

CHAPTER V

CURE OF SOULS IN PARISHES HAVING NO PARISH CHURCH, BUT IN WHICH THERE ARE PROPRIETARY OR OTHER NON-PAROCHIAL CHURCHES.

Licence to person ministering in trustee or other church in a parish to serve the cure of souls therein

1. Wheresoever any parish has been or is intended to be duly constituted a separate parish by and under the authority of the Church of Ireland, and in which there is not a parish church, but where a proprietary or other church or chapel (not being a parochial church) has been or shall be erected or appropriated for the celebration of Divine Service according to the liturgy and rites of the Church of Ireland, and has been or shall be duly consecrated or licensed by the bishop of the diocese wherein such church or chapel is situate, it shall be lawful for the bishop, upon the application of the synod or council of the diocese, to license the person duly appointed to minister in such church or chapel, with such person's consent, and with the consent of the patrons, proprietors, trustees, or other governors of such church or chapel, to serve the cure of souls in such parish, for such time as such person shall continue to minister in such church or chapel.
2. Every person licensed as aforesaid shall, during the continuance of such licence, be entitled to the style of curate in charge of the parish, and shall possess all the rights and privileges, and be bound to discharge all the duties, of such curate in charge, so far as may be consistent with the due discharge of the ministerial duties of the church or chapel aforesaid, and upon such terms and subject to such conditions as may be prescribed in accordance with the Constitution.

Proceedings prior to application for such licence

3. Before applying to the bishop for any such licence as aforesaid, the diocesan synod or council shall summon, by such notice as it shall think fit, a meeting of all persons qualified to be registered as vestry members of such parish, for the purpose of obtaining the opinion of such vestry members whether it is expedient, and if so upon what terms and conditions, that such application shall be made.
4. At any meeting convened as aforesaid, the bishop of the diocese or the bishop's commissary shall preside, and the majority of duly qualified persons present and voting at the meeting may by resolution declare whether they deem it expedient that application should be made to the bishop for such licence as aforesaid, and every such meeting may adjourn from time to time, or may appoint a committee to represent the parish, and generally may do all acts which may appear necessary or expedient on the part of the parish for giving effect to this Chapter, or entering into arrangements with the diocesan synod or council and the patrons, trustees, or other governors of such church or chapel, for that purpose.
5. The terms and conditions to be arranged between the parish and the patrons, trustees, or other governors of such church or chapel, shall include such provisions for affording accommodation to the parishioners in such church or chapel, and for their contributing to the stipend of the person appointed to minister therein, or other expenses of maintaining the same, and generally such other stipulations as may seem necessary or expedient; but all such terms and conditions shall be subject to the approval of the diocesan synod or council and of the bishop, to be signified before any licence is given under this Chapter.

Register of vestry members

6. If the person appointed to minister in the trustee or other church or chapel be licensed to serve the cure of souls in the said parish, a register of vestry members, qualified as such under the Constitution, including residents in the parish, and accustomed members of the congregation attending the said church or chapel, shall be formed for such parish, and such registered vestry members shall also have such powers and be subject to all such provisions of the Constitution as belong or apply to the registered vestry members of a parish, but so far only as shall be consistent with the trusts and rights affecting the church or chapel.

Provision to be made by diocesan synod or by diocesan council with appeal to diocesan synod

7. Each diocesan synod or council may provide for giving effect to this Chapter by prescribing such forms of procedure, giving such directions, enacting such terms and conditions, as well precedent as subsequent, making such provisions, and generally by doing all such acts, matters, and things, as to such synod or council shall in each case appear just and expedient; but every act done by a diocesan council under this Chapter shall be subject to an appeal to or review by the synod of the diocese, whose decision thereon shall be final.

Determination of licence

8. If any church or chapel where a person appointed to minister shall have been licensed as aforesaid shall at any time cease to be a lawfully constituted place for the celebration of Divine Service, according to the liturgy and rites of the Church of Ireland, or to be subject to the visitation and jurisdiction of the bishop of the diocese wherein the same shall be situate, or if the person licensed as aforesaid shall cease to minister in such church or chapel, the licence shall thereupon determine. Every licence granted under this Chapter may be at any time revoked by the bishop of the diocese.
9. Whensoever a parish church shall have been provided for any parish, and the approved stipend provided for the incumbent thereof, to the satisfaction of the bishop of the diocese, or an incumbent has been appointed in accordance with the Constitution, the licence of any clergy serving the cure of souls within the parish granted under this Chapter shall cease and determine.

As to the vesting, by the deed of endowment of a church, of the church and its endowments in the Representative Body, and of the patronage thereof in such manner as the bishop, the diocesan synod, and the Representative Body may sanction.

10. Whenever any person or persons shall have erected or appropriated and endowed, or joined in erecting, appropriating, and endowing, any church or chapel, in pursuance of the provision contained in an Act of the 14th & 15th Victoria, Chapter 72, or otherwise lawfully, in accordance with the Constitution and laws of the Church of Ireland for the time being, it shall be lawful for such person or persons, by the deed of endowment of the said church or chapel, to vest the said church or chapel and the endowments thereof, and property pertaining thereto, in the Representative Body, if the said Representative Body shall consent to accept the same; and by the same or any other deed also to vest the patronage of the said church or chapel in such person or persons, and in such a manner and form, as the bishop of the diocese, in writing, and as the diocesan synod and the Representative Body shall by resolution sanction.

As to trustee churches

11. Nothing herein contained shall affect any rights preserved by the 70th section of the Irish Church Act, 1869, and enlarged by the Trustee Churches Act (Ireland), 1884, and the powers conferred by this Chapter may be exercised notwithstanding any provisions of Chapter IV.