

# The Constitution of the Diocese in Europe 1995

## The Diocese

**1** The Diocese, known as the Diocese in Europe, incorporates the former Diocese of Gibraltar and the Jurisdiction of Northern and Central Europe and consists of the chaplaincies and congregations in that area which shall be designated from time to time by the diocesan Bishop.

**2** The Diocese shall be deemed to be within the Province of Canterbury and shall be subject to the Metropolitan Jurisdiction of the Archbishop of Canterbury.

**3** (a) The diocesan Bishop, with the consent of the Diocesan Synod, may designate episcopal areas and archdeaonries for the Diocese and may, with the like consent, suspend or dissolve an episcopal area or archdeaonry after consultation with the interested parties.

(b) The diocesan Bishop, with the consent of the Standing Committee of the Diocesan Synod as referred to in paragraph 38(a) of this Constitution may designate new chaplaincies for the Diocese and may dissolve a chaplaincy after consultation with the Standing Committee and the interested parties.

(c) In this paragraph 'interested parties' means —

(i) in relation to the suspension or dissolution of an episcopal area or archdeaonry, any person exercising the office of bishop in the episcopal area or exercising the office of archdeacon in the archdeaonry and the archdeaonry synod; and

(ii) in relation to the dissolution of a chaplaincy, the archdeacon, the chaplain (if any) and the chaplaincy church council and any person or body who by custom has had the right to nominate clergy for licensing to the diocesan Bishop.

## The Diocesan Bishop

**4** The Bishop of the Diocese shall be known by the style and title of the Bishop in Europe. He shall be a member of the Upper House of the Convocation of Canterbury.

**5** The Bishop of the Diocese shall exercise the ordinary jurisdiction of a diocesan bishop in relation to the Diocese as defined in paragraph 1 of the Constitution.

**6** (a) The diocesan bishop shall be appointed by the Archbishop of Canterbury, the Bishop of London and a person in episcopal orders nominated by the Standing Committee of the Anglican Consultative Council, acting jointly.

(b) The Standing Committee of the Diocesan Synod, together with the diocesan members of the General Synod, shall act as the Vacancy in See Committee for the Diocese. It shall follow the Vacancy in See procedures as laid down by the General Synod for all the other dioceses.

(c) Before an appointment is made, a consultation shall take place between the Archbishop of Canterbury, the Bishop of London, the bishop nominated by the Standing Committee of the Anglican Consultative Council, the central members of the Crown Nominations Commission and those persons elected by the Standing Committee of the Diocesan Synod.

**7** In accordance with the Diocese in Europe Measure 1980 (hereinafter called 'the Measure') the diocesan Bishop shall receive a stipend with the expenses incurred by him in connection with the performance of the duties attaching to his episcopal functions and shall be provided with a residence.

### **Suffragan and Assistant Bishops**

**8** The diocesan Bishop shall be assisted by a suffragan bishop who shall be appointed by the Archbishop of Canterbury, the Bishop of London and the diocesan Bishop acting jointly after consultation with the Standing Committee of the Diocesan Synod.

**9** Where the diocesan Bishop and Diocesan Synod are of the opinion that an additional suffragan bishop is required the diocesan Bishop shall, after consulting the Archbishop of Canterbury, send a copy of his proposal, together with a statement of his reasons for making it, to the Dioceses Commission of the General Synod for consideration in accordance with Section 18 of the Diocese Measure 1978. Any additional suffragan bishop shall be appointed in the same manner as the suffragan bishop referred to in paragraph 8 hereof.

**10** In accordance with the Measure every suffragan bishop of the Diocese shall receive a stipend and the expenses incurred by him in connection with the performance of the duties attaching to his episcopal functions and shall be provided with a residence situated as the diocesan Bishop may direct.

**11** The diocesan Bishop may, at his discretion, authorise persons in episcopal orders to act as assistant or auxiliary bishops of the Diocese.

### **Vicar General**

**12** (a) The diocesan Bishop may at his discretion appoint one or more vicars-general to assist him in the administration of the Diocese.

(b) No person shall be capable of receiving the appointment of vicar general until he has been six years complete in Holy Orders and is in priest's orders at the time of appointment.

(c) In his licence to a vicar general the diocesan Bishop may delegate any or all of the following functions —

(i) the issuing of letters of appointment to chaplains;

(ii) the issuing, in the Bishop's name, of licences and permissions to officiate to priests, deacons, deaconesses, lay workers and readers;

(iii) the instituting of chaplains in the absence of the Bishop or archdeacon;

(iv) the issuing of faculties for alterations, additions and repairs to the fabric and ornaments of churches and to churchyards;

(v) the holding of visitations on behalf of the diocesan Bishop.

(d) Where any function specified in a licence issued under sub-paragraph (c) above to a vicar general requires the application of the Bishop's seal to a document, that seal shall be affixed and the document shall be executed by the vicar general authorised by the licence to discharge that function.

(e) During the vacancy of any archdeaconry, the diocesan Bishop shall appoint either a vicar general or some other person in priests orders to carry out the duties of the archdeacon.

### **Archdeacons**

**13** (a) The diocesan Bishop shall appoint such archdeacons, not exceeding eight in number, as may be necessary for the efficient administration of the Diocese.

(b) In accordance with Canon C 22 every archdeacon shall, within his archdeaconry, carry out his duties under the Bishop and shall assist the Bishop in his pastoral care and office and particularly he shall see that all such as hold ecclesiastical office within the same perform their duties with diligence, and shall bring to the Bishop's attention what calls for correction or merits praise.

### **The cathedral church and pro-cathedrals**

**14** (a) The Cathedral Church of the Diocese is the Cathedral Church of the Holy Trinity in Gibraltar.

(b) There are two Pro-Cathedrals -

The Collegiate Church and Pro-Cathedral of Saint Paul the Apostle at Valletta in Malta; and The Pro-Cathedral of the Holy Trinity, Brussels.

**15** (a) The Cathedral and Pro-Cathedrals are governed by Statutes which came into force on the tenth day of February 1997, the Feast of the Shipwreck of Saint Paul. Such Statutes remain in full force and effect and may be amended in accordance with those Statutes.

