('the Conference').

2.

The Conference shall conform to and carry out any order or direction of the Diocesan Conference.

3.

The Conference shall be subject to regulations made by the Governing Body.

Part II: Composition

4.

- (1) The Conference shall consist of:
 - (a) ex-officio members, whose offices are set out in Part I of the Governing Body Regulations relating to the Deanery Conference;
 - (b) elected members, elected in accordance with the provisions of Part I of the Regulations; and
 - (c) co-opted members, co-opted in accordance with the provisions of Part I of the Regulations.
- (2) If not already members of the Conference, deanery representatives on diocesan boards and members of both the Governing Body and the Representative Body residing within the Deanery may, at the invitation of the Conference, attend any meeting thereof and speak but not vote.

Part III: Qualification for Membership

5.

All members of the Conference shall be Communicants and over the age of eighteen years.

6.

Every lay member of the Conference, before acting as such, shall sign a declaration in the following form in a book to be kept for that purpose by the Secretary of the Conference:

I, J...S...of..., do hereby solemnly declare that I am a Communicant over eighteen years of age and qualified to be a member of the ...Deanery Conference according to the provisions of Chapter IV of the Constitution of the Church in Wales and I do not belong to any religious body which is not in communion with the Church in Wales.

Part IV: Powers

7.

Subject to the control of the Governing Body and the Diocesan Conference, the Conference shall manage its own affairs.

8.

The Conference may appoint an executive committee.

9.

The Conference shall appoint a Secretary.

10.

The functions of the Conference shall include:

- (a) promoting the whole mission of the Church: pastoral, evangelistic, social and ecumenical;
- (b) assessing the needs of the Deanery in respect of finance, personnel and building;
- (c) strategic planning for worship and pastoral care throughout the Deanery;
- (d) advising on any matter properly referred to the Conference;
- (e) acting on any communication from the Diocesan Conference or any Parochial Church Council within the Deanery on such matters as the Conference deems appropriate;
- (f) managing and raising Deanery finances;
- (g) electing a lay Vice-Chairman from among the members of the Conference and, as necessary, following any vacancy in the office; and
- (h) discussing matters concerning the Church in Wales or otherwise of religious or public interest, but the discussion of any doctrinal matters by the Conference shall not extend to any formulation or declaration of doctrine.

**THE CONSTITUTION OF
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**CHAPTER IV B
REGULATIONS RELATING TO
THE DEANERY CONFERENCE**

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CHAPTER IV B

REGULATIONS RELATING TO THE DEANERY CONFERENCE

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Governing Body Regulations relating to the Deanery Conference

In exercise of its powers under Chapter II of the Constitution, the Governing Body hereby makes the following regulations entitled "Governing Body Regulations relating to the Deanery Conference" which are set out as follows:

Part I: Composition

Part II: Duration of Membership Part

III: Business and Proceedings

Part I: Composition

1. The *ex-officio* members shall be all Clerics other than retired Clerics, all deaconesses other than retired deaconesses, and all full-time stipendiary lay workers, officiating with the Bishop's permission within the Deanery, or officiating elsewhere in the diocese but residing within the Deanery.
- 2.1 The elected members shall be such number of lay qualified electors from each Parish within the Deanery, as prescribed by the Diocesan Conference and elected by the Annual Vestry meetings.
- 2.2 A supplemental list shall be made by each Vestry meeting at the same time and in similar manner.
- 2.3 In the event of any elected member being unable or unwilling to attend any meeting of the Conference, the member's place for that meeting shall be taken by the first or next available lay representative from the Parish in the order in which they appear on the supplemental list.
- 2.4 Any casual vacancy among those elected under Regulation 2.1 shall be filled by the Parochial Church Council from the supplemental list.
- 3.1 The co-opted members shall be:
 - 3.1.1 such number (if any) of licensed readers and licensed lay workers as the Diocesan Conference may prescribe for co-option in that Deanery; and
 - 3.1.2 such number (if any) as the Deanery Conference may determine to co-opt of retired Clerics and deaconesses officiating with the Bishop's permission within the Deanery, or so officiating elsewhere in the diocese but residing within the Deanery.
4. The number of clerical members shall not exceed the number of lay members, and the number of co-opted members shall not exceed the number of elected members.

Part II: Duration of Membership

- 5.1 The elected members and the supplemental lay representatives from the Parish shall hold office for a period of three years and shall be eligible for re-election.
- 5.2 The co-opted members shall hold office for a period of three years.

Part III: Business and Proceedings

6. The Area Dean or, failing him or her, the Vice-Chairman appointed under Chapter IV B section 10(g) shall preside at all meetings of the Conference and shall have a casting vote.
7. In the event of the absence of the Area Dean and the Vice-Chairman, the Conference shall appoint another member to preside at the meeting and such member, while presiding, shall have a casting vote.
8. The failure of any Parish to elect or return members or to choose supplemental lay representatives, shall not prevent the Conference from proceeding with the despatch of business.
9. At the beginning of each three year period mentioned in Regulation 5.1, the Secretary shall prepare and maintain a list of members of the Conference and shall update the list on the filling of any casual vacancy.
10. There shall be an annual meeting of the Conference held not later in the year than 31st July, and three other quarterly meetings unless the Conference agrees from time to time to dispense with any of such quarterly meetings.
11. Notwithstanding the provisions of Regulation 10, further meetings of the Conference may be summoned by the Area Dean at his or her discretion and shall be summoned either at the request of the Bishop or upon a request in writing signed by not less than one-fourth of the members of the Conference.
- 12.1 If the Diocesan Conference determines under Chapter IV A section 9 that its lay members shall be elected by the Deanery Conference, the lay members of the Deanery Conference shall elect, in such manner as the Diocesan Conference shall appoint, such number of lay representatives as the Diocesan Conference prescribes for the Deanery.
- 12.2 The Secretary of the Conference shall forward, within seven days of the election, to the Secretary of the Diocesan Conference the names of the persons so elected.
13. Deanery Conferences in the same diocese may meet together (in which event the senior Area Dean will normally preside at the joint meeting and Regulation 6 shall apply), provided that no election of representatives to the Diocesan Conference shall be made at any such joint meeting.

**THE CONSTITUTION OF
THE CHURCH IN WALES
VOLUME I**

**CHAPTER IV C
PAROCHIAL ADMINISTRATION**

September 2023

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CHAPTER IV C

PAROCHIAL ADMINISTRATION

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Chapter IV

C: PAROCHIAL ADMINISTRATION

Part I: Annual and Other Vestry Meetings

1.

- (1) In every Parish there shall be an Annual Vestry Meeting.
- (2) The business of the Annual Vestry Meeting shall be to receive and discuss:
 - (a) a report and accounts for the previous year from the Parochial Church Council made in accordance with the Church in Wales Accounting Regulations;
 - (b) reports on the proceedings of the Deanery and Diocesan Conferences each year;
 - (c) any other reports requested by the Council or allowed by the meeting; and
 - (d) with the consent of the Meeting, any other business of which notice has been given.
- (3) The Annual Vestry Meeting shall elect the following, and in this order:
 - (a) a Churchwarden, in accordance with section 13;
 - (b) subwardens, where designated under the Regulations;
 - (c) the Parochial Church Councillors;
 - (d) the Sidespersons, where required;
 - (e) in every third year, the lay parochial representatives on the Deanery Conference and an equal number of supplemental lay representatives; and
 - (f) where appropriate, the lay parochial representatives on the Diocesan Conference;

provided that no cleric shall vote in the election of a lay person.

- (4) The Annual Vestry Meeting shall appoint an independent examiner or auditor who shall not be a member of the Parochial Church Council of the Parish.
- (5) No person shall be eligible for election or appointment unless his or her consent to nomination has first been obtained.
- (6) In a parish annexed to a Cathedral, subsection (2)(a) shall not extend to property and accounts relating to the Dean and Chapter, except with their consent.

2.

Further Vestry meetings may be called at any time and in particular a further Vestry Meeting shall be called at the request in writing of at least one-fourth or thirty of the Qualified Electors of that parish.

3.

Appeals

In the case of a dispute as to the right of a person to attend, speak or vote at any Vestry Meeting, the Chairman's ruling thereon shall for that meeting be conclusive, but any such person shall have the right to appeal to the Area Dean, provided always that where the Incumbent is the Area Dean the appeal shall lie to the Archdeacon.

Part II: The Electoral Roll

The Electoral Roll

4.

- (1) In every parish there shall be an electoral roll ('the Roll').
- (2) A lay person who is over sixteen years of age shall be entitled to have his or her name entered on the Roll if he or she:
 - (a) (i) is a Communicant; and
(ii) is not a member of any religious body which is not in communion with the Church in Wales, without the written dispensation of the Diocesan Bishop from this requirement;
 - (b) is resident in the parish, or, if not so resident, has habitually attended public worship in that parish during a period of six months prior to enrolment;
 - (c) has signed a form of application for enrolment; and
 - (d) does not have his or her name entered on the Roll of another Parish in Wales, save with the consent of the Parochial Church Councils of both parishes.
- (3) Any person satisfying the criteria in Section 4(2) above may apply to the Parochial Church Council for his or her name to be entered on the Roll, provided he or she signs a declaration in a form as approved from time-to-time by the Standing Committee.

5.

Removal from the Roll

A person's name shall be removed from the Roll if he or she:

- (a) has died; or
- (b) becomes a Clerk in Holy Orders; or
- (c) signifies in writing his or her desire that his or her name should be removed; or
- (d) becomes, without the written permission of the Bishop, a member of any religious body which is not in communion with the Church in Wales; or
- (e) has the written dispensation of the Bishop pursuant to section 4(2)(a)(ii) withdrawn; or
- (f) ceases to reside in the parish, unless after so ceasing he or she continues habitually to attend public worship in that parish; or
- (g) is not resident in the parish and, save if prevented from doing so by illness or other sufficient cause, has not attended public worship in that parish during the previous six months; or
- (h) at any time after the entry of his or her name on the Roll has his or her name entered on the roll of another parish, save with the consent of the Councils of both parishes; or
- (i) was not entitled to have his or her name entered on the Roll originally.

Appeals

6.

(1) A list of all names appearing on the Roll shall be produced by the Parochial Church Council for inspection by any Member of the Church in Wales in the vestry of the parish church or in the parish church itself at any reasonable time, and any dispute arising out of this section and of regulations made hereunder shall be settled by the Archdeacon.

(2) Any person whose application to have his or her name entered on the Roll has been refused by the Parochial Church Council, or whose name has been removed from the Roll, may appeal in respect thereof in writing to the Archdeacon, who thereupon shall appoint one or more lay Communicants as a court to consider and determine the appeal. The court so appointed shall be entitled to inspect all papers and to be furnished with all relevant information connected with the appeal and the decision of such court shall be final.

(3) The Archdeacon shall take such steps as he or she may think fit to ensure in any Parish due compliance with the relevant provisions of section 4 and of Regulation 7 of the Regulations relating to Parochial Administration.

7.

Any Qualified Elector of a Parish may lodge with the Secretary of the Parochial Church Council an objection in writing, on grounds of lack of qualification, to the addition of a name or names to the Roll of that Parish, or may in like manner object to the removal of a name or names therefrom. Such objection shall be considered by the Council, and should the Council not allow the objection the objector may appeal in writing to the Archdeacon, whereupon the matter shall proceed in accordance with the provisions of subsection 6(2).

Part III: The Parochial Church Council

8.

Powers and Duties

(1) In every Parish there shall be a Parochial Church Council ("the Council"), which shall meet at least four times in every year.

(2) It shall be the duty of the Incumbent and the Council to consult together and co-operate in all matters of concern and importance to the Parish.

(3) Except in the case of a Cathedral where the Cathedral Scheme or the Cathedral's Constitution and Regulations state otherwise the functions of the Council shall include:

- (a) promotion of the whole mission of the Church, pastoral, evangelistic, social and ecumenical, in the Parish;
- (b) consideration and discussion of matters concerning the Church in Wales or otherwise of religious or public interest, but the discussion of any doctrinal matters by the Council shall not extend to any formulation or declaration of doctrine;
- (c) propagation and implementation of any provision made by the Governing Body, the Representative Body, or the Diocesan or Deanery Conferences, but without prejudice to the powers of the Council on any particular matter;
- (d) the discharge of the duties placed upon it by any Regulations made under the provisions of the Constitution;
- (e) preparation of the parochial budget, which shall include: the various church expenses, the parochial contributions to the diocesan share and home and overseas missions, and any other branches of church work, together with arrangements for raising the moneys required;
- (f) advising on any matter properly referred to the Council;
- (g) communication with the Diocesan or Deanery Conferences on such matters as the Council deems appropriate;
- (h) an annual review of the expenses for which the clergy should be reimbursed by the parish; and
- (i) the production of a report and accounts in accordance with the Charities Act 1993 or any modification or re-enactment thereof and any regulations made thereunder and in accordance with the Church in Wales Accounting Regulations (such report and account being signed by the Chairman).

(4) All Parish finances (except special trusts which otherwise provide, the incumbent's discretionary fund and in a Parish annexed to a Cathedral property and accounts relating to the Dean and Chapter) shall be under the control of the Council.

(5) In the exercise of its functions the Council shall take into consideration any expression of opinion by any properly constituted church meeting.

(6) The Council shall be the normal channel of communication between the parishioners and the Bishop and shall have the right to make representations to the Bishop concerning the affairs of the Church, the cure of souls in the Parish, alterations in services, and ornaments.

Composition

9.

- (1) The members of the Council shall be:
 - (a) *ex-officio* members whose offices are set out in the Governing Body Regulations relating to Parochial Administration;
 - (b) elected members elected in accordance with the provisions of the Regulations; and
 - (c) members co-opted in accordance with the provisions of the Regulations.
- (2) The number of clerical members shall in no case exceed the number of lay members.

Qualification for Membership

10.

Every lay member of the Council shall be a Qualified Elector of that Parish, over eighteen years of age.

11.

Every lay member of the Council, before assuming office shall sign, in a book to be kept for that purpose by the Secretary of the Council, a declaration in the following form:

I, J... S..., declare that I am a Communicant over eighteen years of age and that my name is properly entered on the electoral roll of this Parish, that I will faithfully and diligently perform my duties as a Parochial Church Councillor during my year of office, and that I agree to accept and be bound by the Constitution of the Church in Wales.

General

12.

Subject to the provisions of the Constitution and the Governing Body Regulations relating to Parochial Administration, the Council:

- (a) shall make standing orders for its own procedure;
- (b) may appoint committees (including a Finance Committee) as necessary from amongst the members of the Council, and make standing orders governing the powers and procedure of any such committee (including powers of co-option); provided that all acts and decisions of any committee, unless previously authorised, must be ratified by the Council;
- (c) may conduct its business through a Charitable Incorporated Organisation ('CIO') registered with the Charity Commission provided that the

membership of the Council shall be coterminous with the trusteeship of the CIO, the Constitution of the CIO is in a form approved by the Standing Committee and the Council has consulted with their Archdeacon before establishing the CIO; and

- (d) may cease to conduct its business through a CIO and return to an unincorporated governance model with the consent of their Archdeacon and in accordance with any directions issued by the Standing Committee.

Part IV: Churchwardens

13.

(1) In every Parish there shall be two Churchwardens to whom the provisions of the Governing Body Regulations relating to Parochial Administration shall apply, who shall be Qualified Electors of that Parish and over the age of eighteen, one to be elected by the Annual Vestry Meeting and the other to be appointed at that Meeting by the Incumbent; provided always that where in any Parish it was customary, before the passing of the Welsh Church Act 1914, to have more than two Churchwardens the number shall remain unchanged, and the method of appointing them shall continue in force, until the Diocesan Conference otherwise orders.

(2) In a vacancy or suspended incumbency where a cleric in charge has been appointed, the appointment of a Churchwarden under subsection (1) shall be made by him or her.

(3) In a vacancy or suspended incumbency where no Cleric in charge has been appointed, or in the case of the incapacity of the Incumbent, the appointment of a Churchwarden under subsection (1) may be made by the Area Dean.

(4) The Churchwardens when admitted are officers of the Diocesan Bishop. They shall discharge such duties as are by custom assigned to them; they shall be foremost in representing the laity and in consulting and co-operating with the Incumbent; they shall use their best endeavours to promote peace and unity amongst the parishioners, and by example and precept to encourage the parishioners in the practice of true religion; they shall also maintain order and decency in the church and churchyard, especially during the time of public worship; and they shall discharge the duties placed upon them by the Church Fabric Regulations.

14.

Every Churchwarden before being admitted to office shall make and sign in the presence of the Bishop, the Chancellor, the Archdeacon or a person appointed for that purpose by the Archdeacon, a declaration in the following form:

I, J...S..., declare that I am a Confirmed Communicant over eighteen years of age and that my name is properly entered on the electoral roll of the Parish of, that I will faithfully and diligently perform the duties of Churchwarden of such Parish during my year of office, and that I agree to accept and obey any decision of the Bishop or of the Diocesan Chancellor as to my right at any time to hold the office of Churchwarden.

Part V: General Parochial Administration

15.

It shall be the duty of the Incumbent and Churchwardens of every Parish to complete:

- (i) a Log Book and Terrier relating to each church and every other building in the Parish used for public worship and belonging to the Church in Wales; and
- (ii) an Inventory of the respective contents thereof, and of any other articles belonging to the church and used in connection with the church in any place in the Parish;

which documents shall be completed in such form and at such times as may from time to time be prescribed by the Representative Body or the appropriate Committee thereof. Provided that, in the case of a Cathedral (except the Cathedral Church of St Woolos), the responsibility for completing the Log Book, Terrier and Inventory shall be that of the Dean and Chapter.

