

CHAPTER IV

APPOINTMENT TO AND TENURE OF CURES

Part I

DIOCESAN COMMITTEE OF PATRONAGE

Mode of Election, and filling of Vacancies

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

Tenure of Office of Committee of Patronage

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

Part II

PAROCHIAL NOMINATORS

Qualifications

4. Every layperson of the age of eighteen years, being a member of the Church of Ireland and a communicant of the said Church, shall be a qualified person to be a parochial nominator or a supplemental nominator.
5. (1) At the Easter vestry in the year 2005 and in every third year thereafter, the registered vestry members of each parish, parochial district or union or group of parishes under one incumbent, and, in the case of chapels without districts, the registered vestry members of such chapels
 - (a) shall elect the requisite number of qualified persons to be the parochial nominators for the said parish, and
 - (b) shall then elect by ballot an equal number of qualified persons to be supplemental nominators. The names of the supplemental nominators so elected shall be placed in order on a list in accordance with the number of votes received; in any case of equality of votes the order upon the list shall be determined by lot. Any vacancy in the number of parochial nominators shall be filled by the person whose name stands highest on the list of supplemental nominators.
- (2) The requisite number of qualified persons shall be four except where otherwise determined in accordance with the provisions of section 30 (b) (iii) of Chapter III.
- (3) The return of the election of parochial nominators and supplemental nominators shall be signed by the incumbent or other person chairing the Easter vestry at which the election took place and shall be made within one week to the diocesan secretaries.
6. (1) Upon the occurrence of a vacancy, by death or otherwise, in the number of the parochial nominators during their period of office which cannot be filled by a supplemental nominator, the registered vestry members shall, at a special general vestry duly convened in accordance with the provisions of Chapter III, elect a qualified person to fill such vacancy, and shall also fill any vacancies in the list of supplemental nominators.
- (2) Every notice convening such special general vestry shall state the purpose for which it is being convened.
7. In the event of a general vestry failing to elect nominators, or to supply a vacancy in their number within two months after its occurrence, it shall be competent for the diocesan council to appoint nominators, or to supply such vacancy: Provided that the person or persons so appointed shall hold office only until the next Easter vestry, when the registered vestry members shall be at liberty to fill the vacancy.
8. (1) All parochial nominators and supplemental parochial nominators shall be notified forthwith of their election and shall each be furnished with a copy of the form prescribed by sub-section (2) of this section
 - (a) in the case of election by general vestry, by the person chairing such vestry; and
 - (b) in the case of appointment in accordance with the provisions of section 7 of this Chapter, by the secretary of the diocesan council.
- (2) Every parochial nominator and supplemental nominator shall, within one month from the date of the notification, sign and transmit to the bishop the following declaration:

I, A.B., do solemnly declare that I am a member of the Church of Ireland and a communicant of the said Church.
- (3) Should a nominator or supplemental nominator fail to comply with the provisions of sub-section (2) of this section, the bishop shall order a new election for a nominator or supplemental nominator as the case may be: Provided that the bishop shall have power to extend the time for such compliance if it be certified to the bishop that the failure to comply has been caused by absence or other unavoidable circumstances.
9. Whenever a vacancy in a cure of souls shall occur, if the bishop, after communicating or endeavouring to communicate with the parochial nominators, has reason to believe that any one or more of them is unable, by reason of illness, absence or other reasonable cause, to take part in the proceedings for filling the said vacancy, the bishop shall direct that a supplemental nominator shall be summoned and shall act in the place of each absent parochial nominator in such proceedings, until the said vacancy has been filled. The supplemental nominators shall be summoned in their order as returned by the vestry.

10. The parochial nominators in office at the time of a cure becoming vacant, or at the time that the bishop informs them of having accepted the resignation of the incumbent concerned, shall continue in office until the cure has been filled, without prejudice to the election of nominators at any Easter vestry which may occur pending the nomination or institution of a member of the clergy to the said cure.