(b) Any provisions of the former Statutes which are necessary to preserve the rights or property of the Cathedral or the Pro-Cathedrals in the civil law shall remain in force.

**16** The diocesan Bishop may, after consultation with the Diocesan Synod, designate any church in the Diocese as a pro-cathedral and shall provide statutes for that pro-cathedral which shall not constitute a collegiate body for the said pro-cathedral unless the diocesan Bishop so determines.

### **The licensed clergy and readers**

**17** (a) The diocesan Bishop may grant his licence in accordance with Canon C12

(i) to a person in priest's orders as chaplain within the Diocese

(ii) to a person in deacon's or priest's orders to preach or otherwise minister (subject to the provisions of Canon C8) within the diocese or to officiate as assistant chaplain to a chaplaincy within the Diocese

(b) Every priest or deacon to be so licensed or otherwise instituted installed or admitted to serve in any place within the Diocese shall first

(i) take the Oath of Allegiance or make a solemn affirmation in the prescribed form in accordance with the provisions of Canon C13

(ii) take the Oath of Canonical Obedience or make a solemn affirmation in the prescribed form in accordance with the provisions of Canon C14 and

(iii) make the Declaration of Assent in accordance with the provisions of Canon C15.

### **Duration of appointments**

**17A** (1) Subject to sub-paragraph (2) below, an office holder other than a bishop may resign his or her office by giving written notice to the diocesan bishop not less than three months before the resignation is to take effect.

(2) Any notice required to be given under sub-paragraph (1) above may be waived by agreement between the office holder and the diocesan bishop.

(3) A licence issued by the diocesan bishop shall be terminated only –

(a) on the death of the office holder;

(b) on the office holder attaining the age of seventy or on the expiration of any period for which the office holder is permitted to continue in office beyond that age in accordance with paragraph 17C of this Constitution

(c) where the office holder is removed from office following a finding of guilt for an offence under Part VI of the Ecclesiastical Jurisdiction Measure 1963 (1963 No. 1) or under any provision of the Clergy Discipline Measure 2003 (2003 No. 3);

(d) where the term is fixed or is otherwise limited pursuant to the provisions of paragraph 17B of this Constitution, on the expiry of the term or the occurrence of the event in question, as the case may be;

(e) where a licence has been granted by the diocesan bishop to a person to exercise an office which is held by the office holder in connection with employment under a contract of employment, on the termination of the contract; or

(f) under sub-paragraph (4) below or sub-paragraph (1) above.

(4) Where there has been an adjudication on a matter relating to the performance of an office holder under the Diocesan capability procedures and a determination that the office holder should be removed from office, then, if any appeal against the determination has been unsuccessful or the time within which an appeal may be brought has expired without such an appeal being brought, the bishop shall serve notice in writing on the office holder terminating his or her appointment with effect from the date of the expiry of three months after the date of the notice and stating in the notice the reason or principal reason for the termination.

(5) In this Constitution, a reference to an office holder shall, where the context so admits, include any clerk in Holy Orders who holds a licence granted by the diocesan bishop and a reference to an office shall be construed accordingly.

### **Fixed and other limited-term appointments**

**17B** (1) Any person in holy orders who exercises his or her ministry in accordance with a licence from the diocesan bishop issued under any Canon of the Church of England may be granted such a licence for a fixed term or under terms which provide for the licence to be terminated on the occurrence of a specified event if—

(a) the office holder occupies a post which is designated as a post created in order to cover an office holder's authorised absence from work;

(b) the office is designated as a training post;

(c) the office is designated as a post subject to sponsorship funding;

(d) the office is designated as a probationary office;

(e) the office holder holds a post which is designated as a post which is held in connection or conjunction with another office or employment;

(f) the office holder does not have the right of abode, or unlimited leave to enter or remain, in the state or states in which the office holder is to exercise his or her ministry pursuant to the relevant licence;

(g) the office holder may not exercise his or her ministry without the written permission of the Archbishop of Canterbury;

(h) the office is designated as an interim post; or

(i) the diocesan bishop considers the grant of a fixed or otherwise limited term licence to be necessary in order to avoid significant prejudice to the interests of the office holder or of the Diocese and is acting with the consent of the Bishop's Council.

(2) Where a person is to hold office in any circumstances mentioned in sub-paragraph (1) above he or she will be provided, prior to the grant of the licence, with a written statement of particulars which shall include the following information –

(a) particulars of the relevant circumstances on the basis of which the diocesan bishop intends to grant a fixed or otherwise limited term licence

(b) a statement of the appropriate designation of the office, where applicable

(c) details of the fixed term or of the specified event which would give rise to the termination of the licence.

(3) (a) An office may be designated as a training post if the office holder is required by the diocesan bishop to undertake initial ministerial education.

(b) An office designated as a training post may continue to be designated as such for a period of no more than one year following the completion by the office holder of the initial ministerial education.

(4) An office may be designated as a post subject to sponsorship funding if any part of the cost of the office holder's stipend or other remuneration, pension, housing accommodation or other expenses is defrayed by a person or body other than the Church Commissioners, the Diocesan Board of Finance or the entity by means of which a chaplaincy or congregation has incorporated or otherwise established itself legally.

(5) An office may be designated as a probationary office if, on the date of the appointment of the office holder to the office, the office holder has not held any ecclesiastical office in any place during the period of twelve months immediately preceding that date.

(6) An office may be designated as a probationary office if the office holder has been removed from a previous office by a final adjudication under the capability procedures of the Diocese or of the Church of England and the office designated as a probationary office under this paragraph is the first office occupied by the office holder after his or her removal from office.

(7) An office may be designated as a probationary office if—

(a) the office holder has been the subject of a complaint under the Ecclesiastical Jurisdiction Measure 1963 and has had a censure of prohibition, inhibition or suspension imposed on him or her or he or she has resigned, or

(b) the office holder has had imposed on him or her a penalty of removal from office, prohibition for a limited term or revocation of his or her licence under the Clergy Discipline Measure 2003 or he or she has resigned in accordance with that Measure,

and appointment to the office is made on the recommendation of the diocesan bishop with a view to facilitating his or her return to the ministry.

(8) (a) An office may be designated as an interim post if the designation is in writing, signed by the diocesan bishop acting with the consent of—

(i) the office holder, and

(ii) the interim ministry committee of the Diocese.