**THE CONSTITUTION OF
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VOLUME I**

**CHAPTER IV C
REGULATIONS
RELATING TO PAROCHIAL ADMINISTRATION**

September 2023

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CHAPTER IV C

REGULATIONS RELATING TO PAROCHIAL ADMINISTRATION

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Governing Body Regulations relating to Parochial Administration

In exercise of its powers under Chapter II of the Constitution the Governing Body hereby makes the following regulations entitled "Governing Body Regulations relating to Parochial Administration", which are set out as follows:

- Part I: Annual and Other Vestry Meetings
- Part II: Congregational Meetings
- Part III: The Electoral Roll
- Part IV: The Parochial Church Council
- Part V: Churchwardens, Subwardens and Sidespersons
- Part VI: General Parochial Administration

Part I: Annual and Other Vestry Meetings

1. The Annual Vestry Meeting shall be held not later than 30th June in each year.
 - 2.1 Every Vestry Meeting shall be called by:
 - 2.1.1 the Incumbent, or in his or her absence or incapacity the Churchwardens; or
 - 2.1.2 in a vacancy or suspended incumbency, the cleric in charge where appointed; or
 - 2.1.3 where no cleric in charge has been appointed the Area Dean or his or her nominee; or
 - 2.1.4 where the office of Area Dean is vacant, by the Archdeacon or his or her nominee;and in each case by notice signed by the person or persons calling the meeting, setting out the agenda and stating the place, day and hour of the meeting.
 - 2.2 Such notice shall be displayed near the principal door of the church or churches and of every other building in the Parish used for public worship and belonging to the Church in Wales, for a period including the two Sundays immediately preceding the day of the meeting; oral notice of the meeting shall also be given at the principal services in the Parish during such period.
 - 2.3 Every Vestry Meeting shall be a physical meeting unless the Diocesan Bishop has determined that it is not practicable for a physical meeting to take place and has issued a direction that the meeting be held as an online meeting.
- 3.1 The Incumbent shall take the chair at a Vestry Meeting unless he or she otherwise wishes.
- 3.2 In a vacancy or suspended incumbency the cleric-in-charge, where appointed, shall take the chair unless he or she otherwise wishes.
- 3.3 In a vacancy or suspended incumbency where no cleric-in-charge has been appointed, the chair shall be the Area Dean or his or her nominee. Where the office of Area Dean is vacant, the chair shall be the Archdeacon or his or her nominee.

Chapter IV C - Regulations relating to Parochial Administration

- 3.4 In a Rectorial Benefice a Vicar designated by the Rector may take the chair. In a vacancy in a Rectorial Benefice the chair shall be a Vicar of that benefice designated by the Area Dean or, where the office of Area Dean is vacant, by the Archdeacon.
- 3.5 In any other circumstances, the chair shall be chosen by the Meeting.
- 3.6 The chair shall have a casting vote, save that when the chair is a cleric this provision shall not apply to the election of lay persons.

- 4.1 The following persons shall have the right to attend, speak and vote at Vestry Meetings:
 - 4.1.1 the Incumbent or in a vacancy or suspended incumbency the cleric-in-charge where appointed, or where no cleric in charge has been appointed the Area Dean or the Archdeacon as appropriate;
 - 4.1.2 Vicars in a Rectorial Benefice;
 - 4.1.3 Assistant Curates;
 - 4.1.4 Deaconesses;
 - 4.1.5 full-time stipendiary Lay Workers;
 - 4.1.6 any other Clerics with a licence or permission to officiate, who are resident in the Parish and not beneficed in or licensed to any other Parish; and
 - 4.1.7 qualified electors of that Parish.
- 4.2 With the approval of the Parochial Church Council, residents in the Parish who are either communicants but not qualified electors of that Parish or are communicant members of Churches in covenant with the Church in Wales, may attend and speak, but not vote.
- 4.3 At the discretion of the chair, other persons may attend but neither speak nor vote.

5. If it is brought to the notice of the Diocesan Bishop that:
 - 5.1 the Annual Vestry Meeting has not been held; or
 - 5.2 Churchwardens, Parochial Church Councillors, or the parochial representatives on the Diocesan Conference or the Deanery Conference have not been elected or appointed; or
 - 5.3 the parochial representatives on the Diocesan Nomination Board have not been elected or appointed; or
 - 5.4 meetings of the Parochial Church Council have not been held as provided by Chapter IV C section 8;

the Bishop may appoint Churchwardens, Parochial Church Councillors or parochial representatives as the case may require and may summon a meeting of the Parochial Church Council, and in each such case the Bishop shall report any action taken by him under this Regulation to the next meeting of the Diocesan Conference.

Part II: Congregational Meetings

- 6.1 In Parishes with more than one church, a Congregational Meeting may be held prior to any Vestry Meeting. Such Congregational Meeting shall be open to qualified electors who normally attend the church in question, together with those persons mentioned in Regulations 4.1.1 to 4.1.6.
- 6.2 In Parishes with more than one Church, each Congregational Meeting held under Regulation 6.1 may elect a Church Committee to deal with matters concerning that particular church. Such Church Committee shall be responsible to the Parochial Church Council. The subwardens for that particular church, and any members of the Parochial Church Council who normally attend that church, shall be *ex-officio* members of such Church Committee.
- 6.3 Every Congregational Meeting shall be a physical meeting unless the Diocesan Bishop has determined that it is not practicable for a physical meeting to take place and has issued a direction that the meeting be held as an online meeting.

Part III: The Electoral Roll

- 7.1 [deleted]
- 7.2 The maintenance of the electoral roll ("the Roll") shall be under the direction of the Parochial Church Council.
- 7.3 The Roll shall lapse immediately before the Annual Vestry Meeting in 2022 and in every fifth year thereafter, when a new Roll shall be prepared. Notice of the intention to prepare a new Roll shall be displayed near the principal door of every church in the Parish for at least fifteen days before the commencement of the preparation of the new Roll.
- 7.4 The new Roll shall be prepared under the direction of the Parochial Church Council, and all persons wishing to have their names included shall make the application in accordance with the provisions of Chapter IV C section 4. A fresh application shall be required from persons whose names appeared on the previous Roll.
- 7.5 A notice that preparation of the new Roll has been completed and that the new Roll is available for inspection shall be displayed near the principal door of every church in the Parish for at least fifteen days before the Annual Vestry Meeting in each year the Roll lapses pursuant to Regulation 7.3 above, at the commencement of which Meeting the new roll shall come into force.
8. A copy of the Roll shall be produced by the Churchwardens to the Bishop or the Archdeacon on request.

Chapter IV C - Regulations relating to Parochial Administration

9. The Roll, when not otherwise required, shall be kept in the safe of the Parish church. In a Parish with more than one church copies of the Roll or parts thereof may be kept in safe custody by each church.

Part IV: The Parochial Church Council

10. Powers and Duties

The Parochial Church Council shall elect lay persons to serve on the Diocesan Nomination Board in accordance with Regulation 1.5 of the Governing Body Regulations relating to Appointments and Nominations.

11.1 The Parochial Church Council shall appoint a secretary of the Parochial Church Council and of the Vestry Meetings, and may appoint a deputy secretary, whose functions are set out in this Regulation.

11.2 In the event of both the secretary and the deputy secretary being absent from a meeting, such meeting shall appoint someone as secretary of that meeting.

11.3 The Secretary shall:

11.3.1 attend and keep minutes of the meetings of the Parochial Church Council and of the Vestry Meeting;

11.3.2 send to the Archdeacon the names and addresses of the Churchwardens;

11.3.3 send to the Area Dean the names and addresses of the persons elected to the Deanery Conference;

11.3.4 send to the Secretary of the Diocesan Conference the names and addresses of the persons elected to the Diocesan Conference; and

11.3.5 send to the Secretary of the Diocesan Nomination Board the names and addresses of the persons elected to serve on the Nomination Board.

11.4 The provisions of Regulation 11.3.5 shall not apply where a Parish is annexed to a cathedral.

12.1 The Parochial Church Council shall appoint a treasurer annually and may appoint deputy treasurers to administer the finances of the Parish.

12.2 The Parochial Church Council shall cause a copy of the examined or audited accounts to be displayed near the principal door of the church or churches and of every other building in the Parish used for public worship and belonging to the Church in Wales and also may cause such copies to be displayed at other buildings in the Parish, for a period including the two Sundays immediately preceding the day of the Annual Vestry Meeting.

Chapter IV C - Regulations relating to Parochial Administration

13. Composition

- 13.1 The *ex-officio* members shall be the Incumbent or, in the case of a vacancy or suspended incumbency, the cleric in charge where appointed, Vicars in a rectorial benefice, assistant Curates, Deaconesses, full-time stipendiary Lay Workers and the Churchwardens.
- 13.2 The elected members shall be such number (not exceeding twenty-five) of lay persons elected by the Annual Vestry Meeting, as shall from time to time be fixed by the Annual Vestry Meeting.
- 13.3 The co-opted members shall be:
 - 13.3.1 the secretary and treasurer, if not already *ex-officio* or elected members;
 - 13.3.2 such number (not exceeding seven in total) of lay persons or clerics as the Council may determine; and
 - 13.3.3 such licensed readers (if any) as the Council may determine;provided that a retired cleric shall not be eligible to be co-opted.

Part V: Churchwardens, Subwardens and Sidespersons

14. Churchwardens

- 14.1 Churchwardens shall be elected or appointed annually and, subject to the provisions of Regulations 14.2, 14.3 and 14.5, shall hold office until their successors are admitted.
- 14.2.1 A Churchwarden may, by notice in writing addressed to the Bishop, resign his or her office which shall become vacant on receipt of such notice by the Bishop. The Bishop shall forthwith acknowledge the resignation, and notify the Incumbent, the cleric in charge or the Area Dean as the case may be, and the other Churchwarden or Churchwardens of the vacancy.
- 14.2.2 A casual vacancy among the Churchwardens may be filled at any time by election or appointment as the case may be, effected at a Vestry Meeting called for that purpose.
- 14.3 Churchwardens shall not be eligible for re-election or re-appointment in the year following the completion of six consecutive terms of office, save under the provisions of Regulation 14.4.
- 14.4 If difficulty is foreseen in complying with Regulation 14.3, the Archdeacon, on petition from a Vestry Meeting or on his own initiative, may issue a dispensation from the provisions of the paragraph, but thereupon the Archdeacon shall report the matter to the Bishop.
- 14.5 Churchwardens shall be ineligible for re-election or re-appointment on reaching the age at which membership of the Governing Body ceases.

Chapter IV C - Regulations relating to Parochial Administration

15. Subwardens

- 15.1 In Parishes with more than one church two qualified electors of that Parish may be designated as subwardens for the church they normally attend. One such subwarden shall be elected by the Annual Vestry Meeting after nomination by a Congregational Meeting and the other shall be appointed by the Incumbent. In the case of a vacancy, the provisions of Chapter IV C subsections 13(2) and 13(3) shall apply to the appointment of a subwarden.
- 15.2 The provisions of Regulation 14.3, 14.4 and 14.5 shall apply to Subwardens as to Churchwardens.

16. Sidespersons

- 16.1 The duties of the Sidespersons shall be to assist the Churchwardens in the performance of their duties.
- 16.2 Each Sidesperson shall be a qualified elector of that Parish over eighteen years of age.

Part VI: General Parochial Administration

17. Inventories

- 17.1 Unless the Archdeacon otherwise directs in writing, each inventory shall be under the control of the Incumbent and Churchwardens and shall be kept in a church safe.
- 17.2 Upon being so requested, the Incumbent and Churchwardens shall send any inventory to the Bishop or the Archdeacon as the case may be.
- 17.3.1 On the occasion of a vacancy in any incumbency, it shall be the duty of the Churchwardens to inspect the church plate and other valuable articles belonging to the church or used in the worship of any church or mission room in the Parish, to check such articles against the inventories, and within one month of the vacancy occurring to make a written report of the result of their inspection to the Secretary of the Representative Body, who shall bring such report before the next meeting of that Body.
- 17.3.2 After sending such report to the Secretary of the Representative Body the Churchwardens shall forward a copy thereof, together with the inventories, to the Archdeacon, who shall inspect the inventories and deliver them in due course to the new Incumbent.

Chapter IV C - Regulations relating to Parochial Administration

18. *Gifts*

- 18.1 The Incumbent and Churchwardens shall forthwith enter in the inventory particulars of any gift to the church of church plate or other valuable article to be used in the worship of any church or mission room in the Parish.
 - 18.2 Entries in the inventory shall state the name of the donor (where known), record where each article is kept when not in use, and give particulars of any insurance thereof.
 - 18.3 The Incumbent shall report the gift to the next meeting of the Parochial Church Council and the next Vestry Meeting.
 - 18.4 The Incumbent and Churchwardens shall send a copy of the entry of any gift to the Bishop and to the Secretary of the Representative Body, and the latter shall report the gift to the next meeting of that Body.
19. Any dispute or question arising out of Regulation 17 or 18 or otherwise connected with an inventory shall be referred to the Archdeacon whose decision thereon shall be final.

**THE CONSTITUTION OF
THE CHURCH IN WALES
VOLUME I**

**CHAPTER IV D
TERRITORIAL ARRANGEMENTS**

**Issue 1
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CHAPTER IV D
TERRITORIAL ARRANGEMENTS

Part 1:

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Chapter IV

D: TERRITORIAL ARRANGEMENTS

1.

Subject to the provisions of the Constitution, the existing territorial arrangements of the several Dioceses under their respective Diocesan Bishops, and of the several districts and Parishes and Grouped Parishes under the care of the various ecclesiastical persons in charge thereof, shall continue as at present.

2.

Any Diocesan Bishop, with the consent of his Diocesan Conference, may make any change in the existing territorial arrangement of his diocese, as he may think fit.

3.

The Diocesan Conference, or its Standing Committee if so empowered by the Conference, shall, subject to the provisions of section 2, co-operate with the Bishop:

- (a) in altering the boundaries of any Parish;
- (b) in disuniting a united Parish;
- (c) in severing a portion or portions of any benefice or parish therefrom and incorporating the same in an adjoining Parish;
- (d) in forming a portion or portions of any Parish, or portions of two or more Parishes, into a separate Parish;
- (e) in grouping any two or more Parishes under one Incumbent;
- (f) in re-arranging or in dissolving groups of Parishes heretofore, now, or hereafter grouped under one Incumbent;
- (g) in uniting or merging permanently or temporarily two or more parishes into one Parish;
- (h) in grouping any church without a district with any Parish (where the cleric in charge of each church shall desire it);
- (i) in assigning any church without a district to a Parish as a church or chapel thereof; or
- (j) in forming any area (whether one or more Parishes or part thereof) into a parish which shall be known as a Rectorial Benefice or in rearranging, altering or dissolving a Rectorial Benefice;

provided always that no alteration of the boundaries of existing Parishes nor any change in any grouping of Parishes, if such alteration or change involves additional expense, shall be carried out without the consent of the Diocesan Board of Finance.

4.

(1) Any change in the existing territorial arrangements of the Diocese shall be carried out by a decree, which shall not take effect until it has been signed by the Bishop and deposited in the Diocesan Registry.

(2) Subject to subsection (3), such a decree shall make provision and contain directions as to:

- (a) the right of user of the Parish church or churches and other churches in the area;
- (b) which shall be the parish church or churches in a Parish formed by the uniting or merging of two or more Parishes;
- (c) baptisms, marriages, and burials;
- (d) the method whereby the lay representatives, if any, for the Deanery Conference shall be elected;
- (e) what is to be done with regard to the electoral roll, the Vestry and other meetings, Churchwardens, Sidespersons, and the Parochial Church Council; and
- (f) when relating to the grouping of Parishes, or to the re-arrangement or dissolution of a grouping which of the houses within the group shall be the parsonage required to be occupied by the Incumbent in accordance with Part VIII of the Governing Body Regulations relating to Parsonages.

In default of such provision and directions the decree shall not be valid.

(3) In the case of a decree forming, re-arranging or altering a Rectorial Benefice such decree, in addition to the matters set out in subsection (2), shall make provision and contain directions as to:

- (a) the authority of and the offices, duties and services to be performed by a Vicar, with or without any special duties or responsibilities;
- (b) meetings of the Rector and Vicar or Vicars, in chapter or otherwise;
- (c) the rights of the Rector and Vicar or Vicars respectively with regard to Easter offerings and surplice and other fees;
- (d) if a Rectorial Benefice comprises more than one Parish, the matters provided for in section 4(2), *mutatis mutandis*; and
- (e) such other matters as the Bishop may consider necessary.

In default of such provision and directions, the decree shall not be valid.

5.

The Diocesan Conference shall have power to make rules for carrying out any changes made under the previous sections.

**THE CONSTITUTION OF
THE CHURCH IN WALES
VOLUME I**

**CHAPTER V
THE ARCHBISHOP AND THE DIOCESAN BISHOPS**

September 2023

Ref - 2328

CHAPTER V

THE ARCHBISHOP AND THE DIOCESAN BISHOPS

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Chapter V

THE ARCHBISHOP AND THE DIOCESAN BISHOPS

Part I: The Order of the Bishops

1.

The Archbishop and the Diocesan Bishops shall sit and act as representing the ancient Provincial Synod and, subject to the Constitution, shall retain and exercise all the authority and powers of and belonging from of old to a Provincial Synod.

2.

The Archbishop shall take precedence of all Diocesan Bishops. Next after him, for all purposes of the Constitution, each of the other Diocesan Bishops shall rank for precedence according to the date of his first appointment as a Diocesan Bishop.

3.