Part III

BOARDS OF NOMINATION

Membership

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

15. Subject to the provisions of sections 13 and 14 of this Chapter, the Board of Nomination for a vacant cure shall be summoned by the bishop, or the bishop's commissary, within two months of receipt by the bishop or the bishop's commissary of the report required by section 13 of this Chapter.

Duties and Procedure

16. The mode of procedure insofar as it is not prescribed by this Chapter and the quorum of a Board of Nomination shall be determined by the diocesan synod.
17. Members of the Board of Nomination shall not be capable of performing any of the duties of office until they shall have signed the following declaration:

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

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

(Signed),

A.B.

Dated _____ day of _____

And such declaration shall be signed by every member present of such Board before proceeding to each nomination; and the declaration so signed shall be attached to or transmitted with any nomination, report, or proceedings of the Board.

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

19. The Board shall either

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

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

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

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

20. The person nominated as aforesaid shall immediately thereafter be notified of the fact by the person chairing the Board or the secretary of the Board personally or by registered or recorded letter sent to such person's last known address, and shall be considered to have declined the nomination if such person does not accept the same by letter addressed to the bishop within four weeks from the date when such notification might, in the ordinary course, have reached that person's address, as above; and if such person shall accept, but through any default on the part of that person fail to be instituted within a time to be fixed by the bishop, that person's nomination shall be null and void; and in such case, and also in case that person shall decline to accept the nomination as aforesaid, the bishop shall re-summon the Board of Nomination: Provided that the above period of four weeks may be extended by the bishop, if the bishop considers it desirable to do so: Provided also that the time which shall have elapsed between the nomination or choice and its rejection, or default of institution, as aforesaid, shall not be counted in the three months allowed to the Board of Nomination for action.

Lapse of Appointment to the Bishop

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

Part IV

RIGHTS OF PATRONAGE

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

Part V

QUALIFICATIONS OF CLERGY

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

Part VI

INSTITUTION TO BENEFICE

27. (1) When a person nominated for a vacant cure in accordance with the provisions of section 19 of this Chapter shall have accepted the nomination, in accordance with the provisions of section 20 of this Chapter, the bishop, if satisfied as to such person's fitness for the cure, shall forthwith inform such person of the appointment and make arrangements for that person's institution, notifying the churchwardens of such cure of the appointment and of the date, time and place of the institution.

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

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

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

Part VII

TENURE OF OFFICE

Tenure of an incumbent admitted to a cure

31. (1) A person duly admitted to a cure shall be deemed incumbent thereof, and shall not be removable except in accordance with
- (a) a resolution of the diocesan synod, approved by the bishop, that there is no longer sufficient work in the cure to justify its continued existence as a separate benefice, or
 - (b) a decision of the Church Panel as defined in section 34 of this Chapter or a judgment of the Court of General Synod under section 34 of this Chapter or an order made by a Disciplinary Tribunal under section 33 (d) (v) or (vi) of Chapter VIII or an order made by an Appeal Tribunal under section 36 of Chapter VIII, or
 - (c) the provisions of section 36 of this Chapter.
- (2) An incumbent shall not be removed from a cure under sub-section 1(a) above until another cure has been offered which in the opinion of the bishop and diocesan council and the Representative Body is not less suitable.
- (3) Whenever any member of the clergy shall be suspended from office, the bishop shall make arrangements for the discharge of the duties of such office.