(b) An office in the cathedral or a pro-cathedral may be designated as an interim post only if, in addition to the requirements of sub-paragraph (8)(a), the bishop is acting with the consent of the dean of the cathedral or the chancellor of the pro-cathedral (as the case may be).

(c) In deciding whether to designate an office as an interim post, the bishop shall have regard to any guidance issued by the Archbishops' Council.

(d) The term of an office designated as an interim post may not exceed three years.

(e) An office designated as an interim post may be designated as such again for a further period of up to three years; but an office may not be designated as an interim post if it was designated as such on the two immediately preceding appointments.

(9) The term of office of any office holder appointed for a fixed term or until the occurrence of a specified event shall terminate on the expiry of the fixed term (unless that term is extended for a further period or periods) or on the occurrence of the event, as the case may be.

## **Holding office beyond the age of 70**

**17C** (1) A person who holds or is to hold office in the Diocese and has attained the age of 70 years may be appointed, or may have his or her appointment continued, for a fixed term or under terms which provide for the appointment to be terminated on the occurrence of a specified event if the person occupies a post by virtue of a direction given under this paragraph.

(2) The Archbishop of Canterbury may give a direction for a person holding the office of diocesan bishop who has attained the age of 70 years to continue to hold that office for the period specified in the direction.

(3) The diocesan bishop may, with the concurrence of the Archbishop of Canterbury, give a direction for a person holding the office of suffragan bishop or dean in the diocese who has attained the age of 70 years to continue to hold that office for the period specified in the direction.

(4) The diocesan bishop may give a direction for a person holding the office of chancellor of a pro-cathedral or archdeacon in the diocese who has attained the age of 70 years to continue to hold that office for the period specified in the direction.

(5) Except as otherwise specifically provided in this paragraph, the diocesan bishop may give a direction for a person who has attained the age of 70 years to hold or to continue to hold an office in the diocese under a licence granted by the bishop, for the period specified in the direction (including in a case where the person was holding the office immediately before attaining that age).

(6) The power to give a direction under any of the foregoing sub-paragraphs includes, in the case of a person holding office by virtue of a previous direction under the relevant sub-paragraph, a power to give one or more further directions under that sub-paragraph.

(7) The period specified in a direction given under paragraph (2), (3) or (4)—

(a) must begin with the day on which the person attains the age of 70 years or, where the person is holding the office by virtue of a previous direction given under that sub-paragraph, immediately after the end of the period specified in that previous direction, and

(b) must end on the date, or on the occurrence of an event, specified in the direction but must not extend beyond the day on which the person attains the age of 75 years.

(8) The period specified in a direction given under sub-paragraph (5)—

(a) must begin on or after the day on which the person attains the age of 70 years or, where the person is holding the office by virtue of a previous direction given under that sub-paragraph, immediately after the end of the period specified in that previous direction, and

(b) must end on the date, or on the occurrence of an event, specified in the direction (and may extend beyond the day on which the person attains the age of 75 years).

(9) Neither the Archbishop of Canterbury nor the diocesan bishop may give a direction under this paragraph unless he or she considers that the person in question will be capable of performing the duties of the office throughout the period for which the person is to hold the office.

(10) The diocesan bishop may not give a direction under sub-paragraph (5) unless the bishop—

(a) considers that the pastoral needs of the chaplaincy or congregation concerned or of the diocese make it desirable to give the direction, and

(b) has obtained the consent of the chaplaincy church council concerned.

(11) In deciding whether to give a direction under this paragraph, the Archbishop of Canterbury and the diocesan bishop shall have regard to any guidance issued by the Archbishops' Council in respect of holding office beyond the age of 70 years.

(12) A direction given under this paragraph must be in writing.

18: (a) In relation to the terms of service of the holder of any ecclesiastical office or appointment within the Diocese there shall be

(i) a Diocesan capability procedure

(ii) a Diocesan grievance procedure

(iii) a Diocesan policy relating to ministerial development review and

(iv) a Diocesan policy relating to continuing ministerial education

(b) It shall be the duty of the Bishop's Council to review such procedures and policies from time to time

(c) It shall be the duty of each person to whom any of the procedures and policies referred to in subparagraph (a) applies to cooperate wherever relevant in the implementation of such procedures and policies

(d) The procedures and policies referred to in subparagraph (a) shall apply to

(i) the diocesan bishop

(ii) the suffragan bishop of the Diocese

(iii) the Dean of Gibraltar

(iv) the archdeacons of the Diocese

(v) any person in holy orders who exercises his or her office or ministry in accordance with a licence from the diocesan Bishop issued under any Canon of the Church of England and

(vi) any deaconess reader or lay worker who exercises his or her office or ministry in accordance with a licence from the diocesan Bishop issued under any Canon of the Church of England and who receives a stipend or other emoluments of office (including the provision of accommodation) in respect of his or her office.

19: In accordance with Canons D3 and E4 to 8, the diocesan Bishop may at his discretion license deaconesses and admit lay persons to the office of reader or lay worker and may license them to serve in the Diocese.

20: In accordance with canon law the diocesan Bishop may revoke any licence granted by him to bishops, priests, deacons, deaconesses, readers and lay workers and if in any case a licence is revoked summarily the person concerned may, within 28 days from the date on which he receives such notice of revocation, appeal to the Archbishop of the Province as provided by Canon.



## **Appointment of chaplains**

**21** (a) Subject to paragraphs (b) and (c) hereof, the persons and bodies who by custom have had the right to nominate a priest for licensing to certain chaplaincies shall continue to exercise that right, and the diocesan Bishop shall admit to the chaplaincy in question the priest nominated by such person or body provided he first exhibits to the Bishop his Letters of Orders or other sufficient evidence that he has been ordained and brings him sufficient testimony, if the Bishop shall require it, of his former good life and behaviour and appears on due examination to be of sufficient learning and to have the intention of fulfilling his duties in a legal and satisfactory manner.

(b) The provisions of the Patronage (Benefices) Measure 1986 shall apply with the necessary modifications to the appointment of chaplains and accordingly on a vacancy in a chaplaincy the Chaplaincy Council shall appoint two representatives who shall have the power to approve the making of an offer of the chaplaincy to a priest as provided by §13 of the said Measure.