(1) The Archbishop shall have and may use all the powers of granting licences, dispensations, faculties and other writings which the Archbishop of Canterbury enjoyed in Wales on 30th March 1920, insofar as such powers were lawfully transferable.

(2) The Diocesan Bishops shall have and may use all the powers of granting licences, dispensations, faculties and other writings which they enjoyed on 30th March 1920.

Part II: The Archbishop

4.

(1) The office of Archbishop shall be held by a Diocesan Bishop, to be appointed in accordance with this Chapter.

(2) For the purposes of the Constitution, the Archbishop shall be regarded as the Bishop of the see over which he presides, without prejudice to his rights as Archbishop.

5.

- (1) The election of the Archbishop shall be by an Archbishop's Electoral College.
- (2) The Archbishop's Electoral College shall consist of:
 - (a) the Bishops; and
 - (b) the first three clerical and the first three lay Episcopal Electors on the list of each Diocese in the Church in Wales.
- (3) The senior Diocesan Bishop, if willing to act or, in their absence or unwillingness to act, the Diocesan Bishop next in order of precedence present and willing to act, shall be the President of the College ("the President").

6.

Subject to the provisions of the Constitution, the Archbishop's Electoral College shall make its own rules as to the method and manner of voting for and electing the Archbishop. A copy of the rules under which an election was made shall be published to members of Governing Body at their first meeting following the election.

7.

- (1) In the case of the Archbishop's incapacity or absence from the British Isles:
 - (a) the senior Diocesan Bishop willing to act and capable of acting and not then absent from the British Isles, as long as the Archbishop remains incapacitated or absent from the British Isles, shall be the guardian of the spiritualities of any vacant see, and shall have and exercise all the other rights of the Archbishop;
 - (b) if such Bishop during such period dies or becomes incapable of acting or is absent from the British Isles for a period exceeding three consecutive days, his place for the purpose of this section thenceforth or as long as he remains incapacitated or absent from the British Isles, shall be taken by the Diocesan Bishop next in order of precedence and qualified as aforesaid.
- (2) Repealed.

8.

The Archbishop may resign his office of Archbishop by notice in writing to the senior Diocesan Bishop without resigning his see.

9.

When the office of Archbishop falls vacant:

- (a) the senior Diocesan Bishop other than the retiring Archbishop, who is willing to act and capable of acting, as long as the Archbishopric is vacant, shall be the guardian of the spiritualities of any vacant see and shall have and exercise all the other rights and shall occupy the position of the Archbishop;
- (b) if such Bishop during such vacancy dies or if, at the time when the vacancy occurs or during such vacancy, he is or becomes incapable of acting or is absent from the British Isles, his place for the purposes of this section thenceforth or as long as he remains incapacitated or absent from the British Isles, shall be taken by the Bishop next in order of precedence qualified as aforesaid.

Part III: The Diocesan Bishops

10.

- (1) The election of a Diocesan Bishop shall be by a Bishop's Electoral College.
- (2) The Bishop's Electoral College shall consist of:
 - (a) the Archbishop and the Diocesan Bishops;
 - (b) the six clerical and the six lay Episcopal Electors from the diocese of which the see is vacant; and
 - (c) the first three clerical and the first three lay Episcopal Electors on the list of each of the other dioceses.
- (3) The Archbishop or in their absence the Diocesan Bishop next in order of precedence and willing to act, shall be President of the Bishop's Electoral College.

Chapter V - The Archbishop and the Diocesan Bishops

11.

Subject to the Constitution, the Bishop's Electoral College shall make rules as to the method and manner of voting for and electing a Bishop. A copy of the rules under which an election was made shall be published to members of Governing Body at their first meeting following the confirmation of the election by the Bench of Bishops assembled in Synod.

12.

(1) A Bishop may resign his see by notice of his intention to do so in writing to the Archbishop, who shall thereupon instruct the Secretaries of the Governing Body to give notice in writing of such resignation to each Diocesan Bishop, to the Chairman of the Standing Committee and to the Chairman of the Representative Body, and to each Episcopal Elector.

(2) The Archbishop may resign his see by notice of his intention to do so in writing to the senior Diocesan Bishop, who shall thereupon become President of the Bishop's Electoral College and shall instruct the Secretaries of the Governing Body to give notice in writing of such resignation as in subsection 12(1).

13.

On the creation of a new diocese the Governing Body shall make such provision as it thinks expedient for the purpose of securing the election of Bishops in accordance with the principles of this Chapter.

14.

(1) If a Bishop is unable to perform the duties of their office due to sickness or other medical reason for a continuous period of more than sixty days, then the Archbishop may perform any duty and exercise any right belonging to that Bishop within the Bishop's Diocese whilst they remain unable to perform their duties.

(2) Statements in accordance with the provisions of the *Statutory Sick Pay (Medical Evidence) Regulations 1985* that the Bishop is not fit for work shall be conclusive evidence for the purposes of this Section 14 that the Bishop is unable to perform their duties of office due to sickness or other medical reason for the duration of the period covered by that statement.

Assistant Bishop

15.

- (1) Any Diocesan Bishop may, if he so desires, have an Assistant Bishop or Bishops to assist him in the diocese.
- (2) An Assistant Bishop shall as such have no right of succession to any see.
- (3) An Assistant Bishop shall exercise only such powers and functions in the diocese as shall from time to time be committed to him to exercise by the Bishop for the time being of the diocese by his commission under his episcopal seal.
- (4) If a Diocesan Bishop shall desire to have for such office of Assistant Bishop a cleric in priest's orders, he shall send the name of the cleric to the Archbishop who shall submit the name to each member of the Bench of Bishops; and if the Bench of Bishops, or a majority of them, assembled in Synod are satisfied of the fitness of such cleric, he shall be declared by the Archbishop to be an Assistant Bishop- Designate for the diocese, and the Archbishop shall take such steps as may be necessary to give effect thereto.
- (5) If the Bench of Bishops, or a majority of them, assembled in Synod are not satisfied as to the fitness of the cleric whose name has been submitted to them, or if the Assistant Bishop-Designate declines or does not within twenty-one days after receiving notification of such declaration as aforesaid accept the appointment by writing addressed to the Archbishop, the Diocesan Bishop may submit another name in accordance with the foregoing provisions.
- (6) These provisions for the appointment of Assistant Bishops in dioceses shall be without prejudice to and shall not affect the exercise by the Archbishop of the powers and functions inherent in the office of Metropolitan or the exercise by the Diocesan Bishops of the powers and functions inherent in the episcopal office.
- (7) The Bench of Bishops may assign a titular See to an Assistant Bishop appointed pursuant to this section 15.

**THE CONSTITUTION OF
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VOLUME I**

**CHAPTER V
REGULATIONS RELATING TO THE ELECTION OF THE
ARCHBISHOP AND THE DIOCESAN BISHOPS**

September 2023

Ref - 2328

CHAPTER V

**REGULATIONS RELATING TO THE ELECTION OF THE
ARCHBISHOP AND THE DIOCESAN BISHOPS**

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**Governing Body Regulations relating to the Election of the
Archbishop and the Diocesan Bishops**

In exercise of its powers under Chapter II of the Constitution the Governing Body hereby makes the following Regulations entitled "Governing Body Regulations relating to the Election of the Archbishop and the Diocesan Bishops", which are set out as follows:

- Part I: Appointment of Episcopal Electors
- Part II: The Archbishop's Electoral College
- Part III: The Bishop's Electoral College

Part I: Appointment of Episcopal Electors

1. An Episcopal Elector shall be a lay person who is under the age of seventy five years or a Cleric who is under the age of seventy years and, in each case, qualified to be a member of the Governing Body.
- 2.1 Each Diocesan Conference shall, at its first meeting and at each subsequent first meeting of any newly-elected Diocesan Conference, appoint:
 - 2.1.1 six Clerics who hold a licence from the Diocesan Bishop to officiate and reside in the diocese; and
 - 2.1.2 six lay persons who either reside in the diocese or whose names are on the electoral roll of a Parish in the diocese or who hold diocesan office in such diocese;to act as Episcopal Electors in the Electoral College, the Clerics being appointed by the clerical members and the lay persons by the lay members of the Conference and the Conference shall make lists of Episcopal Electors in accordance with Regulation 2.3.
- 2.2 A supplemental list of nine Clerics and nine lay persons shall be made at the same time in a similar manner, from which casual vacancies in the number of Episcopal Electors shall be filled.
- 2.3 The order in which the names of the persons appointed under Regulations 2.1 and 2.2 shall stand on the lists of Episcopal Electors and on the supplemental lists respectively shall be determined by a vote taken by ballot at the time of appointment, and in the case of an equality of votes the order as between those having an equality of votes shall be determined by the President of the Diocesan Conference.
- 3.1 Subject to Regulations 5.5 and 16.4, a Cleric who is appointed an Episcopal Elector shall continue as such only whilst holding a licence from the Bishop to officiate and residing in such diocese, provided that an Episcopal Elector who at the time of appointment was a Cleric in the full-time stipendiary ministry of the Church in Wales shall cease to be an Episcopal Elector when he or she ceases to hold office in the full-time stipendiary ministry of the Church in Wales, but this without prejudice to eligibility for re-appointment as an Episcopal Elector.

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- 3.2 Subject to Regulations 5.5 and 16.4, a lay person who is appointed an Episcopal Elector shall continue as such only whilst residing in the diocese by which he or she was appointed save that this paragraph shall not apply to an Episcopal Elector holding diocesan office or whose name is on the electoral roll of a parish in such diocese.
- 4.1 A list of the Episcopal Electors for each Diocese shall be sent immediately after their appointment by the Secretary of the Diocesan Conference to the Archbishop and each Diocesan Bishop and the Archbishop's Registrar.
- 4.2 An Episcopal Elector may resign from office by notice in writing, addressed to the Secretary of his or her Diocesan Conference.
- 4.3 In the event of a vacancy in the number of Episcopal Electors, the first name on the supplemental list shall be placed at the end of the list of Episcopal Electors, and that person shall become an Episcopal Elector and the Secretary of the Diocesan Conference shall send notice thereof as in Regulation 4.1.
- 4.4 In the event of there being both (a) a vacancy in the number of Episcopal Electors and (b) no names on the relevant Supplemental List, the Diocesan Conference may (whether at a meeting or by postal and/or electronic means) appoint further electors to fill the casual vacancy or vacancies. Regulation 2.3 shall apply to the ballot held to fill the casual vacancy or vacancies, save that all appointed in this further ballot shall sit beneath those appointed pursuant to Regulation 2 on the list of Electors.
- 4.5 A Diocesan Conference may make provision to delegate elections to fill casual vacancies on the list of Episcopal Electors and the supplemental list to its Standing Committee. Such elections shall otherwise proceed as set out in Regulation 4.4.
- 4.6 In the event of any Elector having been appointed for more than one diocese the Archbishop's Registrar shall give notice in writing to such Elector calling on him or her to signify in writing within twenty-one days his or her choice of the diocese for which he or she will serve. In the event of such Elector failing so to signify his or her choice his or her name shall be removed from the list of Electors for each diocese on which it appears.

Part II: The Archbishop's Electoral College

- 5.1 Within thirty days after a vacancy arises in the archbishopric, the senior Diocesan Bishop shall summon each member of the Archbishop's Electoral College to a meeting to be held not less than fourteen and not more than thirty days after the date of such summons, for the purpose of electing an Archbishop.
- 5.2 Provided that if a vacancy in any see or sees exists or arises on the date on which the archbishopric becomes vacant or arises within fourteen days thereafter, proceedings to fill the archbishopric shall not be taken, or if begun shall be annulled, until after the Bishop or Bishops of such see or sees shall have had their elections confirmed pursuant to Regulation 26.1, whereupon the procedure prescribed in paragraph 5.1 for the summoning of the College

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shall be followed, the date of the latest of such confirmations of election being substituted for the date on which the vacancy in the archbishopric arose.

5.3 Except as herein provided, it shall not be necessary that before the election

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of an Archbishop takes place every see in Wales shall be filled.

- 5.4 The Standing Committee may by resolution amend the time limits set out in this regulation 5 in respect of an individual vacancy provided that such amendments must not alter the order in which meetings of the Archbishop's Electoral College and any Bishops' Electoral Colleges take place.
- 5.5 An Episcopal Elector who was duly appointed and eligible to act on the day immediately following the archiepiscopal see falling vacant (unless a date has been substituted therefor pursuant to regulation 5.2, in which case the day immediately following that substituted date) shall be eligible to act as Episcopal Elector in that Archbishop's Electoral College.
6. In the event of any Episcopal Elector being unable or unwilling to act, the place of such Elector shall be taken by the next member, lay or clerical as the case may be, on the list of Electors for his or her diocese.
- 7.1 Failure to summon any member to any meeting or the absence of any member shall not invalidate the meeting.
- 7.2 A quorum for the meeting shall comprise two thirds of the total number entitled to be present, including at least one Bishop, provided that no Diocese is unrepresented and provided also that no Bishop present is the sole representative of that Diocese.
- 8.1 Unless and until the Governing Body otherwise determine, the meeting to elect the Archbishop shall be a physical meeting held in the Church of the Holy Trinity at Llandrindod Wells and if that church shall not be available, at some church selected by the Standing Committee of the Governing Body.
- 8.2 The Archbishop's Electoral College may hold one or more preparatory meetings prior to the physical meeting referred to in Regulation 8.1. The quorum for such preparatory meetings shall be as per Regulation 7.2. Such meeting(s) shall be private.
- 9.1 On the day and at the time and place appointed for the election, and after celebration of the Holy Communion, the President shall take the chair and declare the Archbishop's Electoral College to be assembled for the election of the Archbishop. Such meeting shall be private.
- 9.2 The Archbishop's Electoral College shall elect a Chair from amongst its own number.
- 10.1 The voting shall be by ballot.
- 10.2 There shall not be a vote by orders.
- 10.3 No member has a casting vote.
- 10.4 Any dispute as to a vote shall be referred to the Chair whose decision shall be final.
11. The Archbishop's Electoral College shall not be allowed to delegate its power of electing an Archbishop.
12. If a person receives two-thirds of the votes of those present and voting, they shall be declared by the Bishops to be Archbishop-Elect.
- 13.1 If at the close of the meeting, which shall not extend beyond three consecutive

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- days, no person shall have received two-thirds of the votes of those present and voting, the election shall pass to the Bishops and the person elected by them shall be declared by them to be Archbishop-Elect.
- 13.2 If the College shall not have elected any person as Archbishop within three months of the day upon which it was first possible for them to have done so, the election shall pass to the Bishops and the person elected by them shall be declared by them to be Archbishop-Elect.
- 14.1 If the Archbishop-Elect accepts the appointment the Bishops shall declare him to be Archbishop and shall send a document notifying his election and accession to the Secretaries of the Governing Body.
- 14.2 If the Archbishop-Elect refuses or does not within twenty-eight days accept the appointment by writing addressed to the Bishops, another election shall be held in similar manner, provided that for the purpose of such election the vacancy of the archbishopric shall be deemed to have taken place on the date of such refusal or on the twenty-eighth day after the election of such Archbishop-Elect, whichever shall first happen.
15. The enthronement of the Archbishop shall take place within three months of his election or as soon thereafter as may be, at a place in Wales to be appointed by him.

Part III: The Bishop's Electoral College

- 16.1 Where a Bishop or the Archbishop gives at least sixty days' notice of their intention to resign their see, the President shall summon each member of the Bishop's Electoral College to a meeting to be held not more than sixty days after the date when such resignation is to take effect for the purposes of electing a bishop to the see concerned.
- 16.2 Where such a vacancy arises without at least sixty days' prior notice being given to the President, they shall summon each member of the College to a meeting to be held not more than ninety days after the date when the see becomes/became vacant, for the purposes of electing a Bishop to the vacant see.
- 16.3 The Standing Committee may by resolution amend the time limits set out in this regulation 16 in respect of an individual vacancy, provided that such amendments must not alter the order in which meetings of the Archbishop's Electoral College and any Bishops' Electoral Colleges take place.
- 16.4 An Episcopal Elector who was duly appointed and eligible to act on the day immediately following the see falling vacant shall be eligible to act as Episcopal Elector in that Bishop's Electoral College.
17. In the event of an Elector being unable or unwilling to attend any meeting of the College, their place shall be taken for that meeting by the next member, clerical or lay as the case may be, on the lists or supplemental lists as the case may be.
- 18.1 Failure to summon any member to any meeting or the absence of any member shall not invalidate the meeting.

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- 18.2 A quorum for the meeting shall comprise two thirds of the total number entitled to be present, including at least one Bishop, provided that no Diocese is unrepresented and provided also that no Bishop present is the sole representative of that Diocese.
19. The Bishop's Electoral College shall not be entitled to delegate its power of electing a Bishop other than as set out in Regulation 23.
- 20.1 The meeting shall be a physical meeting and shall take place in the Cathedral of the vacant see or another place within the Diocese to be identified by the President.
- 20.2 The Bishop's Electoral College may hold one or more preparatory meetings prior to the physical meeting referred to in Regulation 20.1. The quorum for such preparatory meetings shall be as per Regulation 18.2. Such meeting(s) shall be private.
- 21.1 On the day, and at the time and place appointed for the election, and after celebration of the Holy Communion, the President shall declare the College to be assembled for the election of the Bishop of the diocese. Such meeting shall be private.
- 21.2 The President shall act as Chair of the College. If they are unwilling so to act, then the College shall elect a Chair from amongst its own number.
- 21.3 The voting shall be by ballot.
- 21.4 There shall not be a vote by orders.
- 21.5 No member shall have a casting or second vote.
- 21.6 Any dispute as to a vote shall be referred to the Chair whose decision shall be final.
22. If a person receives two-thirds of the votes of those present and voting he shall be declared by the President to be the Bishop-Elect.
- 23.1 If at the close of the meeting, which shall not extend beyond three consecutive days, no person shall have received two-thirds of the votes of those present and voting, then the Electoral College shall vote either to reconvene for a second meeting (to be held between 21 and 60 days after the close of the first meeting) or to pass the right to fill the vacancy to the Bench of Bishops.
- 23.2 If at the close of a second meeting, which again shall not extend beyond three consecutive days, no person shall have received two-thirds of the votes of those present and voting the right to fill the vacancy shall pass to the Bench of Bishops.
24. If the College does not elect any person as Bishop-Elect within six months of the vacancy of the see, the vacancy shall be filled by the Bench of Bishops.
25. If the Bishop-Elect refuses, or within twenty-eight days does not accept the appointment by writing addressed to the President, another election shall be held in similar manner, provided that for the purpose of such election the vacancy of the see shall be deemed to have taken place on the date of such refusal or on the twenty-eighth day after the election of such Bishop-Elect, whichever shall first happen.

