



Cathedrals Measure 2021

2021 No. 2

PROSPECTIVE

Removal from office, etc.

42 Removal etc. from cathedral office

(1) After section 3 of the Ecclesiastical Offices (Terms of Service) Measure 2009, insert—

“3A Removal from cathedral office after disqualification as charity trustee

- (1) This section applies in the case of an office holder referred to in section 1(1) (d) who—
- (a) by virtue of that office, is a charity trustee of the Chapter of a cathedral, but
 - (b) is disqualified from being a charity trustee under the Charities Act 2011.
- (2) The bishop of the diocese must, by notice in writing, remove the person from the office.
- (3) But the duty under subsection (2) does not arise unless and until—
- (a) any appeal against the disqualification under the Charities Act 2011 is dismissed or abandoned or the period for bringing an appeal expires without an appeal being brought, and
 - (b) subject to subsection (4), the period of three months beginning with the date on which the disqualification takes effect expires without a waiver of the disqualification under the Charities Act 2011 being granted or applied for.
- (4) If, at the end of the three-month period referred to in subsection (3)(b), an application for a waiver of the disqualification has been made but not yet

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determined, the duty under subsection (2) does not arise unless and until the application is refused.

- (5) The duty under subsection (2) must be complied with as soon as reasonably practicable and in any event before the end of 30 days beginning with the day on which the duty arises in accordance with subsection (3) or (4).
- (6) The bishop must, by notice in writing, suspend the person from office for a period which begins when the disqualification takes effect and ends—
 - (a) if the duty under subsection (2) arises, when the duty is complied with;
 - (b) if the duty under subsection (2) does not arise because an appeal of the kind mentioned in subsection (3)(a) is allowed, when the appeal is allowed;
 - (c) if the duty under subsection (2) does not arise because an application of the kind referred to in subsection (3)(b) is granted, when the application is granted.
- (7) The bishop of the diocese, having complied with the duty under subsection (2), must give a copy of the notice under that subsection to the archbishop of the province in which the diocese is situated and to the registrar of the diocese.

3B Suspension of dean or residentiary canon

Where a dean or residentiary canon holding office under Common Tenure is suspended under section 76(3) of the Charities Act 2011, the bishop of the diocese must, by notice in writing, suspend the person from office until the end of the period of the suspension under section 76(3) of that Act (including any extensions of that period).”

- (2) In section 3 of that Measure (duration of appointments), in subsection (3)(f), after “subsection (1) above” insert “ or section 3A of this Measure ”.
- (3) Sections 3A and 3B of that Measure (inserted by subsection (1) of this section) apply in the case of a person who holds the office of dean or residentiary canon on freehold as they apply in the case of a person who holds that office under common tenure.
- (4) Nothing in this Measure, so far as relating to membership of the Chapter of a cathedral, affects the application of any enactment providing for the disqualification or suspension of a person from being a charity trustee (and, accordingly, from being a member of the Chapter of a cathedral).
- (5) The amendment made by subsection (1) (including as it is applied by subsection (3)) applies in a case where, immediately before the commencement of that subsection, a person is disqualified from being a charity trustee under the Charities Act 2011 (as well as in a case where a person becomes so disqualified after that commencement).

43 Termination of senior management role

- (1) This section applies where a chief officer or another person employed by the Chapter with senior management functions—
 - (a) is disqualified under the Charities Act 2011 from being a charity trustee, and
 - (b) is, accordingly, also disqualified by virtue of section 178(3) or 181A(3) of that Act from employment by the Chapter with senior management functions.

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- (2) The person's employment by the Chapter is terminated when—
 - (a) any appeal against the disqualification under that Act is dismissed or abandoned or the period for bringing an appeal expires without an appeal having been brought, and
 - (b) the period of three months beginning with the date on which the disqualification takes effect expires without a waiver of the disqualification under that Act being granted or applied for.
- (3) The references to “senior management functions” are to be read with section 178(4) or 181A(4) (as the case may be) of the Charities Act 2011.

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