(c) Where the diocesan Bishop does not have the right to nominate the chaplain, he shall have the right to approve the making of the offer of the chaplaincy to a priest as provided by §13 of the said Measure.

## **Ecclesiastical law**

**22** (a) Subject to the provisions of the Measure and of this Constitution and so far as the local law of any state or country shall permit, canons and other Ecclesiastical Law of the Church of England shall, so far as applicable, apply in the Diocese with such modifications or exceptions as, on the submission of the diocesan Bishop after consultation with the Diocesan Synod, are deemed appropriate by the Archbishop of Canterbury acting with the concurrence of the vicar general of the Province and are specified in an instrument under the hand of the Archbishop.

(b) All instruments issued under this paragraph shall be filed in the registry of the Diocese and communicated to the General Synod secretary-general who shall notify members of the General Synod that it is available for inspection.

(c) If any question arises as to whether or in what respect any Canon or other rule or provision of ecclesiastical law is applicable in the Diocese or any part thereof, it shall be conclusively determined by the Archbishop acting on the advice of his Vicar-General.

**23** Proceedings against a bishop, priest or deacon who, when the misconduct in question was alleged to have occurred, held the diocesan Bishop's Licence or resided in the Diocese in Europe (not being misconduct involving matters of doctrine, ritual or ceremonial), or who is alleged to have officiated as a minister in the diocese without authority, shall be dealt with in accordance with the provisions of the Clergy Discipline Measure 2003 as it applies within the Diocese in Europe (or such other statutory modification of that Measure for the time being in force).

**24** The provisions of the relevant measures and canons from time to time in force shall apply as to the qualifications and appointment of a chancellor of the Diocese and of a registrar of the Diocese and as to their tenure of office.

## **National law**

**25** The chaplaincies and archdeaconries shall conform to the domestic law of the country or countries within which they are situated and shall adopt or maintain the measures necessary for them to act as juridical persons within the jurisdiction of those countries.

## **Liturgical**

**26** In addition to the forms of service authorised for use in the Church of England under canon law, the Bishop may authorise either for use in a chaplaincy where the chaplain and the chaplaincy church council jointly so requests or generally for use throughout his Diocese a rite of a Church with which the Church of England is in communion.

## **Ecumenical relations**

**27** In addition to the Churches which are designated by the Archbishops of Canterbury and York as Churches to which the Church of England (Ecumenical Relations) Measure 1988 applies, the Archbishop of Canterbury may, at the request of the Bishop after consultation with the Standing Committee of the Diocesan Synod, designate in an Instrument under his hand other Churches to which the Measure of 1988 and the canons made thereunder are to apply so far the Diocese in Europe is concerned.

## **Electoral roll**

**28** (a) There shall be an Electoral Roll (hereafter called 'the roll') established for each chaplaincy. The chaplaincy church council shall appoint an electoral roll officer to act under its direction for the purpose of carrying out its functions with regard to the roll.

(b) A lay person shall be entitled to have his name entered on the roll of a chaplaincy if he is baptised, of sixteen years or upwards, has signed an application form for enrolment and declares himself either —

(i) to be a member of the Church of England or of a Church in communion therewith currently having his name entered on the electoral roll of a parish or chaplaincy in the Provinces of Canterbury or York; or

(ii) to be a member of the Church of England or of a Church in Communion therewith and to have habitually attended public worship in the chaplaincy during a period of six months prior to enrolment; or

(iii) to be a member in good standing of a Church not in communion with the Church of England which subscribes to the doctrine of the Holy Trinity and also prepared to declare himself to be a member of the Church of England and to have habitually attended public worship in the chaplaincy during a period of six months prior to enrolment.

Provided that where a lay person will have his sixteenth birthday after the intended revision of the electoral roll or the preparation of a new roll but on or before the date of the annual chaplaincy meeting, he may complete a form of application for enrolment and his name shall be enrolled but with effect from the date of his birthday.

(c) Except in a year when a new roll is prepared, the roll shall be reviewed annually by or under the direction of the church council and in the year 1996 and in every succeeding sixth year a new roll shall be prepared in accordance with the CRR.

(d) Subject to the provisions of this Rule and in accordance with paragraph 46 of this Constitution, the CRR for the time being in force shall have effect in the Diocese with regard to the roll.

## **Annual meeting**

**29** (a) In every chaplaincy there shall be held not later than 30th April in each year the annual meeting of all persons whose names are entered on the roll. It shall be a part of the business of the annual meeting to elect lay representatives to the church council of the chaplaincy and every three years to elect lay representatives to the archdeaconry or deanery synod who shall be the diocesan electors, and the provisions of the CRR relating to the conduct of the elections shall apply to such elections. The lay representatives elected to the archdeaconry or deanery synod shall serve for a term of three years beginning with 1st June next following their election.

(b) The number of persons to be elected to the archdeaconry or deanery synod by the several chaplaincies in the Diocese shall be determined by resolution of the Diocesan Synod and these numbers shall be related to the numbers on the electoral rolls of the chaplaincies, as certified under subparagraph (c) hereof provided that at least two persons shall serve in the archdeaconry or deanery synod for every chaplaincy.

(c) The electoral roll officer of each chaplaincy shall, not later than 1st June in every year notify the secretary of the Diocesan Synod the total number of names on the roll of the chaplaincy.

(d) Where a casual vacancy amongst the archdeaconry or deanery synod members occurs, the vacancy may be filled by the election by the church council of the chaplaincy concerned of a person qualified to be elected as a member of the archdeaconry or deanery synod by that chaplaincy.