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- 26.1 If the Bishop-Elect accepts the appointment, the President shall send his name to each member of the Bench of Bishops, and if they or a majority of them assembled in Synod are satisfied of their fitness, the President shall take the necessary steps to give effect to the election.
- 26.2 If the Bench of Bishops or a majority of them are not so satisfied, another election shall be held in similar manner, provided that for the purpose of such election the vacancy of the see shall be deemed to have taken place on the date of the Synod at which the Bench of Bishops or a majority of them were not so satisfied, and Regulation 16.2 shall apply.

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**CHAPTER VI
APPOINTMENTS AND NOMINATIONS**

**Issue 3
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CHAPTER VI

APPOINTMENTS AND NOMINATIONS

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Chapter VI

APPOINTMENTS AND NOMINATIONS

Part I: Appointments

Dean, Archdeacon, Canon and Prebendary

1.

- (1) Subject to the provisions of the Constitution, the appointment to the office of Dean, Archdeacon, Canon or Prebendary shall be vested in the Diocesan Bishop.
- (2) No person shall be appointed Dean or Archdeacon unless he or she has been at least six years in priest's orders.
- (3) No person shall be appointed a Prebendary unless he or she is a cleric.
- (4) A Canon may be a lay person or cleric appointed in accordance with the Cathedral Scheme or its Constitution and Regulations which ever is in force at the time.

Area Dean

2.

- (1) Subject to the provisions of subsection (2), the appointment to the office of Area Dean shall be vested in the Diocesan Bishop.
- (2) In the event of a vacancy occurring in the office of Area Dean, the clerics of the Deanery, who are beneficed or hold a licence from the Diocesan Bishop to officiate shall, at a meeting to be held for that purpose and of which seven clear days' notice shall be given by the Archdeacon of the Archdeaconry in which the Deanery is situate, select three of their number serving in the parochial ministry of the Church in Wales for nomination to the Diocesan Bishop, and the Diocesan Bishop shall appoint one of those so nominated to the vacant office.

Honorary, Ecumenical / Metropolitan Canons

3.

- (1) The Diocesan Bishop may appoint Honorary Canons or Ecumenical Canons who are properly ordained ministers of religion. Honorary Canons or Ecumenical Canons shall not be members of the Cathedral Chapter unless otherwise stated in the relevant Cathedral Scheme or its Cathedral's Constitution and Regulations.

(2) The Archbishop may appoint with the consent of the Bishops, Metropolitan Canons who may be lay persons or Clerics and who shall not be members of any Cathedral Chapter unless stated by the Cathedral's Scheme or Constitution and Regulations.

Cathedral Officials

4.

The Cathedral Chapter in each diocese shall appoint the clerical and lay officials of the cathedral.

Part II: Nominations

Parishes annexed to a Cathedral

5.

Where a Parish is annexed to a cathedral, the Dean shall be the Incumbent of such Parish and the provisions hereinafter contained relating to nomination shall not apply to such Parish.

Turns of Nomination

6.

(1) Subject to subsections (2) and (3), the right in each Diocese to collate or nominate for institution to vacant cures clerics in priest's orders shall, to the extent hereinafter provided, be vested in and may be exercised by the following:

- (a) the Diocesan Bishop;
- (b) the Diocesan Nomination Board;
- (c) the Provincial Nomination Board.

(2) When a vacancy occurs in any incumbency the Bishop may, with the concurrence of the Diocesan Nomination Board, and after giving full opportunity to the Parochial Church Council to state the case for the Parish, by a decree signed by him and deposited in the Diocesan Registry suspend the incumbency. At the termination of such suspension the incumbency, unless otherwise ordered under the provisions of Chapter IV D, shall be revived.

(3) When a vacancy occurs in the case of an incumbency of a Parish which has been placed on a defaulters' list in pursuance of Chapter IV A section 25, the Bishop acting with the concurrence of the Diocesan Nomination Board, may either collate a priest to be Incumbent of the Parish, or suspend the incumbency in the manner hereinbefore provided, for such period as he may determine, and make such other

provision for the spiritual needs of the Parish as he thinks fit. When the Incumbent whom the Bishop has collated vacates the Benefice, the person or Board who would have the right to nominate if no action had been taken under this sub-section, shall resume the right of nomination. When an incumbency has been suspended in accordance with the provisions of this subsection, at the termination of such period of suspension the incumbency shall be revived and the person or the Board who had the right of nominating at the date of suspension shall have the right of nominating within four months from the end of the suspension, and the end of the suspension period shall for the purposes of the following sections be deemed to be the date of the vacancy.

7.

(1) The right to collate or nominate to vacant cures shall in the case of each Benefice be vested in the Bishop once in four vacancies, in the Diocesan Nomination Board twice in such four vacancies and in the Provincial Nomination Board on the remaining occasion.

(2) During the vacancy of a see, the right to collate to a vacant cure and the right to appoint to any vacant ecclesiastical office which would have belonged to the Diocesan Bishop, shall be exercised by the Archbishop, provided always that if the Archbishop shall not have exercised such right during the vacancy, it shall pass to and be exercised by the new Bishop, and, if it so passes, the vacancy in such cure or in such ecclesiastical office shall be deemed to have occurred on the day upon which the election of the new Bishop was confirmed.

(3) The order or cycle of turns in which in each Benefice the Diocesan Bishop and the Nomination Boards respectively shall exercise their rights of collation or nomination shall be as follows:

- Bishop
- Diocesan Nomination Board
- Provincial Nomination Board
- Diocesan Nomination Board

and so on in succession.

(4) In a case where:

- (a) two or more Parishes are grouped or united together under one Incumbent; or
- (b) the suspension of an incumbency in accordance with the provisions of section 6(2) is terminated, other than upon a grouping; or
- (c) a new Parish is created; or
- (d) any Parish which is grouped with any other Parish or Parishes becomes a separate Parish

the turn of nomination attributable to and for the purpose of such occasion shall be that of the Diocesan Bishop, as the first of a new cycle of four turns for the benefice

concerned, and the order of the remaining turns of nomination shall follow successively as provided in subsection (3).

(5) An occasion upon which an exchange of the Benefice is made by the Incumbent with the consent of the Bishop and of the Diocesan Nomination Board, shall not count as one of the vacancies hereinbefore mentioned.

8.

Rectorial Benefices

(1) The Incumbent of a Rectorial Benefice shall have the title of Rector and shall have the cure of souls and be responsible for the control and co-ordinating of the work of the ministry throughout the Rectorial Benefice. He or she shall be entitled to the assistance of one or more other Clerics, who shall be licensed by the Bishop with the title of Vicar and who, unless in the non-stipendiary ministry, shall have a stipend not less than the minimum stipend laid down for Incumbents of ordinary Parishes and a house or house allowance. A Rectorial Benefice may also have one or more assistant curates.

(2) The right to collate or nominate for institution to the incumbency of the Rectorial Benefice becoming vacant shall be in accordance with this Chapter and the Governing Body Regulations relating to Appointments and Nominations.

(3) Provided that on the occasion of the forming of a Rectorial Benefice the first turn of nomination (which shall include the appointment of the previous Incumbent as Rector of the new Rectorial Benefice) shall be that of the Bishop but the remaining turns for the benefice shall be in accordance with this Chapter and the Regulations.

(4) A Vicar in a Rectorial Benefice shall be appointed to the office by the Bishop by licence under seal after consultation with the Rector. Prior to such appointment the Bishop or the Archdeacon on his behalf shall consult with the other Vicar or Vicars (if any) in the Rectorial Benefice and the two parochial representatives who serve on the Diocesan Nomination Board.

(5) A Vicar so appointed may be publicly admitted in a church in the Rectorial Benefice.

9.

Subject to the provisions of the Constitution:

- (a) any appointment to an office in the Church in Wales not herein specifically provided for shall be made by the person or persons entitled to make it at the date of the passing of the Welsh Church Act 1914, or if there has been any change, by his or her or their official successor or successors;
- (b) any dispute as to the person or persons entitled to make such an appointment shall be decided by the Provincial Court.

Part III: Declarations

10.

All persons admitted to Holy Orders of deacons or priests, or instituted or collated to the cure of souls, or licensed as Assistant Curates or Deaconesses, and all Clerics appointed to any ecclesiastical office in the Church in Wales, shall, in addition to the declaration of canonical obedience to the Bishop, make and subscribe before such ordination, institution, collation, licence or appointment, in the presence of the Bishop or his Commissary appointed in writing, the following declaration and undertaking and none other:

I, J...S..., do solemnly declare my belief in the Faith which is revealed in the Holy Scriptures and set forth in the Catholic Creeds and to which the historic formularies, namely: the Thirty-nine Articles of Religion, the Book of Common Prayer and the Ordering of Bishops, Priests and Deacons, as published in 1662, bear witness; and in public prayer and administration of the sacraments, I will use only the forms of service which are allowed by lawful authority, and none other.

And I hereby undertake to be bound by the Constitution of the Church in Wales, and to accept, submit to, and carry out any sentence or judgement which may at any time be passed upon me by the Archbishop, a Diocesan Bishop or any Court or the Tribunal of the Church in Wales.

Part IV: Other provisions

Refusal to Institute

11.

(1) If the Bishop refuses to institute a Cleric nominated by a Nomination Board he shall send notice in writing of such refusal, together with the reasons therefore, to such Cleric, and to the Secretary of the Board, who shall thereupon convene a special meeting of the Board.

(2) Any Cleric whom the Bishop has refused to institute, or, with the consent of such Cleric, either the Provincial Nomination Board or the Diocesan Nomination Board, by decision made at such special meeting, respectively may within one month appeal to the Provincial Court against such refusal.

(3) In the event of the Provincial Court deciding that the Cleric so nominated is a fit and proper person to be instituted, the Bishop, or some Commissary appointed by him in writing, shall institute such Cleric.

(4) In the event of the Provincial Court deciding that the Cleric is not a fit and proper person, then the right of nomination to such vacancy shall once more be exercised within one month from the date of the decision of the Court by the Board

whose first nomination has been rejected. If the Bishop again refuses to institute, and the Court on appeal decides that the Cleric so nominated is not a fit and proper person, then the appointment to such vacancy shall pass to the Bishop.

Consequence of Institution

12.

Whenever a Cleric nominated to a cure is already an Incumbent of any other cure in Wales, then and in such case the institution of the Cleric to the new cure shall operate as a resignation of the cure he or she previously held, unless the Bishop with the consent of the Archbishop gives consent for the cures to be held together.

Requirement to resign existing appointment

13.

(1) When a Cleric nominated to a cure is holding any office elsewhere than in Wales which, in the opinion of the Bishop of the diocese, is inconsistent with his appointment to or undesirable for him to hold the said cure, the institution of the Cleric to the cure shall be postponed until he or she shall have resigned such office and have produced to the Bishop evidence to satisfy him of such resignation.

(2) If such evidence is not produced to the Bishop within two months of the nomination, the nomination shall thereupon become null and void, and the Nomination Board shall proceed to nominate some other Cleric to the cure as if a vacancy in the same had taken place on the day after the expiration of the said period of two months.

14.

Whenever a Cleric holding an ecclesiastical office or cure in Wales shall accept an ecclesiastical office or cure outside Wales, unless the Bishop decides to the contrary, such acceptance shall operate as a resignation of his ecclesiastical office or cure in Wales, and the same shall become vacant accordingly.

The Provincial Court

15.

(1) The Provincial Court shall have authority to determine all questions that shall arise respecting the nomination of a Cleric to any cure, at the request of the Bishop of the diocese, or upon the petition or suit of such Cleric, or of any two members of the Nomination Board of the diocese in which the cure is situated.

(2) The said petition or suit shall be subject to the rules and regulations of the Court, but no petition or suit shall be brought after a period of one month from the date of institution of such Cleric.

(3) If the Court shall be of the opinion that the nomination has been improperly made, it shall declare the cure vacant as from the date of its judgment, and make such further order as may seem just under the circumstances.

Extra-parochial Offices

16.

A Cleric appointed by the Diocesan Bishop, by licence under seal, to an extra-parochial office in the ministry of the Church in Wales deemed necessary by the Bishop shall have the precedence of Vicar.

Removal of an Incumbent

17.

(1) A Cleric duly instituted to a cure shall be deemed the Incumbent of the Benefice, and shall not be removable without his or her consent, except as hereinafter provided, that is to say:

- (a) an Incumbent may be removed by the Bishop to another Benefice or other ecclesiastical office in the Church in Wales in those cases where in the opinion of the Bishop, after consultation with and with the consent of the Diocesan Nomination Board, such a change is necessary and provided that upon a change such augmentation may be made to the stipend of the Benefice or other ecclesiastical office to which the Incumbent is removed as may be decided upon by the Diocesan Board of Finance in consultation with the Bishop;
- (b) the Bishop may remove an Incumbent for any reason which, in the judgment of the Tribunal, renders his or her continuance in office grievously prejudicial to the welfare of the Church, provided that, failing other employment, he or she shall receive such maintenance, if any, as the Court shall recommend to the Diocesan Board of Finance;
- (c) the Bishop may require an Incumbent to retire from full-time service in the ministry of the Church in Wales in any case in which in the opinion of the Bishop such retirement is necessary, provided that upon such retirement the Incumbent shall be entitled to a pension in accordance with the Clergy Pension and Gratuities Scheme;
- (d) in any case dealt with by the Bishop under sections 21 and 22 or by virtue of his inherent jurisdiction.

(2) The powers conferred on the Bishop by the preceding paragraphs (a) and (c) shall be exercised by him only on his giving not less than six months' previous notice in writing to the Incumbent, provided that the Incumbent if he or she so desires shall have a right of appeal to the Provincial Court within a period of six weeks after the receipt of the notice by him or her.

Removal of a Vicar in a Rectorial Benefice

18.

(1) A Vicar in a Rectorial Benefice shall not be removable without his or her consent nor shall the appointment be terminated without his or her consent, except as hereinafter provided, that is to say:

- (a) a Vicar in a Rectorial Benefice may be removed by the Bishop to another Rectorial benefice or to a benefice or other ecclesiastical office in the Church in Wales in any case in which in the opinion of the Bishop such a change is necessary;
- (b) the Bishop may remove a Vicar in a Rectorial Benefice for any reason which, in the judgment of the Tribunal, renders the continuance of such Vicar in office grievously prejudicial to the welfare of the Church, provided that, failing other employment, he or she shall receive such maintenance, if any, as the Court shall recommend to the Diocesan Board of Finance;
- (c) the Bishop may require a Vicar in a Rectorial Benefice to retire from full-time service in the ministry of the Church in Wales in any case in which in the opinion of the Bishop such retirement is necessary, provided that upon such retirement the Vicar shall be entitled to a pension in accordance with the Clergy Pensions and Gratuities Scheme.

(2) The powers conferred on the Bishop by the preceding paragraphs (a) and (c) shall be exercised by him only on his giving not less than six months' previous notice in writing to the Vicar in a Rectorial Benefice, provided that the Vicar if he or she so desires shall have a right of appeal to the Provincial Court within a period of six weeks after receipt of the notice.

Requirement of Residence

19.

Every Incumbent, Vicar in a Rectorial Benefice, licensed assistant curate and deaconess shall reside within the limits of the Parish or Grouped Parishes, unless the Bishop, on sufficient cause, has granted a licence of non-residence.

Absence of Incumbent

20.

No Incumbent shall be absent from his or her Benefice without providing a fit and proper substitute, unless with special leave in writing from the Bishop himself.

21.

If any Incumbent shall be absent from his or her Benefice for a period of two consecutive months without the permission of the Bishop, the Bishop shall have power to call upon him or her to return. If at the expiration of one month he or she shall still be absent, the Bishop shall have power to declare the Benefice vacant.

22.

If any Incumbent, without the permission of the Bishop, shall be absent from his or her Benefice for non-consecutive periods amounting to eight weeks in any six months, the Bishop shall have power to call upon him or her to reside more regularly, and in case of disobedience to declare the Benefice vacant.

Assistant Curates

23.

(1) When circumstances require it and, in the judgment of the Bishop, sufficient maintenance can be guaranteed, the Incumbent of a Benefice shall be entitled to nominate to the Bishop for his approval a cleric (to act as licensed assistant curate) or a deaconess. Such curate or deaconess shall not be removed from office without his or her consent unless upon the decision of the Bishop or the Benefice is vacant.

(2) The Diocesan Registrar shall inform the Secretary of the Representative Body and the Diocesan Board of Finance of all licences to assistant curates.

24.

The Bishop may during the period of four years from the ordaining of a deacon prescribe from time to time the Benefice in which he or she shall serve as a licensed assistant curate.