Resignations

32. (1) A member of the clergy wishing to resign a cure shall send written notice of that intent to the bishop, stating the date on which it is intended that the resignation should take effect. If the bishop determines to accept such resignation, the bishop shall forthwith
- (a) inform such person of the acceptance of that person's resignation as from the date stated in the notice,
 - (b) cause the bishop's acceptance of the resignation to be registered in the diocesan registry, and

- (c) notify the churchwardens and the parochial nominators of the intended resignation and the date upon which the cure will, in consequence, become vacant.
- (2) A member of the clergy resigning shall not withdraw from the duties of the cure until the acceptance by the bishop of such resignation shall have been registered in the diocesan registry, and notified by the bishop to the churchwardens.
33. Whenever any person holding any benefice or other ecclesiastical office in Ireland shall accept any ecclesiastical office elsewhere than in Ireland, such acceptance shall be deemed and taken to be a resignation of the benefice or office held by such person in Ireland.
34. (1) If in the case of a member of the clergy holding office in any diocese it shall appear to the bishop, upon such evidence as the bishop may deem sufficient, that such person may be permanently incapacitated on medical grounds from the due performance of the duties of office and also that adequate provision can be made for the future maintenance of such person, the bishop may certify the same to a panel (the "Church Panel") duly appointed to consist of (i) the Chief Officer and Secretary of the Representative Church Body, (ii) an honorary secretary of the General Synod chosen by the said honorary secretaries from within their number and (iii) an archbishop or bishop chosen by the archbishops and bishops from within their number. Following appointment, the Church Panel shall convene a medical panel (the "Medical Panel") to consist of not less than three medical experts and the member of the clergy shall attend before members of the Medical Panel on such occasions as the Medical Panel may require. The member of the clergy shall be entitled to provide medical evidence to the Church Panel which shall be duly considered.
- (2) If, upon due enquiry and as evidenced by reports of at least two members of the Medical Panel, it is established to the reasonable satisfaction of the Church Panel that the member of the clergy is permanently incapacitated on medical grounds from the due performance of the duties of office, the Church Panel may make a decision (the "Decision to Vacate"). The Decision to Vacate shall have the same effect as if such person had notified an intention to resign and the same proceedings may be taken for the purpose of vacating the office of the said person and for the purpose of providing, in cases where arrangements can be made, for a retiring annuity. The member of the clergy, the subject matter of the Decision to Vacate, may appeal the said decision to the Court of the General Synod. In circumstances where the Church Panel does not proceed to make a Decision to Vacate and if it is claimed that the capacity of the member of the clergy has subsequently changed, nothing in this section shall preclude a further application being made to the Church Panel.
- (3) If it is claimed that the capacity of a member of the clergy the subject of a Decision to Vacate has subsequently changed and that person desires to be eligible to seek appointment to office in any diocese, that person may notify the bishop of the diocese in which the person is then resident. The bishop shall request that the Church Panel be convened and upon due enquiry and as evidenced by reports of at least two members of a Medical Panel convened by the Church Panel, it is established to the reasonable satisfaction of the Church Panel that the said person is no longer permanently incapacitated on medical grounds from the due performance of the duties of office, the Church Panel may make a determination that (a) the person is entitled to seek appointment to office and (b) where the person secures an appointment to office which he/she wishes to take up, the Church Panel shall, in return for the person renouncing his/her entitlement to further payments and other benefits under the Decision to Vacate, set aside the Decision to Vacate to enable such appointment to proceed. The member of the clergy shall be entitled to provide medical evidence to the Church Panel which shall be duly considered.

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(4) If it is claimed that the capacity of a member of the clergy subject to a Decision to Vacate has subsequently changed and it shall appear to the reasonable satisfaction of the Church Panel, upon due enquiry and as evidenced by reports of at least two members of a Medical Panel, that the said person is no longer permanently incapacitated on medical grounds from the due performance of the duties of office, any payments or other benefits, other than a retiring annuity, paid to the said person under the Decision to Vacate shall be reviewed and may be withdrawn. The member of the clergy shall be entitled to provide medical evidence to the Church Panel which shall be duly considered.

(5) Rules for carrying this section into effect may be framed from time to time by the Standing Committee of the General Synod.

