

Changes to legislation: There are currently no known outstanding effects for the Incumbents (Vacation of Benefices) Measure 1977, PART 2. (See end of Document for details)

[^{F1}SCHEDULE 1

PANELS AND TRIBUNALS

Textual Amendments

- F1** Sch. 1 substituted (1.7.2018) by Mission and Pastoral etc. (Amendment) Measure 2018 (No. 4), s. 14(3), Sch. para. 3 (with Sch. para. 4); S.I. 2018/722, art. 2(a) (with Sch. para. 3)

PART 2

PROVINCIAL TRIBUNALS

Membership

- 3 (1) A provincial tribunal is to consist of five persons appointed by the Vicar-General of the province in which the parish in question is situated.
- (2) Of the five persons to be so appointed—
- (a) one, who is to be the chair, shall be—
 - (i) the chancellor of a diocese in the province for which the tribunal is to be appointed, other than the diocese in which the parish in question is situated, or
 - (ii) a Queen's Counsel who is a communicant member of the Church of England;
 - (b) two are to be clerks in Holy Orders from the panel appointed under paragraph 1(1) or (2) for the province concerned;
 - (c) two are to be lay persons from the panel appointed under paragraph 1(3).
- (3) But a person may not be appointed under this paragraph if—
- (a) the person is ordinarily resident in the diocese in which the parish in question is situated,
 - (b) the person's name is entered on the electoral roll of a parish in that diocese, or
 - (c) the person is a clerk in Holy Orders authorised to exercise ministry in a parish in that diocese.
- (4) Where, in the course of an enquiry being conducted by a provincial tribunal, a member of the tribunal other than the chair dies or becomes unable to act as a member by reason of illness or other incapacity, the tribunal may, with the consent of the parties, continue to conduct the enquiry in the absence of that member.

Requirement to constitute tribunals

- 4 (1) Where the secretary of a diocesan synod is required to institute an enquiry under this Measure, the secretary shall request the Vicar-General of the province—
- (a) to constitute a provincial tribunal in accordance with paragraph 3, and
 - (b) to send the secretary a list of the names and addresses of the proposed members.

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- (2) A person appointed to serve as a member of the tribunal from a panel appointed under paragraph 1 may refuse to accept the appointment if, in that person's opinion, it would not be right for that person to serve as a member of the tribunal.
- (3) On receiving the list under sub-paragraph (1)(b), the secretary shall—
 - (a) send a copy of it to the incumbent concerned, and
 - (b) inform the incumbent of the right of objection under paragraph 5 and the period in which the right may be exercised.

Right of objection

- 5 (1) The incumbent may, within three weeks after a list of the proposed members is sent under paragraph 4(3), object to one or more of them by sending the secretary of the diocesan synod a written notice—
 - (a) specifying the member or members to whom the incumbent objects, and
 - (b) stating, in relation to that member or in relation to each of them, the grounds of objection.
- (2) If notice of objection is duly given under sub-paragraph (1), the secretary shall refer the matter to the Vicar-General of the province other than that for which the tribunal is to be appointed, for the Vicar-General to determine whether the objection is reasonable and should accordingly be allowed; and the Vicar-General's decision is final.
- (3) For the purpose of deciding whether the objection is reasonable, the Vicar-General may require the incumbent to supply such information as the Vicar-General may specify.
- (4) Where the Vicar-General decides that the objection to a member should be allowed, the secretary shall request the Vicar-General mentioned in paragraph 3(1)—
 - (a) to appoint another person having the appropriate qualifications to serve in place of that member, and
 - (b) to inform the secretary of the name and address of the person appointed.
- (5) On receiving information under sub-paragraph (4)(b), the secretary shall inform the incumbent of the name and address of the person appointed.
- (6) The incumbent may, within three weeks of receiving information under sub-paragraph (5), object to the person appointed by sending the secretary a written notice stating the grounds of objection; and sub-paragraphs (2) to (5) have effect in relation to the notice as if it were a notice given under sub-paragraph (1).
- (7) But the incumbent is not entitled to object under sub-paragraph (6) to a person appointed from a panel appointed under paragraph 1 if, were the objection to be allowed, it would not be possible to constitute the tribunal because there would be no other person on that panel available for appointment as a member of the tribunal.

Circulation of list of members

- 6 As soon as the provincial tribunal which is to conduct an enquiry has been constituted, the secretary of the diocesan synod shall send a list of the members to—
 - (a) the incumbent concerned,
 - (b) the archdeacon concerned,

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- (c) the designated representative (if any),
- (d) the secretary of the parochial church council of the parish to which the enquiry relates, and
- (e) the secretary of the tribunal (see paragraph 7).

Secretary

- 7 (1) The Synodical Secretary of the Convocation of Canterbury, or a person nominated by the Synodical Secretary, shall act as secretary of a tribunal constituted under this Part of this Schedule to conduct an enquiry in relation to a parish in the province of Canterbury.
- (2) The Synodal Secretary of the Convocation of York, or a person nominated by the Synodal Secretary, shall act as secretary of a tribunal so constituted to conduct an enquiry in relation to a parish in the province of York.]

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