Resignations

25.

(1) An Incumbent or a Vicar in a Rectorial Benefice may, with the leave of the Bishop, resign his or her Benefice or appointment as the case may be by giving notice in writing to the Bishop fixing a definite time not earlier than two months nor later than six months at which the resignation shall take effect.

(2) A Bishop may within one month from the receipt of the said notice allow it to be withdrawn; but, in the event of its not being withdrawn within such period, and the Bishop accepting the resignation, the Benefice shall become vacant or the appointment shall terminate at the time specified in the notice.

(3) Provided always that at the request of an Incumbent or a Vicar in a Rectorial Benefice the Bishop may in special circumstances of which the Bishop shall be the sole judge allow him or her to resign his or her Benefice or his or her appointment forthwith or at a date earlier than two months from the date of such request, in which case the resignation shall be effected by a deed duly executed and the Benefice shall become vacant or the appointment shall terminate at the date specified in the deed as the date upon which the resignation takes effect.

26.

Priest in Charge

(1) During the vacancy of a cure the Bishop shall be entitled to appoint a Cleric in priest's orders to discharge the duties of the cure, or to appoint a Cleric, reader or deaconess to take services. The Bishop shall determine the salary, if any, of a Cleric discharging the duties of the cure.

(2) Whenever a Cleric shall be suspended from his or her office, or shall be absent without licence as specified in sections 21 and 22, the Bishop shall be entitled to appoint a Cleric in priest's orders to discharge the duties of the cure or office, at such salary, if any, as the Bishop shall decide.

27.

The Churchwardens or trustees of any church shall allow the free use thereof to any Cleric appointed by the Bishop in pursuance of section 26 to officiate therein.

**THE CONSTITUTION OF
THE CHURCH IN WALES
VOLUME I**

**CHAPTER VI
REGULATIONS RELATING TO
APPOINTMENTS AND NOMINATIONS**

**Issue 1
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CHAPTER VI

REGULATIONS RELATING TO APPOINTMENTS AND NOMINATIONS

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Governing Body Regulations relating to Appointments and Nominations

In exercise of its powers under Chapter II of the Constitution of the Church in Wales, the Governing Body hereby makes the following regulations entitled "Governing Body Regulations relating to Appointments and Nominations" which are set out as follows:

Part I: Boards of Nomination

The Diocesan Nomination Board

- 1.1 In the case of a vacancy in an incumbency comprising a single Parish, the Diocesan Nomination Board shall consist of:
 - 1.1.1 the Diocesan Bishop;
 - 1.1.2 the Archdeacon of the archdeaconry in which the cure is vacant;
 - 1.1.3 two Clerics, being members of the Diocesan Conference, elected triennially by Clerical members of the Conference;
 - 1.1.4 three lay persons, being members of the Diocesan Conference, elected triennially by the lay members of the Conference; and
 - 1.1.5 two lay persons, representatives of the Parish in which the cure is vacant, elected by the Parochial Church Council of that Parish in accordance with paragraph 1.4.
- 1.2 In the case of a vacancy in an incumbency comprising two or more Grouped Parishes, the Diocesan Nomination Board shall consist of:
 - 1.2.1 the Diocesan Bishop;
 - 1.2.2 the Archdeacon of the archdeaconry in which the cure is vacant;
 - 1.2.3 one Cleric in respect of each Parish in the group, such Clerics, being members of the Diocesan Conference, elected triennially by the Clerical members of the Conference;
 - 1.2.4 three lay persons, being members of the Diocesan Conference, elected triennially by the lay members of the Conference; and
 - 1.2.5 one lay person, a representative of each Parish in which the cure is vacant, elected by the Parochial Church Council of each such Parish in accordance with Regulation 1.4.
- 1.3 Every Archdeacon of the diocese shall be summoned to attend the meeting of the Diocesan Nomination Board, to advise and assist the Board, but no Archdeacon, unless he or she be a member of the Board at that meeting, shall be entitled to a vote, except for the purpose of electing the lay representative and supplemental representatives to the Provincial Nomination Board in accordance with Regulation 8.

Chapter VI - Regulations relating to Appointments and Nominations

- 1.4 The persons or person referred to in Regulations 1.1.5 and 1.2.5 shall be elected by the Parochial Church Council from among its lay members within 28 days of notification to the Parochial Church Council by the Secretary of the Diocesan Nomination Board of the vacancy to which such regulations relate.
- 1.5 Within 28 days of notification to the Parochial Church Council by the Secretary of the occurrence of any of the following events namely:
 - 1.5.1 a vacancy in the incumbency to which Regulation 9 applies;
 - 1.5.2 a proposal by the Bishop to proceed to remove the Incumbent pursuant to Chapter VI section 17;
 - 1.5.3 the Bishop or Bishops as the case may be consenting to an exchange of Benefices pursuant to Regulation 18; or
 - 1.5.4 the Bishop deciding to proceed pursuant to Chapter VI section 8 to appoint a Vicar in a Rectorial Benefice;the Parochial Church Council shall elect two of its lay members to be the representatives of the Parish on the Diocesan Nomination Board.
- 1.6 If the Parochial Church Council fails to elect representatives pursuant to this Regulation, the event which has given rise to the need for an election may be dealt with in accordance with the relevant provisions of the Constitution without the participation of such parochial representatives.
- 1.7 The Parochial Church Council representatives shall be elected in accordance with this Regulation for the event which has given rise to the election and not further but shall be eligible for re-election on a subsequent occasion.
- 2.1 At the first meeting of a newly elected Diocesan Conference, the Clerical members of the Conference shall elect twelve Clerics being members of the Conference, and the lay members shall elect nine lay persons being members of the Conference, and in each case their names shall be placed on a list in the order in which it is desired they shall act on the Diocesan Nomination Board.
- 2.2 The two or more persons whose names appear at the head of the Clerical list and the three persons whose names appear at the head of the lay list shall be members of the Board for the time being. In the event of the death of any member of the Board his or her place shall be taken by the person next on the Clerical or lay list as the case may be.
- 2.3 In the event of any member of the Board being unable or unwilling to attend, it shall be his or her duty to notify the same forthwith to the Secretary of the Board, who shall thereupon summon the person next on the list who is able and willing to attend, who shall for that meeting be a member of the Board.
- 3.1 The Bishop, or his Commissary appointed in writing, shall preside at the Diocesan Nomination Board and have a casting vote. In the event of the absence of the Bishop and his Commissary, the Board shall elect a chairman from among its members, who shall have a casting vote.
- 3.2 If the Diocesan Nomination Board meets during the vacancy of the See, the senior Archdeacon shall preside and have a casting vote.

Chapter VI - Regulations relating to Appointments and Nominations

4. The Bishop may from time to time summon a meeting of the Archdeacons, and the Clerical and lay members of the Diocesan Nomination Board elected by the Diocesan Conference to confer with him on the general policy of nomination in the diocese.
- 5.1 No consideration of a vacancy or prospective vacancy shall be entertained, and no nomination to a vacant cure shall be made, unless fourteen clear days' notice of the time and place of meeting and of the vacancy or vacancies to be filled and of the intention to nominate thereto shall have been given to all members of the Board as constituted in Regulation 1 hereof.
- 5.2 Subject as aforesaid and to Regulations 5.3 and 5.4, the Board shall meet four times a year, during the first fortnight of January, April, July and October.
- 5.3 If, one week before the quarterly meeting of the Board, there is no vacancy to be filled, the Secretary, unless the Bishop directs to the contrary, shall give notice to the members that the meeting is cancelled.
- 5.4 Intermediate meetings may be convened by the Bishop, and shall be convened by him on the request in writing of two members of the Board.
6. The Secretary of the Diocesan Conference shall be the Secretary of the Diocesan Nomination Board and shall attend all meetings thereof.
7. Subject to the power of the Governing Body and of the Diocesan Conference, a Diocesan Nomination Board shall manage its own affairs and procedure by standing orders.

The Provincial Nomination Board

- 8.1 The Provincial Nomination Board shall consist of:
 - 8.1.1 the Diocesan Bishops;
 - 8.1.2 the Chairman of the Representative Body (if a lay person) or a lay person nominated by him or her, or in the event that the Chairman of the Representative Body is a Cleric, a lay person nominated by him or her; and
 - 8.1.3 the lay person representing the Diocese in which the cure is vacant, who shall be appointed accordance with Regulation 8.3.
- 8.2 A quorum shall consist of three persons, being:
 - 8.2.1 the Archbishop or in his absence the next senior Diocesan Bishop willing to act other than the Bishop of the diocese in which the vacancy has occurred;
 - 8.2.2 the Bishop of the diocese in which the vacancy has occurred; and
 - 8.2.3 a lay person being the Chairman of the Representative Body or his or her nominee or the diocesan lay representative;

provided that if the vacancy has occurred in the diocese of which the Archbishop is the Diocesan Bishop, the quorum shall include the next senior Diocesan Bishop willing to act.

Chapter VI - Regulations relating to Appointments and Nominations

- 8.3.1 At its first meeting after each triennial election provided for in Regulation 1, the Diocesan Nomination Board shall elect a lay person to represent the Diocese on the Provincial Nomination Board and shall nominate three other lay persons whose names shall be placed on a supplemental list in the order in which it is desired they shall act.
- 8.3.2 In the event of the death of the elected lay person his or her place on the Provincial Nomination Board shall be taken by the lay person whose name appears first on the supplemental list.
- 8.3.3 In the event of the elected lay person when summoned to act being unable or unwilling to attend, it shall be his or her duty to notify the same forthwith to the Secretary of the Provincial Nomination Board who shall thereupon summon the lay person next on the list who is able and willing to attend, who shall for that meeting be a member of the Provincial Nomination Board.
- 8.4 The Secretary of a Diocesan Nomination Board shall within seven days of receiving notification of a vacancy in a cure to which the Provincial Nomination Board is entitled to nominate, send notice thereof to the Archbishop's Registrar who shall be the Secretary of the Provincial Nomination Board. Such notice shall state:
 - 8.4.1 the reason for the vacancy;
 - 8.4.2 the date of the previous Incumbent's appointment;
 - 8.4.3 the number of curates (if any) and the number of services in Welsh (if any);
 - 8.4.4 the scheduled stipend of the Benefice; and
 - 8.4.5 whether there is a parsonage or a housing allowance (and if so, how much).
- 8.5 The Archbishop's Registrar shall within three days of the receipt of such notice send a copy to each member of the Provincial Nomination Board.
- 8.6 The Archbishop shall decide and inform the Registrar of the procedure to be adopted in each case by the Provincial Nomination Board for making the nomination to the vacancy (provided that a majority of the Board shall be needed for a decision), and the Registrar shall give notice thereof to the other members of the Board.
9. Neither the Bishop, nor the Provincial Nomination Board shall exercise any right of collation or nomination respectively until the names of the persons who may be proposed to be collated or nominated have been submitted and full opportunity to make their views known has been afforded to those persons who, if the right of nomination had been vested in the Diocesan Nomination Board, would have been the representatives of the Parish on that Board.

Failure to nominate

10. If the Diocesan Nomination Board does not nominate to a vacancy within six months of the occurring of the vacancy to which the right of nomination applies, the appointment to the cure shall pass to the Bishop.
11. If the Bishop has the right to collate to any cure either pursuant to section 7(3) or following the failure of the Diocesan Nomination Board to nominate in accordance with Regulation 10 and does not nominate a Cleric for appointment to such cure within six months of the vacancy occurring or the right of appointment devolving upon him the right to nominate to the vacancy shall pass to the Bench of Bishops and such nomination shall be deemed to have been made by the Bishop or the Diocesan Nomination Board respectively as from the date on which it is made.
12. If the Provincial Nomination Board does not exercise its right of nominating to a cure within six months of the occurring of the vacancy to which the right of nomination applies, the right to nominate to the vacancy shall pass to the Bench of Bishops, and such nomination shall be deemed to have been made by the Provincial Nomination Board as from the date on which it is made.

Procedure following nomination

13. The Secretary of the appropriate Nomination Board shall:
 - 13.1 within seven days send to the Bishop full particulars of all nominations made at any meeting of such Board;
 - 13.2 within seven days send to any Cleric nominated by such Board to a cure notice of such nomination by recorded-delivery letter to his or her last known address; and
 - 13.3 on receipt of the letter of acceptance of a cure from the Cleric shall forthwith send notice thereof to the Bishop.
14. The nomination shall be null and void:
 - 14.1 if such Cleric does not accept the nomination by a letter addressed to the Bishop within four weeks from the date upon which such recorded-delivery letter might have reached his or her address; or
 - 14.2 if he or she shall accept, but through any default on his or her own part shall fail to be instituted within the time fixed by the Bishop;provided that the above period of four weeks and the time fixed for institution may be extended by the Bishop.

15. If a nomination becomes null and void in pursuance of Regulation 14, the Bishop shall forthwith cause notice thereof to be given to the Secretary of the appropriate Nomination Board. If a nomination by the Board so becomes null and void, the Secretary shall convene a special meeting of such Board to make another nomination, in which event the time of four months allowed to the Board to make such nomination shall be extended till one month after the notice convening the meeting.
16. No Cleric shall be instituted to a cure while a petition or suit respecting his or her nomination thereto is pending.

Part II: Institution

Institution following acceptance

- 17.1 Upon the Bishop instituting the Cleric nominated by a Board, he shall forthwith give notice thereof to the Secretary of such Board, and the Diocesan Registrar shall inform the Secretaries of the Representative Body and the Diocesan Board of Finance respectively forthwith of all collations and institutions.
- 17.2 The stipend, if any, of the Cleric shall run from the date of his or her institution, or from such earlier date as may be determined by the Diocesan Board of Finance in any particular case.

Part III: Exchange of Benefices

- 18.1 When two Incumbents desire to exchange their Benefices each of them shall apply in writing to the Bishop of his or her diocese for permission to do so.
- 18.2 The Bishop, or, in case the two Benefices are in different dioceses, either Bishop, may decline to grant permission.
- 18.3 If the Bishop or Bishops consent to the exchange, he or they shall convene the Nomination Board or Boards of the diocese or dioceses within one month after the application for exchange has been made. A Nomination Board for the purpose of this section shall be the Bishop, the Archdeacons of the archdeaconries in which such Benefices are situate, the members of the Board elected by the Diocesan Conference, and the Parish representatives from each Parish.
- 18.4 If such Nomination Board or Boards consent to the exchange, the exchange shall take effect accordingly, and the Bishop or Bishops shall fix a day on which the cure in each Benefice shall become vacant, and shall then institute the Clerics to their respective cures.
- 18.5 The last four sub-paragraphs shall not apply to any case in which an Incumbent of a parish or district outside Wales is desirous of exchanging his or her Benefice for a Benefice in Wales. In such case the Bishop of the diocese into which such Incumbent is desirous of exchanging shall decide what shall be done in the matter.

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**CHAPTER VII
PARSONAGES**

June 2022

Ref 2194

CHAPTER VII
PARSONAGES

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Chapter VII

PARSONAGES

1.

Definitions

In this Chapter and in the Regulations relating to Parsonages:

- (a) "Board" means the Parsonage Board of the diocese in which the Parsonage is situated appointed as provided in Chapter IV A;
- (b) "Inspector" means the Diocesan Inspector appointed by the Representative Body for the diocese in which the Parsonage is situated or, if more than one be appointed, the Inspector directed by the Representative Body to act in respect of that part of the diocese in which the Parsonage concerned is situated;
- (c) "Incumbent" means any holder of an ecclesiastical office in the Church in Wales (other than that of Diocesan Bishop or Assistant Bishop); and in the case of a vacancy due to the preferment or retirement of an Incumbent, the former or outgoing Incumbent; and in the case of a vacancy due to the death of an Incumbent, his or her legal personal representative;
- (d) "Parsonage" means any dwellinghouse (including its garden) held by the Representative Body and which by the provisions of this Chapter and the Regulations is required to be occupied by any Incumbent and includes deaneries, canons' houses, rectories, vicarages, minor canonries, and curates' houses, together with any buildings and land adjudged to be within the curtilage thereof and not excluded by a determination of the Board with the approval of the Representative Body;
- (e) "Diocesan Parsonage Board Account" means the fund held by the Diocesan Board of Finance for the benefit of the diocese concerned, pursuant to regulation 3 of the Regulations;
- (f) "Diocesan Parsonage Improvement Fund" means a fund set aside by the Representative Body for the benefit of a diocese, from which grants may be made towards the cost of new Parsonages, or for improvements to existing Parsonages, in the diocese concerned;
- (g) "Arbitrator" means an arbitrator appointed as provided in the Regulations.

2.

Unless the Incumbent is granted a licence of non residence by the Bishop or holds a non-stipendiary office in the Church in Wales for which accommodation is not provided, he or she shall reside in the Parsonage and upon the terms of the Regulations relating to Parsonages.

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**CHAPTER VII
REGULATIONS RELATING TO
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CHAPTER VII

REGULATIONS RELATING TO PARSONAGES

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Regulations relating to Parsonages

In exercise of its powers under Chapter II of the Constitution the Governing Body hereby makes the following Regulations entitled "Governing Body Regulations relating to Parsonages" which are set out as follows:

- Part I: Interpretation
- Part II: The Diocesan Parsonage Boards
- Part III: Powers, duties and functions of the Board
- Part IV: Appointment of Inspectors and surveys and reports
- Part V: Procedure for Arbitration
- Part VI: Vacancies
- Part VII: Redundant Houses and sales and lettings
- Part VIII: General provisions relating to Parsonages
- Part IX: Parsonage House Terms and Conditions

Part I: Interpretation

1. *In these Regulations:*
 - 1.1 References to a group of Parishes or a grouping of Parishes includes the uniting or merging of Parishes and the creation of a Rectorial Benefice.
 - 1.2 Nothing in these regulations shall affect the powers and duties of the Board set out in Chapter IV A section 26.