35. Whenever it shall appear to the satisfaction of any bishop, either of the bishop's own knowledge or by proof laid before the bishop, that the duties of any cure within the diocese are inadequately performed by reason of the negligence or mental or bodily infirmity of the incumbent thereof, the bishop may appoint a curate at such stipend as the bishop may think fit, to be paid out of the income of the cure: Provided that such appointment, and the grounds therefor, shall be entered in the registry of the diocese: Provided also that any person who shall feel aggrieved by such appointment may appeal from the bishop to the archbishop, and from the archbishop's decision on appeal, or in the archbishop's own diocese, to the Court of the General Synod.

36. (1) Clergy who shall reach the age appointed for retirement during the period specified in the following table shall be deemed to have resigned on the last day of the quarter during which they reached such age, any benefice, curacy, dignity of any kind or other office held in the Church of Ireland, and such resignation shall be deemed to have been accepted forthwith.

TABLE

Period	Age appointed for Retirement
1st July 1975, and thereafter	75 years

(2) Clergy who shall have reached the age appointed for retirement prior to the commencement of the period to which such age applies shall be deemed to have resigned on the day prior to the commencement of such period any benefice, curacy, dignity of any kind, or other office held in the Church of Ireland, and such resignation shall be deemed to have been accepted forthwith.

(3) If it shall appear to the House of Bishops that it is not expedient that the provisions of sub-section (1) or of sub-section (2) of this section should apply in the case of a particular member of the clergy, the House of Bishops may suspend the operation of the provisions of this section in respect of such person for such period as it shall specify and may from time to time extend such period of suspension. The House of Bishops shall forthwith communicate its decision to the person concerned, to the bishop of the diocese in which such person holds office, and to the Representative Body.

(4) In the case of any incumbent to whom the provisions of sub-section (1) or sub-section (2) of this section apply, the bishop as soon as may be shall cause such resignation to be recorded in the diocesan registry and shall notify to the churchwardens and the parochial nominators of the cure the date on which the resignation of such incumbent shall be deemed to become effective.

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

Part VIII

RESIDENCE OF INCUMBENTS

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

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

- 38.** In any case not provided for in section 37 of this Chapter, it shall be in the power of the bishop, with the consent of the archbishop which shall be endorsed on the licence, to give licence of non-residence subject to due provision for the discharge of the duties of the cure; the bishop may also revoke any such licence.

Any incumbent who may feel aggrieved by the refusal or revocation of a licence of non-residence, or any select vestry feeling aggrieved by the grant of such licence, may appeal from the bishop to the archbishop, and from the archbishop's decision on appeal, or in the archbishop's own diocese, to the Court of the General Synod.

- 39.** Where an incumbent is non-resident by licence, it shall be in the discretion of the bishop to appoint, by writing filed in the registry of the diocese, the salary of the curate; and where there is a residence and glebe, to assign to the curate such residence and glebe, or such part of it as the bishop may think fit, during such non-residence. And if the incumbent return to residence, such curate shall, on one month's notice in writing from such incumbent, approved in writing by the bishop, give up to such incumbent possession of such residence and glebe, subject to such claim for emblements as can be enforced in any court of law or equity, or under any arbitration agreed to by the parties. And where there is no residence, the curate shall reside within the cure, or at such other convenient place as the bishop in writing may authorise. Any act done under this section shall be subject to the same appeal as is provided in section 38 of this Chapter.