## **Chaplaincy church councils**

**30** (a) There shall be a chaplaincy church council established for each chaplaincy which shall consist of —

(i) the chaplain who shall be chairman of the council ex officio save as may be permitted under paragraph 43(d) of this Constitution;

(ii) all other clerks in Holy Orders licensed to the chaplaincy;

(iii) any deaconess or lay worker licensed to the chaplaincy;

(iv) the churchwardens as referred to in paragraph 31 of this Constitution;

(v) all persons whose names are on the electoral roll of the chaplaincy and who are lay members of any deanery synod, archdeaconry synod, Diocesan Synod or the General Synod;

(vi) such, if any, of the licensed readers whose names are on the electoral roll of the chaplaincy, as the annual meeting may determine;

(vii) such numbers of representatives of the laity as the annual meeting of the chaplaincy may decide, and so that the number determined may be altered from time to time by a resolution passed at any annual meeting, but such resolution shall not take effect before the next ensuing annual meeting; and

(viii) co-opted members, if the council so decides, not exceeding in number one-fifth of the representatives elected under subparagraph (1)(vii) above, being either clerks in Holy Orders or actual lay communicants of sixteen years of age or upwards. The term of office of a co-opted member shall be until the conclusion of the next annual meeting: but without prejudice to his

being co-opted on subsequent occasions for a similar term, subject to and in accordance with the provisions of the CRR.

(b) Without prejudice to any other requirements or qualifications contained or more fully set out in this Constitution, the Synodical Government Measure 1969, the Church Representation Rules or any other applicable legislation in relation to the election of the representatives of the laity referred to in sub-paragraph 30(a)(vii) or their membership of a chaplaincy church council, the qualifications of a person to be nominated or elected or to serve as such a representative are that –

(i) his name is entered on the roll of the chaplaincy

(ii) he is an actual communicant as defined in the Church Representation Rules provided that the archdeacon may dispense with this qualification by notice in writing where not fewer than two-thirds of the members of the council are actual communicants and further provided that, in the event of a situation arising in which fewer than two-thirds of the council are actual communicants, the election or continuance in office of any person who is not an actual communicant shall be subject to the written consent of the diocesan Bishop.

(iii) he is of sixteen years or upwards

(iv) he has indicated his consent to serve or there is in the opinion of the meeting sufficient evidence of his willingness to serve

(v) he is not disqualified, whether under the Charities Act 1993 or local law, from being a charity trustee

(vi) he is not disqualified from being a member of the council or committee of management of an association where such an association is directly related to the relevant chaplaincy

(vii) he has not been convicted of an offence mentioned, or by virtue of any enactment to be treated as mentioned, in Schedule 1 to the Children and Young Persons Act 1933 or of any comparable offence of substantially the same nature regardless of the state or legal jurisdiction in which it was committed

(viii) his nomination election or membership of the chaplaincy church council would not give rise to the removal of, or otherwise materially adversely affect, the charitable or special fiscal status of a chaplaincy or a chaplaincy church council

and a person shall cease forthwith to be a member of a chaplaincy church council if he ceases to be so qualified.

(c)

(i) A lay member of the council shall be elected as vice-chairman of the council.

(ii) The council shall appoint one of their number to act as secretary of the council. If no member is appointed so to act the council shall appoint some other fit person with such remuneration (if any) as they shall think fit. The secretary shall have charge of all documents relating to the current business of the council except that, unless he is the electoral roll officer, he shall not have charge of the roll. He shall be responsible for keeping the minutes, shall record all resolutions passed by the council and shall keep the secretary of the Diocesan Synod and any archdeaconry or deanery synod informed as to his name and address.

(iii) The council may appoint one or more of their number to act as treasurer solely or jointly. Failing such appointment, the office of treasurer shall be discharged by some other fit

person or jointly by the churchwardens. No remuneration shall be paid to any person in respect of his appointment as treasurer.

(d) It shall be the duty of the chaplain and the council to consult together on matters of general concern and importance to the chaplaincy.

(e) The functions of the council shall include —

(i) co-operation, with the chaplain, in promoting in the chaplaincy the whole mission of the Church;

(ii) the consideration and discussion of matters concerning the Church of England or any other matters of religious or public interest, but not the declaration of the doctrine of the Church on any question;

(iii) making known and putting into effect any provision made by the Diocesan Synod, the archdeaconry synod or the deanery synod, but without prejudice to the powers of the council on any particular matter;

(iv) administering the financial affairs of the chaplaincy including the collection and administration of all moneys raised for purposes of the chaplaincy and the keeping of accounts in relation to such affairs and moneys;

(v) the care, maintenance, preservation and insurance of the fabric and of the goods and ornaments of the church unless this duty has been otherwise devolved;

(vi) giving advice to the Diocesan Synod, the archdeaconry synod or the deanery synod on any matter referred to the council;

(vii) raising such matters as the council consider appropriate with the Diocesan Synod, the archdeaconry synod or the deanery synod.

(f) In the exercise of its functions the council shall take into consideration any expression of opinion by any annual, special or extraordinary church meeting of the chaplaincy.

## **Churchwardens**

**31** (a) Each chaplaincy shall at its annual meeting appoint churchwardens, normally two in number, who shall be actual communicants as defined in the CRR (except where the archdeacon otherwise permits), be persons whose names are on the electoral roll of the chaplaincy and be of 21 years or upwards. The secretary of the meeting shall inform the diocesan secretary of the names and addresses of the persons so appointed.

(b)

(i) In accordance with Canon E1 (4) the churchwardens are officers of the diocesan Bishop and shall assume office immediately on conclusion of the annual meeting. They shall discharge such duties as are by law and custom assigned to them; they shall be foremost in representing the laity and in co-operating with the chaplain; they shall use their best endeavours by example and precept to encourage the members of the congregation in the practice of true religion and to promote unity and peace among them. They shall also maintain order and decency in the churches of the chaplaincy, especially during the time of divine service.

(ii) When the chaplaincy is vacant or the chaplain is incapacitated and unable to invite a priest to celebrate the Holy Communion or a clergyman, reader or suitable lay person to say or sing Morning and Evening Prayer, it shall be the duty of the churchwardens to see that the services of the chaplaincy are maintained with reasonable frequency.

(c) Where a new congregation or chaplaincy is formed in accordance with paragraph 3 of this Constitution the diocesan Bishop shall appoint one or more churchwardens who shall hold office until their successors are appointed at the ensuing annual meeting.

(d) A churchwarden may resign from office during the year of his tenure in the manner provided by the Churchwardens Measure 2001 or any subsequent Measure replacing this passed by the General Synod.

### **Postal votes and other provisions in chaplaincies**

**32** (a) The archdeacon may direct, or the annual meeting may pass a resolution which provides, that any person entitled to attend the annual meeting and vote in the elections of churchwardens or representatives of the laity to the chaplaincy church council or to the archdeaconry or deanery synod may make application for a postal vote and in that event the relevant provisions of the CRR with the necessary modifications shall apply.