Part II: The Diocesan Parsonage Board

2. *Constitution of the Board*
 - 2.1 The Board shall elect a Chairman who shall have power to summon meetings of the Board.
 - 2.2 The Chairman, or in the Chairman's absence, a member of the Board elected by the meeting, shall preside and have a second or casting vote.
 - 2.3 The Board shall, subject to the approval of the Diocesan Board of Finance, appoint a Secretary who shall, on the instructions of the Chairman, convene and send out the agenda for meetings.
 - 2.4 The Secretary or, in the Secretary's absence a member of the Board, shall keep a minute of the proceedings.
 - 2.5 The Board shall meet as often as necessary and also when required by the Representative Body.

- 2.6 Subject to the approval of the Representative Body and of the Diocesan Board of Finance, the Board shall settle its own mode of procedure and shall have power to act by committee and decide the number of members to constitute a quorum.
- 2.7 The necessary and reasonable cost of administration, including salaries if necessary, shall be paid out of the Diocesan Parsonage Board Account.
- 2.8 The Board shall report in writing to the Representative Body and to the Diocesan Board of Finance not less than once a year.

3 *Accounts of the Board*

The Diocesan Board of Finance shall keep for each diocese a separate Diocesan Parsonage Board Account to be called The Diocesan Parsonage Board Account, to which the Diocesan Board of Finance shall contribute such amount as the Representative Body may from time to time determine by regulation under the Maintenance of Ministry Scheme for the time being in force.

Part III: Powers, Duties and Functions of the Board

4. *The building, acquisition and disposal of Parsonages*

- 4.1 Subject to the control of the Diocesan Board of Finance and the Representative Body, the Board shall have the duty to carry out preliminary negotiations in connection with:
 - 4.1.1 the sale of a Parsonage or of a site reserved for a Parsonage;
 - 4.1.2 the gift or purchase of a Parsonage or of a site for a Parsonage; or
 - 4.1.3 the building of a new Parsonage.
- 4.2 No building or rebuilding of a Parsonage shall be commenced without the consent in writing of the Board.
- 4.3 Plans and specifications of new Parsonages and any subsequent alterations of such plans shall be submitted to the Board for approval.
- 4.4 Upon recommendations of the Board and of the Diocesan Board of Finance, the Representative Body may release funds from the Diocesan Parsonage Improvement Fund for the purchase of a Parsonage or of a site for a Parsonage or for the building or rebuilding of a Parsonage.
- 4.5 During the construction or rebuilding of a Parsonage, the Inspector or the Inspector's representatives shall have the right of entering upon the premises so as to ascertain whether the work is being carried out in accordance with the plans and specifications approved by the Board.

5. *Subject to the approval of the Representative Body:*

- 5.1 The Board may determine that any farm building, cottage or parcel of land within the curtilage of a Parsonage shall cease to be a part of the Parsonage; and

5.2 The Board shall be entitled to order the demolition of such buildings as they deem to be unnecessary or the conversion of such buildings or a part of them for other purposes.

6. *Repair and improvement of Parsonages*

6.1.1 The Board shall order such work of repair and maintenance to be done as it deems necessary, and shall have power to order improvements and additions to be done in each case in accordance with the practice of good estate management.

6.1.2 Works of repair and maintenance shall be paid from the Diocesan Parsonage Board Account and works of improvement shall be paid from the Diocesan Parsonage Board Improvement Fund.

6.2 The cost of necessary repairs to a boundary wall or fence between the Parsonage and other land belonging to the Representative Body shall be shared equally between the Board and the Representative Body.

6.3 The Board shall from time to time specify the maximum sum which an Incumbent may incur on urgent necessary repairs carried out by him or her and the cost thereof, not exceeding such sum, shall be repaid to the Incumbent by the Diocesan Board of Finance on the certificate of the Inspector and be charged against the Diocesan Parsonage Board Account. The Incumbent shall notify the Inspector of any such repairs within one month of the execution of the work.

6.4 The Representative Body shall from time to time give to the Board such directions as may appear to it to be necessary for the due maintenance and repair of any Parsonage.

6(a) Provision of a parish office

Subject to the consent of the Representative Body the Board may provide a parish office in any building owned or leased by the Representative Body where the parsonage is deemed unsuitable to provide such facilities and the works shall be paid for from the Diocesan Parsonage Improvement Fund.

7. *Dividing Parsonages*

7.1 Subject to the consent of the Representative Body, the Board shall have power to divide a Parsonage into two or more dwellinghouses. The cost of such division or a part thereof may, if the Diocesan Board of Finance also concurs, be charged against the Diocesan Parsonage Improvement Fund.

7.2 Where such a dwellinghouse is let to a person other than the holder of an ecclesiastical office in the Church in Wales, the rent shall be fixed by the Representative Body and the proceeds of the letting shall be credited to the Diocesan Parsonage Board Account; provided that in any case where the major portion of the cost of the division is supplied from sources other than the Diocesan Parsonage Improvement Fund, the Representative Body may make other arrangements in regard to the proceeds of the letting.

Chapter VII - Regulations relating to Parsonages

- 7.3 Where it is required that such a dwellinghouse be occupied by the holder of an ecclesiastical office, no rent or other consideration shall be charged and the provisions of these Regulations shall apply.
- 7.4 Any other matter in connection with the division of a Parsonage not herein specifically provided for, shall be determined by the Representative Body.

Part IV: Inspectors, Surveys and Reports

8. *Appointment of the Inspector*

The Representative Body shall, on the recommendation of the Board, appoint one or more Inspectors who shall be the employees of and whose tenure of office, duties and remuneration shall be fixed by the Representative Body.

9. *Reports*

9.1 A survey of the condition of each Parsonage including the interior decorations thereof shall be made by the Inspector when necessary but at least quinquennially and forthwith on the occurrence of a vacancy. The Inspector shall send a copy of his or her report to the Incumbent.

9.2 A special survey may be ordered by the Representative Body at any time and the Inspector shall send his or her report thereon direct to the Representative Body, and may at any time report direct to that Body, but he or she shall also send a copy of such report to the Board.

9.3 The Board may appoint any one or more of its members to accompany the Inspector on any survey.

9.4 Each Inspector shall forward to the Representative Body copies of all reports made by him or her to the Board at such time and in such manner as the Representative Body shall direct.

9.5 An Inspector shall set out in his or her report the results of any failure to comply with the provisions of paragraph 23.1 of Part IX and the results of any neglect or wilful damage done or allowed to be done to any part of the Parsonage by the Incumbent or any member of his or her family or household or by his or her tenants, together with an estimate of the amount required to rectify the same. The Inspector shall send a copy of such report to the Incumbent.

10.1 If within fourteen days of the receipt of such report the Incumbent shall give notice in writing to the Secretary of the Board that he or she objects to the report and that he or she desires to appear before the Board, such Incumbent shall be entitled to attend and shall be given due notice of the meeting of the Board at which the report will be discussed. The attention of the Incumbent shall be called to this Regulation when the copy of the report is sent to him or her.

10.2 In the event of notice of objection having been given and the Incumbent, having been given due notice of the meeting of the Board, nevertheless fails to attend the meeting, the notice of objection shall be deemed to be null and void unless the Board otherwise determines.

10.3 In the event of notice of objection as aforesaid being given and the Incumbent, having met the Board, fails to reach agreement the dispute shall be referred to an Arbitrator to be appointed by the Bishop and the procedure for arbitration shall be as set out in Part V.

- 10.4 In default of notice of objection being given, the Incumbent shall be deemed to have accepted the report. If the Incumbent is in possession of the Parsonage he or she shall be responsible for carrying out to the satisfaction of the Board the repairs specified in the Inspector's report within three months of the date thereof. If the Incumbent fails so to do the Board shall have power to order the work to be done or such part of it as the Board shall think fit and the cost thereof shall be a debt due by the Incumbent to the Diocesan Board of Finance and may be set off against any sum due or to become due by it to the Incumbent.
- 10.5 In all other cases the Board shall have power to order the work to be done or such part of it as they shall think fit and the cost thereof shall be charged against the Parsonage Board Account. Such cost shall be a debt due to the Diocesan Board of Finance by the Incumbent, and may be set off against any sum due or to become due to the Incumbent by the Diocesan Board of Finance and the amount so recovered shall be credited to the Parsonage Board Account.

Part V: Procedure for Arbitration

- 11.1 The Arbitrator shall give the parties an opportunity of stating their case and of appearing before him or her if they so desire, but subject thereto shall settle the method and procedure of determining the dispute.
- 11.2 Subject to the next paragraph the award of the Arbitrator shall be final and conclusive, and he or she shall have power to decide how and by whom the costs of the arbitration and award shall be paid.
- 11.3 Any person dissatisfied with the award of an Arbitrator in respect of costs may appeal to the Chancellor of the diocese, whose decision thereon shall be final.
- 11.4 Any sum which the Incumbent agrees or is adjudged liable to pay shall be a debt due by such Incumbent to the Diocesan Board of Finance and may be set off against any sum due or to become due by it to the Incumbent.

Part VI: Vacancies

- 12.1 During a vacancy in an incumbency or in a case where a Parsonage in a suspended incumbency is vacant the Area Dean and Churchwardens of the Parish shall be the custodians of the Parsonage and shall be responsible for its care, other than for such purposes as are the responsibility of the Parsonage Board.
- 12.2 The custodians shall take precautions for the prevention of trespass; they shall see that the water, gas and electric services are cut off at the main; that in frosty weather the water is drained from the cisterns and pipes; that gutters and drainpipes are kept clear; that from time to time the house is aired, and central heating regularly run; and do what is practicable to prevent the garden from becoming a wilderness.

- 12.3 For such purposes the custodians shall have authority to defray the reasonable costs thereof at an average rate of expenditure for the period of the vacancy, not exceeding such weekly rate as the Diocesan Board of Finance may from time to time determine.
- 12.4 The amount expended shall be refunded by the Diocesan Board of Finance on production of a statement of account with receipts for payment made by the custodians and the amount refunded shall be charged against the Diocesan Parsonage Board Account for the diocese concerned.
- 12.5 The custodians shall not be responsible for making good the results of any failure by the former Incumbent to comply with the provisions of paragraph 23.1 of Part IX (i.e. the maintenance of the interior in good decorative condition) or for the results of any negligence by such Incumbent or by any of his or her household or family or for wilful damage done or allowed to be done by him or her, to any part of the Parsonage.
- 12.6 In the event of damage to the Parsonage by storms or other causes it shall be the duty of the custodians to notify the Inspector immediately.

Part VII: Redundant Houses and Sales and Lettings

13. When a house ceases to be required to be occupied by an Incumbent, it ceases to be a Parsonage and, except as hereinafter provided, the Board ceases to be responsible for its maintenance.
14. *Redundant and Unoccupied Houses*
 - 14.1 If a house within a Parish or a group of Parishes is not required to be occupied by the Incumbent it shall be deemed to be redundant.
 - 14.2 The Board shall forthwith recommend whether the house shall be sold or let. If the recommendation is approved by the Representative Body or its appropriate committee, the Board shall instruct professional valuers to submit a report for the consideration of the Representative Body or its appropriate committee, who shall decide what action shall be taken.
 - 14.3 Pending a sale or letting of a redundant house, the Incumbent (if any) and the Churchwardens of the Parish in which the house is situated, shall be the custodians of the property.
 - 14.4.1 The custodians shall take precautions for the prevention of trespass; they shall see that the water, gas, and electric services are cut off at the main; that in frosty weather the water is drained from the cistern and pipes; that gutters and drain-pipes are kept clear; that from time to time the house is aired and central heating regularly run and do what is practicable to prevent the garden from becoming a wilderness.
 - 14.4.2 For such purposes they shall have authority to defray the reasonable costs at an average rate for the period to the date of sale or letting, not exceeding such weekly rate as the Diocesan Board of Finance may from time to time determine.

14.4.3 The amount expended shall be refunded by the Representative Body on production of a statement of account with receipts for payments made by them against the Diocesan Parsonage Improvement Fund.

14.4.4 In the event of damage to the property by storms or other causes it shall be the duty of the custodians to notify the Secretary of the Representative Body immediately.

15 *Letting of Parsonages*

In a case where a Parsonage is let by the Representative Body on the recommendation of the Board and under the terms of the letting the tenant is not responsible for exterior repairs, the Board shall continue to be responsible for such repairs and the appropriate contributions to the Parsonage Board Account shall continue to be paid.

16. *Sales and letting of Parsonages*

16.1 The proceeds of a sale of a Parsonage, which has become redundant as a result of a grouping of parishes, shall be placed to the credit of the Diocesan Parsonage Improvement Fund. If as a consequence of any re-arrangement in regard to such group of parishes it becomes necessary to provide a new Parsonage in place of one that had been sold an appropriate part of the cost thereof shall be deemed to be a charge upon the available resources of the Diocesan Parsonage Improvement Fund.

16.2 In a case where a Parsonage is let by the Representative Body the net proceeds of the letting shall be credited to the Diocesan Parsonage Board Account.

17.1 The Diocesan Board of Finance may recommend a refund in respect of a parochial contribution made towards the cost of the installation of central heating in a Parsonage, if:

17.1.1 the Parsonage is declared redundant and sold within five years of such installation; and

17.1.2 the proceeds of sale are to be credited to the Diocesan Parsonage Improvement Fund.

17.2 The maximum amount of such refund shall be the parochial contribution reduced by 20 per cent for each complete year since installation.

18. *Custodians of former Parsonages*

18.1 If a new Parsonage is acquired and the former Parsonage has not previously been sold or let, the Incumbent and Churchwardens shall be the custodians of the former Parsonage and shall perform the duties described in Regulation 14.4.

18.2 The custodians shall be entitled to be refunded the reasonable costs, at an average rate not exceeding such weekly rate as the Diocesan Board of Finance may from time to time determine, for the period up to the date when the former Parsonage is either sold or let.

18.3 The Representative Body shall be entitled to recover the amount so refunded out of the proceeds of sale or letting.

- 18.4 In the event of damage to the former Parsonage by storms or other causes, it shall be the duty of the custodians to notify the Secretary of the Representative Body immediately.

19. *Vacant Houses*

- 19.1 If pursuant to a notice to quit given by the Representative Body under paragraph 24 of Part IX, a Parsonage is vacated by the Incumbent and, on the recommendation of the Board and the Diocesan Board of Finance, it is decided that the house be sold or demolished, it shall cease to be a Parsonage within the meaning of Chapter VII and the Board shall thereupon cease to be responsible for its maintenance as from the date it is vacated.
- 19.2 If notice to quit is given so as to enable major works of reconstruction to be undertaken the responsibilities of the Board shall continue and, during the period when the house is not available for occupation, the contributions of the Diocesan Board of Finance and the Representative Body shall continue to be paid.

Part VIII: General Provisions Relating to Parsonages

20. *Occupation of a Parsonage*

- 20.1 In the case of a grouping of Parishes under one Incumbent, the Bishop, after consultation with the Board, shall decide which of the houses within the group shall be the Parsonage required to be occupied by the Incumbent. It shall be the duty of the Diocesan Registrar forthwith to inform the Board and the Representative Body of the Bishop's decision.
- 20.2 The Bishop shall also decide, after consultation with the Board, whether a house within the group shall be required to be occupied by an assistant curate or by any holder of an ecclesiastical office in the Church in Wales. Should the Bishop decide that a house be so occupied it shall be the duty of the Diocesan Registrar forthwith to inform the Board and the Representative Body of the Bishop's decision.

Part IX: Conditions of Occupation of a Parsonage

21. Where an Incumbent is required to reside in a Parsonage, it shall be held by him or her without payment of rent or other consideration on the following conditions.

22. *Rates, Taxes and Outgoings*

The Incumbent shall pay all rates, charges, taxes, and outgoings in respect of their occupation of the Parsonage, with the exception of council tax and buildings insurance premiums.

23. *Maintenance of the Parsonage*

- 23.1 The Incumbent shall be responsible for the interior decoration of the Parsonage and shall keep and maintain the interior in good decorative condition to the satisfaction of the Board which shall, in assessing the extent of the responsibility, take into account the age and size of the Parsonage. Interior decoration shall mean painting, papering, colouring and whitewashing, and shall include the painting of all interior woodwork usually so treated. Upon a new Incumbent taking possession the Inspector shall make a general record of the interior decoration of the Parsonage for purposes of future reference. A copy of such record shall be sent by the Inspector to the incoming Incumbent.
- 23.2 The Incumbent shall be responsible for the results of any negligence by him or her, or any of the Incumbent's household or family or tenants and for wilful damage done or allowed to be done by him to any part of the Parsonage.
- 23.3 The Incumbent shall be responsible for keeping any hedges forming part of or belonging to the Parsonage in good order, but the Board shall have power to make a grant towards the cost thereof out of the Diocesan Parsonage Board Account. The Incumbent shall not cut down any tree without the consent in writing of the Archdeacon or Inspector.
- 23.4 The Incumbent shall not make any structural alteration or addition to the Parsonage or to the permanent fittings thereof without the consent of the Board.
- 23.5 The Incumbent shall permit the Representative Body, the Board, and their authorised Inspectors, contractors, employees, agents or workers, to enter upon the Parsonage at any time after reasonable notice for the purpose of viewing the general condition of the Parsonage and of repairing and estimating for and carrying out repairs.
- 23.6 Any dispute as to fixtures shall be settled by an arbitrator agreed upon by the parties, including in this expression the Representative Body, and in default of agreement, appointed by the Bishop, and Regulation 11 shall apply to such arbitrator.
- 23.7 Sales by auction of furniture in a Parsonage shall not be permitted.

