

SCHEDULE 1

Section 12.

SCHEDULE TO BE SUBSTITUTED FOR THE SCHEDULE TO THE 1977 MEASURE

“SCHEDULE 1

CONSTITUTION OF PROVINCIAL TRIBUNALS

- 1 (1) A provincial tribunal shall 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 shall be the chairman, shall be either 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 a Queen’s Counsel who is a communicant member of the Church of England;
 - (b) two shall be clerks in Holy Orders from the panel appointed from the members of the Lower House of the Convocation of the province concerned under paragraph 15(1)(b) of Schedule 4 to the Pastoral Measure 1983 (Appeal Tribunal for compensation of clergy); and
 - (c) two shall be lay persons from the panel appointed from the members of the House of Laity of the General Synod under paragraph 15(1)(c) of the said Schedule 4:
Provided that no person who is ordinarily resident in the diocese in which the parish in question is or whose name is entered on the electoral roll of any parish in that diocese or who is a clerk in Holy Orders authorised to exercise his ministry in any such parish, shall be appointed.
- 2 (1) Where the secretary of the diocesan synod is required to institute an enquiry under this Measure, the said secretary shall request the Vicar-General of the province to constitute a provincial tribunal in accordance with paragraph 1 above and to send him a list of the names and addresses of the proposed members.
- (2) Any person appointed to serve as a member of the tribunal from a panel mentioned in sub-paragraph 1(2)(b) or (c) above may refuse to accept the appointment if in his opinion it would not be right for him to serve as a member of the tribunal.
- (3) On receiving such list the said secretary shall send a copy of it to the incumbent concerned and shall inform him of his right of objection under paragraph 3 below and of the period within which the right must be exercised.
- 3 (1) The incumbent concerned may, within three weeks after a list of the proposed members is sent to him, object to any one or more of them by sending to the said secretary a written notice specifying the member or members to whom he objects and stating, in relation to that member or each of those members, as the case may be, the grounds of his objection.
- (2) If notice of objection is duly given under sub-paragraph (1) above, the said secretary shall refer the matter to the Vicar-General of the province, other than the province for which the tribunal is to be appointed, for him to determine whether the objection is reasonable and should accordingly be allowed, and his decision shall be final.
- (3) For the purpose of enabling him to decide whether the objection is reasonable, the Vicar-General may require the incumbent to supply him with such information as he may specify.

- (4) Where, in the case of any member objected to by the incumbent, the Vicar-General decides that the objection should be allowed, the said secretary shall request the Vicar-General mentioned in paragraph 1(1) above to appoint another person having the appropriate qualifications to serve in place of that member and to inform him of the name and address of the person appointed, and on receiving that information the said secretary shall inform the incumbent of the name and address of that person.
- (5) Subject to sub-paragraph (6) below, the incumbent may within three weeks after he is informed of the name of the proposed member appointed under sub-paragraph (4) above object to that member by sending to the said secretary a written notice stating the grounds of his objection, and sub-paragraphs (2) to (4) above shall have effect where a notice of objection is duly given under this sub-paragraph as they have effect where such a notice is so given under sub-paragraph (1) above.
- (6) The incumbent shall not be entitled to object to a person appointed under sub-paragraph (4) above from a panel mentioned in paragraph 1(2)(b) or (c) above if, were the objection to be allowed, the result would be that the tribunal could not be constituted, there being no other person on the appropriate panel available for appointment as a member of the tribunal.
- 4 As soon as the provincial tribunal which is to conduct an enquiry has been constituted the said secretary shall send a list of the members to the incumbent concerned, the archdeacon concerned, the designated representative (if any), the secretary of the parochial church council of the parish to which the enquiry relates and the person who is to act as secretary of the tribunal.
- 5 The Synodical Secretary of the Convocation of Canterbury or some other person nominated by him shall act as secretary of any tribunal constituted under this Schedule to conduct an enquiry in relation to a parish in the province of Canterbury, and the Synodical Secretary of the Convocation of York or some other person nominated by him shall act as secretary of any tribunal so constituted to conduct an enquiry in relation to a parish in the province of York.”