(b) In any chaplaincy where there are two or more congregations or places of worship the annual meeting may, with the concurrence of the archdeacon, make a scheme which makes provision for the following purposes, that is to say —

(i) for establishing a congregational roll for each of the congregations or indicating on the chaplaincy electoral roll at which congregation the electors usually attend public worship;

(ii) for arranging annual meetings of the congregations in addition to the annual meeting of the chaplaincy;

(iii) for designating churchwardens and deputy churchwardens to officiate at each of the congregations;

(iv) for making provision for the election of representatives of the laity to the chaplaincy church council by those on the roll of each congregation in such manner as to ensure due representation of each congregation; and

(v) for the election by the annual meeting of each congregation in the chaplaincy of a congregational council.

(c) A scheme for the election of any congregational council under the preceding paragraph shall provide for the election of representatives of the laity on to such council, for ex-officio members and for the chairmanship of such council and shall contain such other provisions as to membership and procedure as shall be considered appropriate by the annual meeting of the chaplaincy and the relevant provisions of the CRR with the necessary modifications shall apply.

### **The Diocesan Synod**

**33** There shall be a Diocesan Synod for the Diocese which shall have all the functions of a Diocesan Synod exercisable under Section 4 of the Synodical Government Measure 1969. The synod shall meet not less than once in each year.

**34** (a) The Diocesan Synod shall consist of a House of Bishops, a House of Clergy and a House of Laity.

(b) The House of Bishops shall consist of the diocesan Bishop, every suffragan bishop of the Diocese and such other persons, being persons in episcopal orders working in the Diocese, as the Bishop of the Diocese, with the concurrence of the Archbishop of the province, may nominate.

(c) The House of Clergy shall consist of —

(i) the Dean of Gibraltar, *ex officio*,

(ii) the archdeacons and the vicar general *ex-officio*;

(iii) the proctors elected from the Diocese to the Lower House of the Convocation of Canterbury;

(iv) one or more clerks in Holy Orders to be elected in accordance with paragraphs 35 and 36 of this Constitution from each archdeaconry or, where an archdeaconry has been divided into deaneries as provided by paragraph 43, one or more to be elected from each deanery;

(v) the chancellor of the Diocese and chairman of the Diocesan Board of Finance (if in Holy Orders).

(d) The House of Laity shall consist of —

(i) the members elected from the Diocese to the House of Laity of the General Synod;

(ii) two or more lay persons to be elected in accordance with paragraphs 35 and 36 of this Constitution from each archdeaconry or, where an archdeaconry has been divided into deaneries as provided by paragraph 43, one or more to be elected from each deanery;

(iii) the chancellor of the Diocese and the chairman of the Diocesan Board of Finance (if not in Holy Orders).

(e) The diocesan Bishop may nominate four additional members of the Diocesan Synod who may be of the clergy or of the laity and shall be members of the appropriate house.

(f) In nominating additional members, the diocesan Bishop shall have regard to any interests not otherwise adequately represented and shall ensure the maintenance of the balance of clerical and lay representation.

(g) In addition to the power in sub-paragraph (e) above, the diocesan Bishop may, after consultation with the chairmen of the House of Clergy and House of Laity of the Diocesan Synod, nominate not more than two persons to be members of the Diocesan Synod.

**35** (a) The election of members of the Diocesan Synod shall take place every three years and the members elected shall hold office for three years from 1st November following their election.

(b)

(i) Any clerk in Holy Orders licensed in the Diocese and serving in an archdeaconry shall be qualified to be elected to the House of Clergy of the Diocesan Synod by the electors in that archdeaconry. The said electors shall be all such clerks.

(ii) Where a clerk is licensed to serve in more than one archdeaconry the Bishop shall designate the archdeaconry in which he is to be an elector after consultation with the chairmen of the House of Clergy and House of Laity of the Diocesan Synod.

(c) Any person whose name is entered on the electoral roll of a chaplaincy in any archdeaconry and who is an actual communicant as defined in the CRR and of eighteen years or upwards shall be qualified to be elected to the House of Laity of the Diocesan Synod by the electors in that archdeaconry. The electors shall be those persons referred to in the CRR as the diocesan electors of the diocese in Europe.

(d) The Standing Committee of the Diocesan Synod shall, not later than the 31st December in the year preceding an election, determine the number of members to be elected by the houses of the several archdeaconry or deanery synods in the Diocese, and the numbers shall —

(i) in the case of elections by the houses of the clergy, be related to the number of clerical electors in each archdeaconry or deanery as the case may be;

(ii) in the case of elections by the houses of laity, be related to the total numbers of names on the rolls of the chaplaincies in each archdeaconry or deanery as the case may be.

(e) The Standing Committee shall so exercise their powers under this paragraph as to secure that the number of members of the synod is not less than fifty and not more than seventy and that the numbers of the houses of clergy and laity are approximately equal.

**36** (a) Election of members of the Diocesan Synod shall be carried out during such period as shall be fixed by the diocesan Bishop.

(b) The presiding officer for each election shall be the registrar of the Diocese or a person appointed by him with the approval of the diocesan Bishop, and the expenses of elections shall be paid out of diocesan funds.

(c) Every candidate must be nominated and seconded by a qualified elector. A notice indicating the number of seats to be filled and inviting nominations shall be sent to every clerk in Holy Orders who is a qualified elector in the archdeaconry and to the diocesan electors of every chaplaincy church council therein by the presiding officer. All nominations shall be in writing, shall include the year of the candidate's birth and shall be delivered either by post, by facsimile transmission or in person to the presiding officer of the area, together with evidence of the candidate's consent to serve, within such period, being a period of not less than twenty-eight days ending on a date specified by the presiding officer, provided that where a nomination paper has been sent by facsimile transmission the name of the candidate shall not appear on the voting paper unless the original nomination paper has been received by the presiding officer within three days of the closing date for nominations.

(d) If more candidates are nominated than there are seats to be filled the names of the candidates nominated shall be circulated on voting papers to every clerk in Holy Orders who is a qualified elector in the archdeaconry and to the diocesan electors of every chaplaincy church council therein.