Possession

- 24.1 The Incumbent shall not let or part with the possession of the Parsonage; and he or she shall not let or part with the possession of any part of it, except with the consent in writing of the Representative Body.
- 24.2 The Incumbent shall deliver up possession of the Parsonage to the Representative Body upon:
- 24.2.1 the determination of the incumbency;
- 24.2.2 the expiration of a two calendar months' notice to quit at any time served upon him or her by the Representative Body; or
- 24.2.3 the expiration of fourteen days' notice served upon him or her by the Representative Body if the Incumbent shall have failed or neglected to observe or perform any of the conditions upon which he or she occupies the Parsonage, and the notice states that it is given on that ground.

25. Any dispute between the Representative Body and the Incumbent as to the right of the Representative Body to give a notice on the ground that the Incumbent has failed or neglected to observe or perform any of the conditions upon which he or she occupies the property shall be referred subject as hereinafter provided to the Bishop of the diocese in which the Parsonage is situated, and his decision shall be final, and he shall have power to extend the time for delivering up possession provided that the date for delivering up possession shall not be later than three months after the service of the notice to quit.
26. If the Incumbent shall fail or neglect to deliver up possession of the Parsonage to the Representative Body in accordance with the provisions hereinbefore contained the Representative Body may resume possession of the Parsonage and remove therefrom any property belonging to the Incumbent.
27. If an Incumbent dies during occupation of the Parsonage his or her legal personal representatives shall be permitted to allow the Incumbent's widow or widower, parent, sister, or children, to remain in occupation of the Parsonage for two calendar months from his or her death, subject to the performance and observance by such representatives of the conditions to which the Incumbent would have been subject if then living, provided that if an application is made by such representative for an extension of the period the Bishop shall have power to grant an extension of not more than one month. Any dispute between the Representative Body and such representative in regard to the occupation of the Parsonage shall be settled by the Bishop of the diocese, whose decision shall be final. In the event of no permission being given by the legal personal representative or in the event of a person, not being such a relation, residing in the Parsonage at the time of the death of the Incumbent, the Bishop, or Archdeacon if authorised by him to act in such a matter, may allow such persons or any of them to remain in occupation for a period not exceeding two calendar months from the death, provided that in the event of application being made by such persons or any of them for an extension of the period, the Bishop shall have power to grant an extension of not more than one month.

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VOLUME I**

**CHAPTER VIII
RETIREMENT**

**Issue 2
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CHAPTER VIII
RETIREMENT

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Chapter VIII

RETIREMENT

1.

- (1) A Diocesan Bishop, a Dean (including an Incumbent who is also a Dean) or an Archdeacon shall retire as such on his or her seventieth birthday.
- (2) A Canon or Prebendary shall retire as such on his or her seventieth birthday.
- (3) A Cleric holding other office or a deaconess shall retire on his or her seventieth birthday, save that he or she may postpone such retirement for a period not exceeding three months if at least one month before his or her seventieth birthday he or she notifies the Bishop in writing of the later date on which he or she intends to retire; nevertheless the Bishop, at his discretion, may allow such a Cleric or a deaconess to continue for such a period and to retire at such later date as the Bishop shall from time to time think fit.

2.

- (1) A Diocesan Bishop may retire at any time between his or her sixty-seventh and seventieth birthday.
- (2) Any other Cleric or a deaconess may retire at any time between his or her sixty-seventh and seventieth birthday on giving to the Bishop three months previous notice in writing of his or her intention so to do, provided that:
 - (a) A Cleric or deaconess who is in pensionable service before 1st January 2017 and who has completed forty years pensionable service before his or her sixty-seventh birthday may retire at any time after having done so on giving such notice and be paid the pension to which he or she may be entitled without actuarial reduction in the event of such retirement taking effect prior to such sixty-seventh birthday;
 - (b) A Cleric or deaconess who enters pensionable service on or after 1st January 2017 and who has completed forty years such pensionable service before his or her sixty seventh birthday may retire at any time after having done so on giving such notice and be paid the pension to which he or she may be entitled subject to actuarial reduction in the event of such retirement taking effect prior to such sixty seventh birthday.

3.

(1) The Archbishop or a Diocesan Bishop may retire before reaching the age of sixty-seven on grounds of permanent disability preventing the performance of his duty, such disability to be proved by medical certificate and other evidence.

(2) On like grounds, similarly proved, any other Cleric or deaconess may retire before reaching the age of sixty-seven years, in each case with the consent in writing of the Bishop.

CHAPTER IX

**THE TRIBUNAL AND THE COURTS OF
THE CHURCH IN WALES**

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Chapter IX

THE TRIBUNAL AND THE COURTS OF THE CHURCH IN WALES

Part I: General

1.

For all purposes of the Tribunal and the Courts of the Church in Wales:

- (a) a Member of the Church in Wales is a person on whom the Constitution is binding by virtue of Chapter I section 2; and
- (b) a person is legally qualified if he or she is a member of the Bar of England and Wales or a Solicitor of the Senior Courts of England and Wales.

2.

It shall be the duty of every Member of the Church in Wales to attend and give evidence, when duly summoned to do so, at any investigation or proceedings held under the authority of the Constitution.

3.

Every person called as a witness at any investigation or proceedings held as aforesaid shall, before giving evidence, make a solemn declaration that he or she will speak the truth, the whole truth, and nothing but the truth.

4.

(1) If any Member of the Church in Wales shall wilfully and without sufficient cause neglect or refuse to attend and give evidence when duly summoned to do so at any investigation or proceedings held under the authority of the Constitution, the Tribunal or the Provincial Court may by order declare vacant any office in the Church in Wales (including membership of any body in the Church in Wales) to which such Member may have been elected or appointed, and thereupon such office may be filled in due course as if that Member had died. The Tribunal or the Provincial Court may further, by order, declare that such Member be deprived of or suspended from the right to vote in the Church in Wales.

(2) The Tribunal or the Provincial Court on making an order under subsection (1), shall give notice thereof to the Secretaries of the Governing Body, the Secretary of the Representative Body, the Secretary of any body of the Church in Wales of which the party affected is a member, and the Secretary of the Parochial Church Council of any Parish in which such party either holds office or resides.

5.

The purported exercise of a vote by any Member who is suspended from voting under the provisions of sections 4(1), 17(a) and 34 shall not invalidate any proceedings in which such vote may be given.

6.

There shall be a Rule Committee of the Tribunal and the Courts of the Church in Wales as set out in Part VI.

7.

All fees payable in respect of cases heard by the Tribunal or any of the Courts of the Church in Wales shall be paid to and collected by the Registrar of the Tribunal or of any such Court, who shall account for such fees quarterly to the Representative Body.

Part II: The Tribunal and the Courts

8.

(1) There shall be a Disciplinary Tribunal of the Church in Wales which shall be constituted as provided in Part III.

(2) The Courts of the Church in Wales shall be:

- (a) a Diocesan Court in each diocese, constituted as provided in Part IV and
- (b) the Provincial Court, constituted as provided in Part V.

(3) Subject to the provisions of the Constitution, the power of the Archbishop, a Diocesan Bishop, and the Provincial Court shall include that of passing sentence of monition, suspension or expulsion from office in the Church in Wales.

Part III: The Disciplinary Tribunal

9.

There shall be a Disciplinary Tribunal of the Church in Wales which shall have power to hear and determine a complaint, whensoever it arises, of one or more of the following:

- (a) teaching, preaching, publishing or professing, doctrine or belief incompatible with that of the Church in Wales;
- (b) neglect of the duties of office, or persistent carelessness or gross inefficiency in the discharge of such duties;
- (c) conduct giving just cause for scandal or offence;
- (d) wilful disobedience to or breach of any of the provisions of the Constitution or of the Statement of Terms of Service published pursuant to the Clergy Terms of Service Canon 2010;
- (e) wilful disobedience to or breach of any of the rules and regulations of the Diocesan Conference of the Diocese in which such person holds office or resides;
- (f) disobedience to any judgement, sentence or order of the Archbishop, a Diocesan Bishop, the Tribunal, or any Court of the Church in Wales;
- (g) failure to comply with advice from the Provincial Safeguarding Panel without reasonable excuse

made against any of the following who, at the date of the conduct giving rise to the complaint or at the date of the complaint was:

- (i) a Cleric who held a licence granted by a Bishop of the Church in Wales;
- (ii) a Cleric who held Permission to Officiate granted by a Bishop of the Church in Wales;
- (iii) a Cleric in receipt of a pension or entitled to a deferred pension benefit from the Church in Wales;
- (iv) a Cleric in receipt of any emolument or other financial benefit from the Church in Wales;
- (v) a person in training for an authorised ministry in the Church in Wales, sponsored for such training by a Bishop of the Church in Wales, and who had agreed in writing to be bound by the provisions of this section;
- (vi) a Churchwarden or Sub-warden who held office in a parish of the Church in Wales;
- (vii) a lay member of the Church in Wales who held a licence, permission to officiate or commission issued by or on behalf of a Bishop of the Church in Wales.

Composition

10.

- (1) There shall be 17 members of the Tribunal appointed as follows:
 - (a) four members appointed by the Bench of Bishops;
 - (b) six clerical members, one from each diocese, elected by the Order of the Clergy of the Diocesan Conference of that diocese;
 - (c) three legally qualified members being Chancellors or persons eligible to be a Chancellor appointed by the Standing Committee of the Governing Body;
 - (d) two members, each being either medically qualified or a trained counsellor, appointed by the Standing Committee of the Governing Body; and
 - (e) two lay persons, being Members of the Church in Wales, appointed by the Standing Committee of the Governing Body.
- (2) In any case in which a Bishop or an Assistant Bishop is the subject of a reference to the Tribunal the membership of the Tribunal shall be deemed to include a Diocesan Bishop or an Assistant Bishop (from a different Diocese to the Bishop or Assistant Bishop subject to the reference), nominated by the President, who shall serve as a full member of the Tribunal dealing with the case for which he or she is nominated.
- (3) Subject to subsection (4), three members of the Tribunal, one of whom shall be a clerical member elected under subsection (1)(b), shall form a quorum of the Tribunal (“the Tribunal Panel”) and their decision or the decision of the majority of them shall be the decision of the Tribunal. The President of the Tribunal may increase the Tribunal Panel from three to five members if he or she believes it is in the interests of the parties or the Tribunal to do so, in which case one of the two additional members shall be a clerical member (who need not be a clerical member elected under subsection (1)(b)).
- (4) In any case in which a Bishop or an Assistant Bishop is the subject of a reference to the Tribunal, five members of the Tribunal, one of whom shall be the person nominated under subsection (2) and one of whom shall be a clerical member elected under subsection (1)(b) from a different diocese to the respondent Bishop, shall form the Tribunal Panel and their decision or the decision of the majority of them shall be the decision of the Tribunal.
- (5) When a Diocesan Conference elects clerical members pursuant to subsection 1(b) it shall at the same time make a supplemental list of two clerical members from which a casual vacancy in the appointments made under subsection (1)(b) shall be filled.

11.

- (1) Subject to subsections (3) and (4) there shall be a Preliminary Stage of the Tribunal, the purpose of which shall be to decide in respect of each reference

whether or not there is a reasonable prospect of the matters in the reference being proved on the balance of probabilities at a full hearing and whether the matters if proven are of sufficient seriousness to justify consideration of a sanction set out in Section 18 (c)-(h) inclusive (“a case to answer”).

(2) The Preliminary Stage shall be undertaken by a legally qualified member appointed under Section 10(1)(c). In the case that the member is conflicted the President shall have the power to appoint an appropriate legally qualified person to consider whether or not there is a case to answer.

(3) Subject to subsection (4) the parties to a reference may by consent agree to either have the Preliminary Stage considered by written submissions without a hearing or dispense with the Preliminary Stage and elect to proceed directly to a full hearing.

(4) Where a reference to the Tribunal is based on facts on which the respondent has been convicted of a criminal offence the President or other legally qualified member of the Tribunal appointed by the President for the purpose may order that the reference shall proceed immediately to a full hearing without the need for the Preliminary Stage.

(5) The person appointed to undertake the Preliminary Stage in respect of a reference shall not serve on the Tribunal Panel in respect of the same reference.

12.

No member of the Tribunal shall be removed from office except by order of the Bench of Bishops confirmed by separate majorities of the Orders of the Clergy and the Laity of the Governing Body.

13.

Members of the Tribunal shall hold office for five years and be eligible for re-appointment, save that membership shall cease for lay members on the member’s seventy-fifth birthday or and for clerical members on their retirement or on reaching their seventieth birthday whichever is the earlier, except for the purpose of completing the hearing of a complaint in which the member is already engaged.

14.

Any vacancy among the membership shall be filled by appointment in the same manner as the original appointment. The person so appointed shall serve for the remainder of the term of office of the member whom he or she replaces, being eligible for reappointment for a further term or terms of office in any of the categories set out in section 10(1).

15.

Chapter IX – The Tribunal and the Courts of the Church in Wales

The Tribunal may, if it thinks fit, summon for its assistance one or more persons of skill and experience in a matter to which the proceedings relate, to act as assessors.

16.

There shall be a President of the Tribunal appointed by the Standing Committee of the Governing Body from among the legally qualified members of the Tribunal.

17.

Powers

The Tribunal shall have power:

- (a) to suspend from any preferment, office, membership of a body or the right to vote in the Church in Wales any person in respect of whom a reference has been made and is under investigation by the Tribunal until the hearing and determination of the complaint and the Bishop of the diocese of such a person may make arrangements for carrying out the duties of that person during such suspension; and
- (b) to order that a suspended Cleric or deaconess shall not reside in the Parsonage as defined in Chapter VII section 1(d), or retain possession of the glebe lands during suspension, and that such Cleric or deaconess shall deliver up all books, keys and other property held by him or her by virtue of office to such person or persons as the Tribunal may appoint to have custody thereof for and on behalf of the Representative Body.

18.

The powers of the Tribunal shall include the making of a judgement, sentence or order of:

- (a) absolute discharge;
- (b) conditional discharge;
- (c) rebuke;
- (d) monition;
- (e) inhibition;
- (f) disqualification;
- (g) deprivation or suspension of preferment, office, membership of a body or right to vote, in the Church in Wales; and
- (h) deposition from Holy Orders and expulsion from the office of Cleric in the Church in Wales.

19.

A Cleric in respect of whom an order is made by the Tribunal that the Cleric be deposed from Holy Orders and expelled from the office of Cleric in the Church in Wales may appeal within 28 days from the date of the judgement by delivering written notice of appeal to the Registrar of the Provincial Court.

20.

Appointment of Registrar of the Tribunal

The Tribunal shall from time to time as occasion may require appoint fit and proper persons to be Registrar and one or more Deputy Registrars who:

- (a) shall be legally qualified;
- (b) shall be paid for their services such sums as the Representative Body shall think fit; and
- (c) shall hold office for five years and shall be eligible for re-appointment save that they shall retire from office not later than their seventieth birthday.

Part IV: The Diocesan Court

21.

Composition

- (1) The members of the Diocesan Court shall be the Chancellor, the Deputy Chancellor (if any) and the Archdeacons of the diocese.
- (2) The Chancellor, who shall be appointed as provided in section 24, shall be the President of the Diocesan Court.
- (3) The Archdeacons shall not sit as members of the Court when it is dealing with an application brought under section 22(a).

22.

Jurisdiction

The Diocesan Court shall have power to hear and determine:

- (a) applications for faculties in the diocese;
- (b) complaints against Churchwardens and lay Parochial Church Councillors in their role as such, and disputes with regard to their election;
- (c) matters referred to it by provisions in the Constitution; and
- (d) any dispute between a Member of the Church in Wales and the Diocesan Board of Finance, Diocesan Parsonage Board, Diocesan Board of Nomination, Deanery Conference or Chapter, Vestry or Parochial Church Council, or between any such bodies, the determination of which is not otherwise provided for by the Constitution;
- (e) any other matters previously dealt with by the Archdeacon's Court.

23.

Faculty procedure

(1) Faculty procedure shall apply to churches and consecrated land vested in the Representative Body, in a Diocesan Board of Finance, or in any other trustees who agree to be bound, and to any subordinate or ancillary object or structure in or on that church or consecrated land or within its curtilage.

(2) [deleted]

(3) [deleted]

(4) Where faculty procedure applies Rules made under Section 38 of this Chapter shall state what may and may not be undertaken at that church or land without the grant of a faculty and on what conditions (if any).

(5) Any reference in this section to a church or land shall include any part or parts of such church or land and any fixture or fixtures therein or thereon.

24.

Appointment of the Chancellor of the Diocese

(1) The Bishop shall, from time to time as occasion may require, appoint a fit and proper person to be Chancellor of the diocese and of the Diocesan Court.

(2) The person appointed Chancellor shall be a Communicant, legally qualified and also qualified to be a member of the Governing Body.

Chapter IX – The Tribunal and the Courts of the Church in Wales

- (3) The Bishop may, from time to time as occasion may require, appoint a fit and proper person to act as Deputy Chancellor and every person so appointed shall have all the powers and may perform all the duties of the Chancellor for whom he or she is appointed to act, provided always that every Deputy Chancellor shall fulfil the requirements of subsection (2).
- (4) Every Chancellor and Deputy Chancellor not having previously resigned or been removed from office shall retire on his or her seventy-fifth birthday.
- (5) No Chancellor or Deputy Chancellor shall be removed from office except by order of the Bishop, confirmed by the Provincial Court.
- (6) The offices of Chancellor and Deputy Chancellor shall be honorary.
- (7) All the powers and duties of a Chancellor as set out in his or her Deed of Appointment shall continue to be exercisable notwithstanding a vacancy in the see, without the necessity for a further Deed of Appointment during a vacancy.