Part IX

PROVISIONS FOR VACANT CURES

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

Part X

VICARS

44. (1) Whenever, in the opinion of the bishop and the diocesan council, the incumbent of a parish, union or group of parishes requires the assistance of one or more vicars, the diocesan council may direct that such office or offices be established, and in such event shall forthwith inform the incumbent, churchwardens and parochial nominators of its decision.
- (2) Before the summoning of any Board of Nomination under section 45, the diocesan council shall, subject to the approval of the bishop and the consent of the Representative Body, determine the terms of the appointment, including stipend, locomotory allowance, residence, and duration of office; the diocesan council shall also, if appropriate, exercise its powers under section 30 (b) (v) of Chapter III.
45. (1) The nomination of a person in priest's orders as vicar shall be made by a Board of Nomination consisting of the Committee of Patronage of the diocese, the incumbent (whose consent and approval shall be necessary for the ratification of any nomination made) and the parochial nominators of the parish, union or group of parishes: Provided that, if the incumbent shall be a member of the Committee of Patronage of the diocese, the person whose name stands highest on the supplemental list of clerical diocesan nominators shall also be summoned.
- (2) The procedure of the Board of Nomination shall be in accordance with sections 16 to 21 of this Chapter, except where otherwise provided by this Part.
- (3) The bishop, if satisfied as to the fitness of the person nominated, shall forthwith inform such person of the appointment and make arrangements for that person's institution to the office of vicar, notifying the churchwardens of the appointment and of the date, time and place of the institution.
46. (1) A vicar shall perform all duties under the direction and general supervision of the incumbent.
- (2) A vicar shall be an *ex officio* member of the general vestry and of the select vestry.
- (3) In the absence of the incumbent from a meeting of the general vestry or the select vestry a vicar may take the chair. Where there is more than one vicar in a parish or union of parishes, the incumbent may determine which vicar shall take the chair.
- (4) A vicar shall be deemed to be included in the terms "beneficed or licensed clergy" and "beneficed and licensed clergy" wherever either of such terms appears in the Constitution and the context so permits.
47. (1) A vicar shall be entitled to remain in office for the term fixed by the diocesan council under section 44, notwithstanding any vacancy which may occur in the incumbency.
- (2) The diocesan council may, at its discretion, extend the term of office of any vicar, but such extension shall not be valid unless and until it has received the consent of the bishop and of the incumbent and with the approval of the Representative Body to the terms and conditions of the extension.
48. For the purposes of this Part "vicar" shall mean a person in priest's orders appointed in accordance with this Part.

Part XI

CURATES ASSISTANT

49. Whenever, in the opinion of the bishop, circumstances so require, it shall be lawful for an incumbent to nominate to the bishop for approval a member of the clergy to act as curate assistant: Provided that the bishop shall not give approval unless and until the diocesan council, or a sub-committee appointed for the purpose by the council with the consent of the bishop, shall have reported to the bishop that the approved stipend for the office, the expenses of office allowance and the allowance for locomotory expenses together with the free residence, as provided by Part XII of this Chapter, will be available for such person.

50. Curates assistant, duly nominated and licensed, shall not be removed from office without their own consent, except
- (a) in accordance with a decision of the bishop; or
 - (b) on a vacancy in the cure; or
 - (c) in accordance with the provisions of section 36 of this Chapter.

Part XII

APPROVED STIPEND

51. (1) In this Chapter, unless the context otherwise requires, the expression “stipend” shall be taken to include, as applied to any member of the clergy instituted or licensed to a parish, all stipends and salaries from whatever source which
- (a) are paid to such person by right of that person’s office for the performance of duties in such office, or
 - (b) will in fact be payable to such person while holding that office, or
 - (c) were made known to such person, or of which such person might reasonably be expected to have been aware, before entering the duties of the office,

together with such sum as in the opinion of the diocesan council represents the net letting value, taking one year with another, of lands held along with a residence occupied by such person by virtue of the office.

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

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

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

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

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

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

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

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

- (5) Each incumbent, vicar, curate assistant and each member of the clergy appointed under the provisions of section 42 of this Chapter and each diocesan curate who is required to live in a vacant cure shall be entitled to the enjoyment of a free residence. The expression “free residence” shall mean a residence in respect of which the rent or purchase annuity, instalments on loans, rates, taxes, and charges are defrayed out of parochial or other funds and a free residence shall be deemed to be provided where a monetary allowance considered by the diocesan council to be sufficient is made in lieu thereof.
- (6) The Representative Body shall at the session of the General Synod in 2007 and every fifth year thereafter, and may at any other session, present a report on the implementation of this section or of any amendment thereof, specifying any amendment of the Constitution which may appear to be necessary or expedient. The diocesan council of each diocese and all parochial authorities on the request of the Representative Body shall furnish any information which may appear to the Representative Body to be necessary to enable it to compile such report.