(e) Every voting paper marked and signed overleaf by the elector shall be returnable to the presiding officer within such period, not being less than 14 days, as he shall specify, provided that a voting paper sent by facsimile transmission shall not be counted as a valid vote.

(f) A statement of the result of the election shall be sent by the presiding officer to the secretary of the Diocesan Synod and to every candidate.

**37** The Diocesan Synod shall make standing orders which shall provide —



(i) that the diocesan Bishop need not be chairman of its meetings if and to the extent that standing orders otherwise provide;

(ii) that there shall be a secretary of the Diocesan Synod;

(iii) that a meeting of the Diocesan Synod shall be held if requested by such number of members of the synod as shall be specified in standing orders;

(iv) that subject to sub-paragraphs (v) and (vi) below, nothing shall be deemed to have the assent of the Diocesan Synod unless the three houses which constitute the synod have assented thereto;

(v) that questions relating only to the conduct of business shall be decided by the votes of all the members of the synod present and voting, and every other question shall be decided in like manner, the assent of the three houses being presumed, unless one third of the members present and voting demand that a separate vote of each house be taken;

(vi) that if the votes of the houses of clergy and laity are in favour of any matter referred to the diocesan synod by the General Synod under the provisions of Article 8 of the Constitution of that Synod, that matter shall be deemed to have been approved for the purposes of the said Article.

### **The Standing Committee of the Diocesan Synod**

**38** (a) The Standing Committee of the Diocesan Synod shall consist of —

(i) the diocesan Bishop

(ii) the chairmen of the House of Clergy and House of Laity of the Diocesan Synod

(iii) the suffragan bishop or bishops of the Diocese

(iv) the Chairman of the Diocesan Board of Finance

(v) one clerk in Holy Orders and one lay person from each archdeaconry elected by and from the members of the respective houses of the Diocesan Synod who are licensed to or are on the electoral roll of a chaplaincy in that archdeaconry.

(b) The Standing Committee shall have the following duties —

(i) those assigned to the Standing Committee by this Constitution;

(ii) those assigned to the Bishop's Council and Standing Committee of a Diocesan Synod by any Measure, Canon or Regulation of the General Synod;

(iii) those assigned to the Standing Committee by the standing orders of, or by resolution of, the Diocesan Synod.

### **The Bishop's Council of the Diocese**

**39** (a) The Bishop may convene a Bishop's Council of the Diocese which shall consist of —

(i) the members of the Standing Committee referred to in paragraph 38(a) of this Constitution;

(ii) the dean;

(iii) the archdeacons;

(iv) the vicar general;

(v) one of the lay representatives of the Diocese serving on the General Synod where no proctor in Convocation or lay representative is serving on the Bishop's Council by virtue of (i) to (iv) above. The said lay representatives shall choose one of their number to serve on the Council and, if they cannot agree on the choice, the Chairman of the House of Laity of the Diocesan Synod shall choose one of them to serve;

(vi) not more than four other persons nominated by the Bishop.

Persons chosen or nominated under sub-paragraphs (v) or (vi) above shall serve for a term of three years or until the Bishop's Council is reconstituted following an election to the Diocesan Synod whichever shall be the shorter. A person may be chosen or nominated for a further term or terms.

(b) The Bishop's Council shall have the following duties —

(i) to advise the diocesan Bishop on any matter which he may refer to the council.

(ii) those specified in paragraphs 44 and 45 of this Constitution; and

(iii) such other duties as are assigned to the Bishop's Council by the standing orders of, or by resolution of, the Diocesan Synod.

### **Representation in the General Synod**

**40** The Diocese shall elect proctors of the clergy as their representatives in the Lower House of the Convocation of Canterbury in accordance with the provisions of Canon H2.

**41** The Diocese shall elect lay persons as their representatives in the House of Laity of the General Synod in accordance with the provisions of Part V of the CRR.

### **Archdeaconry and Deanery Synods**

**42** (a) In each archdeaconry there shall be either an archdeaconry synod or two or more deanery synods. Such synods shall consist of a house of clergy and a house of laity.

(b) The members of the house of clergy shall consist of

(i) all clerks in Holy Orders licensed in the Diocese and serving in the archdeaconry or the deanery (as the case may be); and

(ii) one or more clerks in Holy Orders holding permission to officiate in the Diocese who are resident in the archdeaconry or deanery (as the case may be) or who have habitually attended public worship in a chaplaincy in the archdeaconry or deanery during the preceding six months. One clerk may be elected or chosen for every ten such clerks or part thereof, elected or chosen in such manner as may be approved by the Bishop by and from such clerks.

Where a clerk in Holy Orders is licensed to serve or holds permission to officiate in more than one archdeaconry or deanery, the Bishop shall designate the archdeaconry or deanery in which the clerk is to be a member.

(c) The members of the house of laity shall consist of —

(i) the lay representatives elected by chaplaincies in accordance with paragraph 29(1)

(ii) any lay members of the General Synod or the Diocesan Synod whose names are entered on the roll of any chaplaincy within the archdeaconry or deanery as the case may be

(iii) any deaconesses or lay workers licensed by the diocesan Bishop to work in any part of the archdeaconry or deanery as the case may be

(d) The house of clergy and the house of laity may co-opt additional members of their respective houses, provided that the number of members co-opted by either house shall not exceed three.

(e) Any person whose name is entered on the electoral roll of a chaplaincy in the archdeaconry or deanery as the case may be and who is an actual communicant as defined in the CRR, and of eighteen years or upwards shall be qualified to be elected to the house of laity by the electors in the chaplaincy. The said electors shall all be lay persons whose names are on the roll of the chaplaincy.

(f) The archdeacon shall be president of the archdeaconry synod and any deanery synod in his archdeaconry and the houses of clergy and laity shall each elect a member of their respective houses to be a vice-president of the synod. The president and the vice-presidents shall agree between them who shall chair each meeting of the synod or particular items of business on the agenda of the synod.

(g) Where deanery synods are in being, the archdeacon shall have power to convene a joint meeting of all the deanery synods within the archdeaconry.

(h) Subject to this Constitution and any rules made by the Diocesan Synod, each archdeaconry or deanery synod shall have power to determine its own rules of procedure.

