

Bill No 4**Explanatory Memorandum**

With the development of the new format of training for the ordained ministry, M.Th. students at the Church of Ireland Theological Institute are ordained as deacons, prior to serving nine months in an internship in training parishes throughout Ireland, following which they may seek appointment to a curacy.

Such deacons become members of the clergy by virtue of their ordination, and are licensed by their bishop and they come within the definitions “beneficed and licensed clergy” or “member of the clergy” used throughout the Constitution of the Church of Ireland. Concerns have been expressed that the inclusion of deacons within these definitions, during the period of their internship, affects particular sections of the Constitution.

Under Section 6 of Chapter I of the Constitution, every beneficed or licensed member of the clergy of the Church of Ireland, not in receipt of a retiring annuity under Chapter XIV or over the age of seventy four, is qualified to be elected as a clerical representative or supplemental clerical representative for a diocese to General Synod.

This provision would therefore entitle a deacon, during the period of his or her internship, to be elected as a clerical representative or supplemental clerical representatives for a diocese to General Synod, notwithstanding that he or she may only serve in the diocese in question for nine months before appointment to a curacy in a different diocese.

Under Section 5 of Chapter II of the Constitution, not less than two and not more than five synod members shall be elected for each member of the clergy normally officiating in each cure within a diocese, for the purpose of election to the diocesan synod.

The presence of deacons serving in an internship for nine months would therefore increase the number of synod members who may be elected to represent parishes in which deacons are serving, and would create an imbalance in representation upon the conclusion of the internship.

Various provisions of Chapter III of the Constitution extend certain rights and privileges to incumbents or to members of the clergy officiating in a parish. These include entitlement to chair meetings of the general vestry (Section 10), to nominate an incumbent’s churchwarden and an incumbent’s glebewardens (Section 13), to chair meetings of the select vestry (Section 20(1)) and to have custody of the baptismal, marriage and burial registers for a parish (Section 25(2)). It is not considered appropriate that the foregoing rights and privileges would be exercisable by deacons serving in an internship.

Finally, in Chapter XII, an ‘officiating member of the clergy’ and ‘clergy’ have various rights and responsibilities in relation to the management of burial grounds. These include (i) the responsibility to prevent trespass or unlawful interference and to act on behalf of and in the name of the Representative Body in respect of same (Section 1), (ii) to, (in conjunction with the churchwardens) determine the place of sepulture (Section 4(2)), (iii) the power (with the churchwardens) to permit headstones, flatstones, railings and vaults to be erected and to charge fees for the same (Section 7) and (iv) to (with the churchwardens) receive certain fees (section 8). It is not considered appropriate that the foregoing rights and privileges should be exercisable by deacons serving in an internship.

This bill proposes to exclude deacons who are serving in an internship from the definitions “beneficed or licensed clergy” or “member of the clergy” for (i) the purposes of elections to the General Synod, (ii) determining the requisite number of lay synod representatives who may be elected from a parish to a diocesan synod, (iii) entitlement to exercise certain rights and privileges granted to members of the clergy regarding parochial organisation and (iv) management of burial grounds.

The Bill will not exclude deacons from inclusion in the definitions “beneficed and licensed clergy” or “member of the clergy” for other purposes while serving in an internship (for example they will be entitled to be members of the diocesan synod of the diocese in which they serve during their period of service in an internship and shall be subject to the jurisdictions of Diocesan Courts, the Court of the General Synod and Part IV committees and tribunals under Chapter VIII of the Constitution).

THE BISHOP OF CASHEL & OSSORY
REV DR MAURICE ELLIOTT

BILL

To amend Chapters I, II, III and XII of the Constitution

WHEREAS it is expedient to exclude deacons who are serving in an internship from the definitions “members of the clergy” for the following purposes; elections to General Synod, determining the number of lay representatives who may be elected from a cure to a diocesan synod, entitlement to exercise certain rights and privileges granted to members of the clergy regarding parochial organisation, and management of burial grounds;

AND WHEREAS for these purposes it is necessary to amend Chapters I, II, III and XII of the Constitution;

BE IT ENACTED by the Archbishops and Bishops and the clergy and laity of the Church of Ireland in General Synod assembled in Armagh in the year 2013, and by the authority of the same, as follows:-

1. In this Statute, “Chapter I” means Chapter I of the Constitution of the Church of Ireland, “Chapter II” means Chapter II of the said Constitution, “Chapter III” means Chapter III of the said Constitution and “Chapter XII” means Chapter XII of the said Constitution.

2. For Section 6 of Chapter I there shall be substituted:

“6. Every beneficed or licensed member of the clergy of the Church of Ireland who is not a deacon serving in an internship or in receipt of a retiring annuity under the provisions of Chapter XIV and who on 1st January preceding election had not attained the age of seventy-four years shall be qualified to be elected as a clerical representative or supplemental clerical representative for a diocese whether or not such person resides in that diocese.”

3. For Section 5 of Chapter II there shall be substituted:

“5. In the year 2004 and triennially thereafter each diocesan synod shall determine the number of synod members to be elected in respect of each cure for which there shall be a register or registers of vestry members duly qualified as in Chapter III provided, the number in every case to be in the proportion of not less than two, and not more than five, synod members for each member of the clergy normally officiating in such cure: Provided that a deacon serving in an internship ministering in a cure shall not be taken into consideration in determining the number of clergy normally officiating in that cure for the purposes of this section. The diocesan synod shall in like manner determine the number of synod members to be elected in respect of each cathedral church to which a parish is not attached, but without prejudice to the provisions of any Statute of the General Synod concerning any of the cathedrals referred to in section 18 of Chapter VII.”

4. For Section 1 of Chapter III there shall be substituted:

“1. The word “parish” in this Chapter shall include every church or chapel or church hall in which a beneficed or licensed member of the clergy of the Church of Ireland officiates, and in which there shall be a register of vestry members duly qualified as hereinafter provided, except where the context is inconsistent with such meaning. The terms “other member of the clergy officiating in the parish” and “other officiating member of the clergy” in this Chapter shall *not* include a deacon serving in an internship.”

5. For Section 1 of Chapter XII there shall be substituted:

“1. The care of all burial grounds vested in the Representative Body is hereby entrusted to the clergy and churchwardens of the several churches to which the same are respectively annexed, but subject to the control of the Representative Body; and in order to protect the same, the officiating member of the clergy and churchwardens may prevent trespass or other unlawful use of, or interference with, the same, and act on behalf and in the name of the Representative Body in any proceedings requisite for the purpose. Any costs and expenses incurred by the Representative Body in such proceedings shall be paid to it by the said member of the clergy and churchwardens, or, if the select vestry shall have approved such proceedings, shall be charged to the account of the parish. In this Chapter, the terms ‘clergy’ and ‘officiating member of the clergy’ shall *not* include a deacon serving in an internship.”