

CHAPTER XIII

MANAGEMENT OF GLEBES, AND OTHER LAND AND BUILDINGS

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by this Chapter: Provided always that any rules and schedules made under this Chapter may be altered, added to, or repealed in any session by resolution of the General Synod, in accordance with a previous resolution of the Representative Body.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

Part I

PROVISIONS RELATING TO GLEBES

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

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

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

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

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

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

Part II

PROVISIONS RELATING TO OTHER LAND AND BUILDINGS

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

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

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

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

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

Part III

BY-LAWS

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

RULES

General

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

Purchase, sale or letting

2. Any residence or lands acquired or built pursuant to Glebe Rule 3 or sold and replaced pursuant to Glebe Rule 4 shall be vested in the name of the Representative Body.
3. Whenever the Representative Body, out of its own funds, advances the whole or any part of the money required to buy the residence and lands or either of them or to build the residence, repayment shall be made at such rate of interest and by such instalments as it may decide.

The amount of such money outstanding on any glebe may at any time be paid off or reduced by such instalments as may be approved by the Representative Body.

4. Where in exercise of the powers conferred on the Representative Body by section 12 of Chapter X of the Constitution a glebe or any portion thereof is sold, the proceeds of sale remaining over after payment to the Representative Body of any outstanding purchase money or other charges due to the Representative Body shall be expended in providing a new and suitable residence with or without lands for the parish if the same is required. Any surplus moneys remaining after the provision of a new residence, or the entire of the net proceeds of the sale, if a new residence is not required, or until such time as it is required, shall be invested and the income arising therefrom applied with the consent and approval of the diocesan council and the Representative Body in the following order of priority towards:
 - (a) the liabilities and expenses relative to the glebe occupied by the incumbent or, in the case of a union or group of parishes, the proportion of such liabilities and expenses relative to the glebe appropriated to the use of the incumbent as determined by the diocesan council in accordance with the provisions of section 30 of Chapter III of the Constitution;

- (b) the amount payable by the parish towards stipend;
- (c) repair and maintenance of parochial buildings;
- (d) other parochial purposes:

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

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

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

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

Diocesan

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

Glebewardens

10. It is the duty of the glebewardens appointed under the provisions of Chapter III of the Constitution:
 - (a) To assist the incumbent and the diocesan glebes committee in the care and management of the residence and lands. Prior to the letting of all or any of the glebe lands, to report to the diocesan glebes committee whether the proposed letting is consistent with the principles of good husbandry, and such report shall be considered by the glebes committee before any permission for letting the lands is given.
 - (b) To ensure that the glebe house is painted externally at least quinquennially.
 - (c) To be present at repair and vacancy commissions and at such other inspections of the glebe house and lands as may be from time to time authorised. Such glebewarden, if unable to attend, shall nominate a deputy from among the members of the select vestry.
 - (d) During a vacancy in the incumbency to take all reasonable steps to see that the glebe house is secure and protected from theft and vandalism, and to maintain adequate insurance on the property.

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

Architects

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

Commissions

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

Holding of Commissions

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

Reports of Commissions

16. The report of each commission, accompanied by a recommendation as to what work is required, shall be sent by the diocesan glebes committee to the rural dean, the incumbent and the select vestry or, in the case of the deanery of St Patrick's, to the dean and the cathedral board. The select vestry or the cathedral board shall, after consideration thereof, return the report to the diocesan glebes committee, with any views which it desires to express thereon. The diocesan glebes committee shall then decide as to the repairs and improvements to be carried out and shall instruct the select vestry accordingly. In the event of the select vestry failing to carry out such repairs or improvements, the diocesan council may order the execution of the work and the cost shall be charged against any fund belonging to the parish over which the diocesan council or the Representative Body has control. If a vestry glebewardens or the incumbent gives notice of a desire to appear before the committee in support of or in opposition to the proposed work or to part of it, such person shall be entitled to do so, and shall receive due notice of its meeting.
17. In all cases where the diocesan glebes committee approves an outlay on the glebe, the select vestry shall have the right of appeal to the diocesan council, notice of such appeal to be given to the council within fourteen days from the date of posting of notification to it of such approval.

Annual Inspection

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

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

Urgent Repairs

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

Notice

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

Trees

21. It shall not be lawful to fell trees growing on a glebe or other property vested in the Representative Body without the permission of the Representative Body being obtained through the diocesan council. When permission to fell trees shall have been given, such permission shall remain in force for twelve months, reckoning from the date of such permission, and no longer.

Pursuant to such permission the diocesan council, having complied with the requirements of the civil authorities in such matters, shall take steps for the trees to be felled and sold or otherwise disposed of and, on the trees being sold, the proceeds shall be applied by the Select Vestry towards:

(a) As to trees felled on a glebe:

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

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

- (i) the cost of replanting if appropriate
- (ii) the maintenance of the fabric of the church or
- (iii) the upkeep of the churchyard/graveyard

(c) As to other trees, in such manner as the Representative Body on the recommendation of the diocesan council shall approve.

Interpretation

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