25.

- (1) The Chancellor shall hear and determine in chambers any question as to the fees payable to the Diocesan Court or the Registrar.
- (2) An appeal shall lie to the Provincial Court from the Chancellor's decision upon any question as to such fees, and the decision of the Provincial Court thereon shall be final.
- (3) Written notice of any appeal referred to in subsection (1) shall be delivered to the Registrar of the Provincial Court within 28 days from the date of the decision which is the subject of the appeal.

26

Subject to the provisions of the Constitution, each Chancellor, with respect to the granting of marriage licences and the appointment of surrogates, shall, in addition to any jurisdiction or powers conferred upon him or her by the Constitution, have the jurisdiction and powers (except as to fees) to which a Chancellor was entitled on 30th March 1920, and shall exercise such jurisdiction and powers according to the law and practice at that time prevailing.

27.

Appointment of the Diocesan Registrar

- (1) The Bishop shall, from time to time as occasion may require, appoint a fit and proper person to be Registrar of the diocese and of the Diocesan Court.
- (2) The person appointed Registrar shall be legally qualified.
- (3) The Bishop may, from time to time as occasion may require, appoint a fit and proper person to act as Deputy Registrar, and every person so appointed shall have all the powers and may perform all the duties of the Registrar for whom he or she is appointed to act, provided always that every Deputy Registrar shall fulfil the requirements of subsection (2).
- (4) Every Diocesan Registrar and Deputy Registrar not having previously resigned or been removed from office shall, retire on his or her seventieth birthday.
- (5) No Diocesan Registrar or Deputy Registrar shall be removed from office except by order of the Bishop and any such Registrar or Deputy Registrar shall have a right of appeal to the Provincial Court against the order within a period of six weeks after receipt by him or her of notice of the making of the order.
- (6) The Registrar shall be entitled to a salary to be fixed and paid by the Diocesan Board of Finance.
- (7) The Bishop, on the appointment of a Deputy Registrar, may indicate in writing to the Diocesan Board of Finance what proportion, if any, of the salary of the Registrar shall be paid to the Deputy, and thereafter the Diocesan Board of Finance shall pay the Registrar and the Deputy in accordance with the proportion indicated by the Bishop.
- (8) All the powers and duties of a Registrar as set out in his or her Deed of Appointment shall continue to be exercisable notwithstanding a vacancy in the see, without the necessity for a further Deed of Appointment during a vacancy.

28.

Every Chancellor and Deputy Chancellor, before entering upon the duties of office, shall make and sign in the presence of the Bishop or their commissary a declaration in the following form:

I, J... S..., do hereby solemnly declare that I am a Communicant, legally qualified and also qualified to be a member of the Governing Body of the Church in Wales, and that I do not belong to any religious body which is not in communion with the Church in Wales.

Part V: The Provincial Court

Composition

29.

(1) The Provincial Court shall consist of four ecclesiastical Judges and six lay Judges, to be appointed by the Bench of Bishops which shall likewise from time to time nominate one of the lay Judges to be President of the Court.

(2) The ecclesiastical Judges of the Provincial Court shall be clerics of not less than fifteen years' standing in Holy Orders who are not retired and who have not reached their seventieth birthdays; the lay Judges of the Court shall be Communicants under the age of seventy-five and legally qualified.

(3) Such Judges must be qualified to be members of the Governing Body of the Church in Wales or of the General Synod of the Church of England, and before entering upon the duties of their office shall make and sign in the presence of a Diocesan Bishop or their commissary a declaration in the following form:

I, J... S..., do hereby solemnly declare that

(a) I have been ordained for more than fifteen years, and that I am qualified to be a member of the Governing Body of the Church in Wales (or of the General Synod of the Church of England) and that I do not belong to any religious body which is not in communion with the Church in Wales.

or

(b) I am a Communicant, legally qualified and that I am qualified to be a member of the Governing Body of the Church in Wales (or of the General Synod of the Church of England), and that I do not belong to any religious body which is not in communion with the Church in Wales.

(4) In any case in which a Bishop or an Assistant Bishop is the subject of an appeal to the Provincial Court from the Tribunal the membership of the Provincial Court shall include a Bishop or an Assistant Bishop who has not been previously involved at any stage of the case nominated by the President and who shall serve as a full member of the Court dealing with the case for which he is nominated.

(5) Subject to the provisions of this chapter, no Judge shall be removed from office except by order of the Bench of Bishops, confirmed by separate majorities of the Orders of the Clergy and the Laity of the Governing Body.

(6) (a) Subject to paragraph (b) each Judge shall hold office for seven years or until resignation or removal from office but shall be eligible for reappointment.

(b) Each Judge shall cease to hold office in the case of an ecclesiastical Judge on his or her retirement or on reaching the Judge's seventieth birthday whichever is the earlier and in the case of a lay Judge upon his or her seventy-fifth birthday except in either case for the purpose of completing the hearing of a case in which the Judge is already engaged.

(7) The Bench of Bishops shall fill any judicial vacancy in the Provincial Court by appointing an ecclesiastical or a lay Judge, as the case may be, in the same manner and upon the same conditions as obtained in the original appointment.

30.

One ecclesiastical and two lay Judges shall form a quorum of the Provincial Court, and their judgement or the judgement of the majority of them shall be the judgement of the Court.

31.

No Judge shall be disqualified or prevented from hearing and determining a case by reason of the fact that such Judge is a member of a body in the Church in Wales which is a party to the proceedings, save that on the hearing of a case involving a Member of the Church in Wales neither the Bishop nor the Chancellor of any diocese in which such member either holds office or resides shall sit.

Jurisdiction

32.

- (1) The Provincial Court shall have power to hear and determine:
 - (a) appeals from a Diocesan Court;
 - (b) appeals from the Disciplinary Tribunal;
 - (c) appeals with reference to institutions, collations, nominations to cures, and rights of appointment relating to Clerics;
 - (d) any other appeals or matters referred to it in accordance with the Constitution.
- (2) The Provincial Court shall arbitrate:
 - (a) any dispute between a Member of the Church in Wales and the Representative Body;
 - (b) any dispute between a Member of the Church in Wales and a Diocesan Conference; and
 - (c) any other appeal or matter referred to it in accordance with the Constitution.
- (3) Written notice of any appeal referred to in subsection (1) shall be delivered to the Registrar of the Provincial Court within 28 days of the date of the decision being given which is the subject of the appeal.

33.

The decision of the Provincial Court on the appeal or the arbitration shall be final and the Provincial Court shall give notice thereof to the Secretaries of the Governing Body, the Secretary of the Representative Body, the Secretary of any body in the Church in Wales of which the party affected is a member and the Secretary of the Parochial Church Council of any Parish or Benefice in which such party either holds office or resides.

34.

The Provincial Court may suspend a person or any body of the Church in Wales (except the Governing Body or the Representative Body) for neglecting or refusing to obey any judgement, sentence or order, as the case may be, of the Archbishop, a Diocesan Bishop or any Court provided always that no order suspending a Diocesan Conference shall be valid without the consent of the Bishop.

35.

Appointment of Registrar of the Provincial Court

- (1) The Provincial Court shall, from time to time as occasion may require, appoint a fit and proper person to be Registrar of the Court.
- (2) The person appointed Registrar shall be a communicant, legally qualified and qualified to be a member of the Governing Body.
- (3) The Registrar shall be entitled to a salary to be fixed and paid by the Representative Body of the Church in Wales.
- (4) The Registrar not having previously resigned or been removed from office shall retire on his or her seventieth birthday.
- (5) The Registrar shall not be removed from office except by order of the President of the Provincial Court and the Registrar shall have the right of appeal against such order.
- (6) The procedure to be adopted in respect of any such appeal shall be as follows:
 - (a) notice of appeal shall be given in writing to the Archbishop's Registrar within a period of 28 days after receipt by the Registrar of the Provincial Court of notice of the making of the order;
 - (b) the appeal shall be heard by a panel of five members appointed by the Archbishop in accordance with the next following sub-paragraph after consultation with the other members of the Bench of Bishops;

- (c) the panel shall comprise members qualified to be members of the Governing Body, of whom two shall be clerics and three shall be lay members, two of which lay members shall be legally qualified;
- (d) the panel shall settle its own rules of procedure; and
- (e) the decision of the panel shall be final.

(7) The Registrar shall hold office subject to the foregoing and subject also to any further terms or conditions laid down by the Provincial Court.

36.

(1) In case of the illness or temporary incapacity of the Registrar, the Provincial Court may appoint a fit and proper person to act as Deputy Registrar during such illness or incapacity, and every person so appointed shall have all the powers and perform all the duties of the Registrar for whom he or she is appointed to act, provided always that every Deputy Registrar shall fulfil the requirements of section 35(2).

(2) The Deputy Registrar shall be paid for his or her services such sum as the Representative Body shall think fit.

37.

The Registrar of the Provincial Court, and any Deputy Registrar thereof, before entering upon the duties of office, shall make and sign in the presence of a Judge of the Provincial Court a declaration in the following form:

I, J... S..., do hereby solemnly declare that I am a Communicant, legally qualified and also qualified to be a member of the Governing Body of the Church in Wales, and that I do not belong to any religious body which is not in communion with the Church in Wales.

Part VI: The Rule Committee

The Rule Committee of the Tribunal and the Courts of the Church in Wales

38.

(1) There shall be a Rule Committee of the Tribunal and Courts of the Church in Wales which shall make and publish rules for carrying into effect the provisions of the Constitution including provisions relating to faculties and for regulating all matters whatsoever relating to the administration, practice and procedure of the Tribunal or any of the Courts of the Church in Wales.

(2) The Rule Committee may from time to time alter or vary the rules and shall have power (subject to the Constitution and any direction from the Standing Committee) to regulate its own procedure.

(3) The Rule Committee shall consist of such members as may be appointed from time-to-time by the Standing Committee. The Standing Committee shall ensure that the Rule Committee's membership shall include at least one member of the Provincial Court, one member of the Disciplinary Tribunal and one Diocesan Chancellor or Deputy Chancellor.

(4) The failure of a member of the Rule Committee to attend a meeting shall not prevent the Committee proceeding with the despatch of business nor invalidate its proceedings.

(5) A copy of the rules as made or revised by the Rule Committee shall be signed by two or more members of the Committee and published on the Provincial website.

Part VII: Miscellaneous powers and provisions relating to Diocesan Bishops and the Archbishop's Registrar

39.

(1) A Diocesan Bishop shall have the power to suspend from office, until the hearing and determination of a case, any person holding office in his or her diocese against whom a charge is pending.

(2) A Diocesan Bishop shall have the power to suspend from office any person holding office in his or her diocese if the Bishop has been advised to do so by the Provincial Safeguarding Panel.

(3) The Archbishop's Registrar shall have the power to suspend from office any person holding office in the Province if the Archbishop's Registrar has been advised to do so by the Provincial Safeguarding Panel.

(4) Before exercising the power in subsection (3), the Archbishop's Registrar shall consult:

- i. The Bishop of the relevant Diocese; and
- ii. The Archbishop (or, if the Archbishop is the Bishop of the relevant Diocese, the senior Diocesan Bishop).

(5) During any suspension:

- i. a Diocesan Bishop; or
- ii. (in the case of a suspension of the Diocesan Bishop or the incapacity of the Diocesan Bishop) the Archbishop

shall have the power to make arrangements for carrying out the duties of that office during such suspension.

40.

Chapter IX – The Tribunal and the Courts of the Church in Wales

(1) A Diocesan Bishop shall have the power to order that a suspended Cleric or deaconess shall not reside in the Parsonage as defined in Chapter VII section 1(d) or retain possession of the glebe lands during suspension, and that such Cleric or deaconess shall deliver up all books, keys and other property held by him or her in virtue of office to such person or persons as the Bishop may appoint to have custody thereof for and on behalf of the Diocesan Board of Finance within 14 days.

(2) A suspended Cleric or deaconess may appeal an order under subsection (1) to the President of the Provincial Court by giving written notice to the Registrar of the Provincial Court within 14 days of being notified of the said order and if such appeal is made the order of the Bishop shall be stayed until determination of the appeal.

41.

(1) It shall be lawful for the Diocesan Bishop, by writing under his or her hand, to order that any stipend otherwise payable to a suspended Cleric or deaconess, or any part of such stipend, shall be sequestered for such period (commencing not less than 14 days after the date of the order) and subject to such conditions as the Bishop may think fit, and the Bishop shall forward a copy of the order to the Secretary of the Diocesan Board of Finance and the Secretary of the Representative Body, who shall (subject to subsection (2)) carry out the terms thereof.

(2) A suspended Cleric or deaconess may appeal an order under subsection (1) to the President of the Provincial Court by giving written notice to the Registrar of the Provincial Court within 14 days of being notified of the said order and if such appeal is made the order of the Bishop shall be stayed until determination of the appeal.

42.

- (1) Upon the expiry of the period for the giving of notice of any appeal or upon the dismissal of an appeal by the Provincial Court in relation to a Cleric against whom an order has been made that the Cleric be deposed from Holy Orders and expelled from the office of Cleric in the Church in Wales, the Bishop of the Diocese in which the Cleric holds office or resides shall:
 - (i) execute a Deed of Deposition; and
 - (ii) cause the same to be enrolled in the Registry of the Archbishop of Wales.
- (2) The Archbishop's Registrar shall forthwith deliver an office copy of the enrolment of the Deed to the Cleric and to the Diocesan Bishop and shall give notice to the Archbishop of having done so.
- (3) Upon receipt of the office copy of the enrolment of the Deed, the Diocesan Bishop shall cause the Deed to be recorded in the Registry of the Diocese, and thereupon and thenceforth (but not sooner) the same consequences shall ensue with regard to the person deposed and expelled in the Deed as if he or she had executed, enrolled and recorded a Deed of Relinquishment.
- (4) Upon the making by the Tribunal of an order of deprivation or suspension and upon the expiry of the period for giving notice of any appeal or upon the dismissal of an appeal by the Provincial Court in relation to a Cleric against whom such an order has been made on making an order of such deprivation or suspension the Diocesan Bishop shall give notice thereof to the Secretaries of the Governing Body, the Secretary of the Representative Body, the Secretary of any body in the Church in Wales of which the party effected is a member, and the Secretary of the Parochial Church Council of any Parish in which such party either holds office or resides.

Part VIII – Visitations

43.

- (1) Archiepiscopal Visitations shall be held as heretofore, and the law and practice relating thereto shall be that prevailing on 30 March 1920.
- (2) Episcopal Visitations shall be held at such intervals as the Bishop may decide, and the form of such a Visitation shall be determined by the Bishop.
- (3) Archdeacons shall conduct regular Visitations of all Parishes in their archdeaconries, and subject to any direction by the Governing Body the form of such a Visitation shall be determined by the Archdeacon.

Part IX – Archbishop's Registrar's List

44.

(1) Subject to the following provisions of this section, it shall be the duty of the Archbishop's Registrar to maintain a list of such Clerics and former Clerics:

- (a) on whom a penalty or censure (by consent or otherwise) has been imposed under this chapter;
- (b) who have been deposed from Holy Orders;
- (c) who have resigned preferment following the making of a complaint in writing against them to the Bishop or following an investigation by the police or other statutory agency; or
- (d) who have voluntarily relinquished Holy Orders in accordance with the Clerical Disabilities Canon 1990

as may be prescribed by regulations made by the Rule Committee and such list shall comprise particulars of the penalty or censure or details of the complaint which led to the resignation.

(2) Where the Archbishop's Registrar has included a person falling within paragraphs (a) or (c) of subsection (1) in the list he or she shall take all reasonable steps to inform that person in writing that he or she has done so and of the particulars recorded in respect of that person. That person may request the President of the Provincial Court to review the matter and upon such a review the President of the Provincial Court shall direct that that person should continue to be included in the list or should be excluded there from and, in the former case, may also direct that the particulars relating to that person should be altered in such a manner as he or she may specify.

(3) It shall be the duty of the Archbishop's Registrar to review the inclusion of a person in the list, in such manner as may be prescribed in regulations made by the Rule Committee, on the expiry of the period of five years following the inclusion and also if requested to do so by that person or by the Bishop of a Diocese (subject to such conditions as may be set down in such regulations).

Provided that that person shall not be entitled to make a request under this subsection within the said period of five years nor within the period of five years following any previous review.

Part X: The Archbishop's Registrar

45. Appointment of the Archbishop's Registrar

(1) The Archbishop shall, from time to time as occasion may require, appoint a fit and proper person to be the Archbishop's Registrar.

(2) The Archbishop's Registrar may, having obtained the consent of the Archbishop, from time to time as occasion may require, appoint a fit and proper person to act as Archbishop's Deputy Registrar, and every person so appointed shall have all the powers and may perform all the duties of the Archbishop's Registrar.

(3) The persons appointed Registrar or Deputy Registrar not having previously resigned

or been removed from office shall retire on their seventieth birthday.

(4) The Archbishop's Registrar or Deputy Registrar shall not be removed from office except by order of the Archbishop and any such Registrar or Deputy Registrar shall have a right of appeal to the Provincial Court against the order within a period of six weeks after receipt by them of notice of the making of the order.

(5) All the powers and duties of the Archbishop's Registrar shall continue to be exercisable notwithstanding a vacancy in the Archbishopric.

(6) All the powers and duties of the Archbishop's Registrar shall continue to be exercisable by a Deputy appointed pursuant to subsection (3) if the office of Archbishop's Registrar falls vacant.