**43** (a) Any proposal to set up deanery synods in any archdeaconry shall be sent to each licenced chaplain and to each Chaplaincy Council in the archdeaconry not less than three months before the meeting of the archdeaconry synod at which it is to be discussed. It shall specify the deaneries proposed and the deanery to which each chaplaincy and congregation shall belong.

(b) At the meeting of the archdeaconry synod at which the proposal is made, for the purposes of voting, the House of Clergy and the House of Laity shall each divide into groups corresponding to the proposed deaneries and shall vote on the proposal in those groups.

(c) The result of the voting shall be sent to the diocesan Bishop who may submit the proposal to the Diocesan Synod together with a report on the voting in the archdeaconry.

(d) If the Diocesan Synod approves the proposal the Bishop shall issue an instrument setting up the deanery synods from a date specified. The instrument shall include a schedule specifying the deanery to which each chaplaincy and congregation shall belong.

### **The Diocesan Board of Finance**

**44** (a) The members of the Diocesan Synod shall be the members of the Board of Finance of the Diocese.

(b) The directors of the Board shall consist of —

(i) the Bishop of the Diocese;

(ii) the Chairman of the Board who shall be nominated for office by the Bishop after consultation with the Standing Committee of the Diocesan Synod;

(iii) the members of the Bishop's Council in addition to the Bishop and the Chairman of the Board of Finance;

(iv) not more than four other persons chosen by the existing directors who shall hold office for the period of the Diocesan Synod.

(c) the directors may constitute such sub-committees as may be necessary with such membership and functions as shall be agreed.

**45** The diocesan Bishop, acting with the advice of the Bishop's Council shall establish minimum stipends for all full-time clergy licensed to the Diocese having regard to the economic circumstances of the country in which they are serving. The Bishop shall also consult with the Bishop's Council, not less than once a year, to review these minimum stipends and determine what changes may be necessary. Each Chaplaincy Council shall be under a duty to ensure that its chaplain receives not less than the minimum stipend so established and determined, or to show good cause to the Bishop why this may not be possible.

### **Church Representation Rules**

**46** Subject to the provisions of the Measure and of this Constitution, the CRR, as for the time being in force except the provisions thereof which relate to the qualifications for entry on a church electoral roll and the conduct of elections of churchwardens, shall have effect in the Diocese with the substitution for references to a church electoral roll, a parish and parochial church council of references to a chaplaincy electoral roll, a chaplaincy and chaplaincy church council respectively, and with such other modifications and exceptions as are necessary to meet the special circumstances which prevail in a particular chaplaincy and are approved by the diocesan Bishop.

### **Special provisions**

**47** (a) In the carrying out of this Constitution the diocesan Bishop shall have power —

(i) to make provision for any matter not herein provided for;

(ii) to appoint a person to do any act in respect of which there has been any neglect or default on the part of any person or body charged with any duty under the Constitution;

(iii) so far as may be necessary for the purpose of giving effect to the intention of the Constitution, to extend or alter the time for any meeting or election or to modify the procedure laid down by the Constitution in connection therewith;

(iv) on the request in writing of a chaplaincy church council, to vary the detailed provisions of the Constitution so far as it affects that chaplaincy, for such period as the Bishop may determine, whilst giving effect to the intention of the Constitution;

(v) in any case in which there has been no valid election, to direct a fresh election to be held and to give such directions in connection therewith as he may think necessary; and

(vi) in any case in which any difficulties arise, to give any directions which he may consider expedient for the purpose of removing the difficulties.

(b) In exercising these powers, the Bishop shall whenever possible and time permits, first consult the Diocesan Synod or its Standing Committee.

(c) The powers of the Bishop under this paragraph shall not enable him —

(i) to validate anything that was invalid at the time when it was done;

(ii) to give any direction that is contrary to any resolution of the General Synod.

(d) No proceedings of any body constituted under the Constitution shall be invalidated by any vacancy in the membership of that body or by any defect in the qualifications, election or appointment of any members thereof.

(e) During a vacancy in the diocesan bishopric or where by reason of illness the diocesan Bishop is unable to exercise his functions under the Constitution or to appoint a commissary under paragraph (f) hereof, the Archbishop of Canterbury may, if he thinks it necessary or expedient to do so, appoint a person in episcopal orders to exercise the functions of the diocesan Bishop under the Constitution during the vacancy or the period of the Bishop's illness.

(f) The diocesan Bishop may appoint a commissary in episcopal orders and delegate to him all or any of the functions of the Bishop under the Constitution.

### **Amendments to the Constitution**

**48** (a) Any amendments to this Constitution shall be embodied in a draft scheme which, if approved by not less than two-thirds of the Diocesan Synod present and voting shall be laid by the diocesan Bishop before the General Synod.

(b) If a member of the General Synod gives notice in accordance with the standing orders of that synod that he wishes such a scheme to be debated, the scheme shall not come into operation unless it is approved by the General Synod.

(c) If no notice is given under paragraph (b) hereof with respect to any such scheme, or, such notice having been given, the scheme is approved by the General Synod, it shall come into force on the day after the end of the group of sessions during which it was laid before, or approved by, the General Synod or on such later date as may be specified in the scheme.

(d) No amendment shall be made under the above procedure to this paragraph or to paragraphs 1 to 6, 22, 40 or 41 of this Constitution. If amendments to these paragraphs are required they shall be embodied in a draft scheme and an affirmative resolution of the General Synod shall be mandatory.

### **Miscellaneous and supplemental**

**49** The Constitution shall be subject to the provisions of the Measure or any modification thereof for the time being in force.

50 (a) In this Constitution words importing the masculine gender shall include the feminine.

(b) In this Constitution the expression 'actual communicant' shall have the same meaning as in the CRR.

(c) If any question arises whether a Church is a Church in communion with the Church of England, it shall be conclusively determined for the purposes of this Constitution by the Archbishops of Canterbury and York.

### **Citation, commencement and revocation**

**51** (a) This Constitution may be cited as the Diocese in Europe Constitution 1995, and shall come into force on the first day of September 1995.

(b) The Diocese in Europe Constitution 1980, as amended by the Supplemental Scheme of 1986, is revoked with effect from the coming into force of the Diocese in Europe Constitution 1995.

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