Certificate of Representative Body on application of diocesan council

52. Notwithstanding the provisions of section 51 of this Chapter, the Representative Body may at any time on the application of the diocesan council take into consideration exceptional circumstances applicable to any parish or union or group of parishes and may thereupon give, if it so thinks fit, a certificate to the following effect:

- (a) That any further union or grouping is for some reason to be specified in such certificate impracticable or undesirable;
- (b) That a stipend adequate in all the circumstances of the case, the expenses of office allowance, together with the allowance for locomotory expenses and the free residence as provided in section 51 of this Chapter, will be available as from the date of licence for any member of the clergy who may be appointed to the vacant office.

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

Part XIII

EXCHANGE OF BENEFICES

- 53.** When two clergy desire to exchange their benefices, they shall apply in writing to the bishops of their respective dioceses for permission to do so.
- 54.** The bishop or, in case the two parishes are in different dioceses, either bishop may decline to grant permission.
- 55.** The bishop or bishops, if considering the exchange desirable, shall summon the respective Boards of Nomination within one month after the application for exchange has been made.

56. If the Boards of Nomination shall nominate the said clergy respectively, the exchange shall take effect accordingly, and the bishop or bishops shall name a day on which each parish shall be vacant, and shall then institute the clergy to their respective benefices.
57. If the patronage of either parish be vested otherwise than in a Board of Nomination, the bishop may accept the nomination of the patron or patrons, and proceed in other respects as hereinbefore directed.

Part XIV

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

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

Part XV

LIGHT-DUTY PARISHES

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

- 63.** On the application of the diocesan council the Representative Body may
- (a) order that any existing parish which fulfils the conditions of section 62 of this Chapter shall be constituted a “light-duty parish” and
 - (b) rescind any such order.
- 64.** (1) The name of any member of the clergy who shall have attained the age of sixty-five years, or shall have satisfied the Representative Body of being disabled by infirmity from the discharge of the duties of such person’s present cure but is capable of undertaking the charge of a light-duty parish, shall on such person’s own request be placed on a special schedule to be kept at the office of the Representative Body, a copy of which shall be furnished to the bishop of each diocese.
- (2) Whenever a light-duty parish shall become vacant, the bishop of the diocese, after consultation with the members of the Board of Nomination, shall select a person from the schedule and, if satisfied of such person’s fitness, license that person as a curate-in-charge of such parish: Provided that the Representative Body shall be satisfied that a stipend adequate to the duties to be performed will be provided in such light-duty parish, and may for that purpose make a grant towards such stipend from the Central Church Fund.
- 65.** Any person appointed to a light-duty parish shall continue to enjoy any such grant for long service or good service, whether in the same or in any other diocese, as that person may enjoy at the date of appointment to such parish: Provided that such retention of long service or good service grant shall not be contrary to the terms of any diocesan financial scheme heretofore in force with the sanction of the Representative Body.
- 66.** When a person shall have been licensed as curate-in-charge of a light-duty parish, the Representative Body may, after consultation with the bishop of the diocese in which such parish is situated, at any time thereafter, call on such person to retire from such charge on the pension to which such person is entitled under Chapter XIV.

Part XVI

MISCELLANEOUS

Declaration

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

Appeal to Court of General Synod

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

Power to make rules

- 72.** The Representative Body may make such rules, not being inconsistent with provisions of this Chapter, as may be necessary for guidance of diocesan councils.

SCHEDULE

DRAFT ROLL OF SUBSCRIPTION

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

DECLARATION FOR SUBSCRIPTION

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

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

For Ordination

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

*This day
of 20*

For Licence

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

*This day
of 20*

For Institution

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

*This day
of 20*

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