

Churchwardens and Parochial Church Councillors in the Isle of Man

A Commentary on MacMorran and Briden's

A HANDBOOK FOR CHURCHWARDENS AND PAROCHIAL CHURCH COUNCILLORS

(New Revised edition 2010)

K F W Gumbley

**Diocesan Registrar, Diocese of Sodor and Man
Chairman of the Legislative Committee of the
Sodor and Man Diocesan Synod**

© K F W Gumbley 2014

As is made clear in the first footnote on page 1, the above work does not deal with the Diocese of Sodor and Man, as it is not part of England and has its own ecclesiastical law. However, in many respects Manx ecclesiastical law is similar to that of England, and the *Handbook* provides a useful guide, provided that the points of difference are borne in mind. It is hoped that the following notes will be of use to churchwardens and parochial church councillors in the Isle of Man seeking to understand their powers and duties.

<i>Page</i>	<i>Notes</i>
	1 — The Constitution of the Church
3	THE DIOCESE There is no suffragan bishop in the Isle of Man.
3	THE ARCHDEACONRY The Isle of Man forms a single archdeaconry. The Archdeacon is styled 'Archdeacon of Man'. Churchwardens are admitted to office by the Vicar General at the Chapter Court, not by the Archdeacon.
4	The quinquennial inspection of churches is required by Part I of the Church Act 1979 (of Tynwald). The Inspection of Churches Measure 1955 does not extend to the Isle of Man.
4	THE RURAL DEANERY Deaneries were abolished in the Isle of Man at the end of 2012. They have been replaced by groups of parishes called 'mission partnerships'. There is no diocesan board of patronage in the Isle of Man.
6-7	SYNODICAL GOVERNMENT Deanery synods ceased to exist in the Isle of Man at the end of 2012.
	2 — The Courts of the Church

<i>Page</i>	<i>Notes</i>
8	<p>DIOCESAN COURTS</p> <p>The judge of the Consistory Court of the Diocese is usually styled 'Vicar General'. In addition to the Consistory Court, the Vicar General holds Chapter Courts for the purpose of admitting churchwardens to office (see chapter 6) and receiving presentments.</p>
12	<p>PROCEEDINGS FOR MISCONDUCT</p> <p>The 'designated officer' does not act in the Isle of Man. Instead the role of prosecutor is taken by a person appointed for the purpose by the Bishop. The 'appointed person' decides whether there is a case to answer, and does not report to the president of tribunals.</p> <p>The tribunal consists of the Vicar General (by whom it is convened) and 4 other members: 2 (one lay and one clergy) drawn from a diocesan panel, and 2 (one lay and one clergy) drawn from the provincial panel.</p> <p>3 — Faculties</p>
15	<p>A delegation to incumbents (equivalent to the directive referred to in n.1) has been issued by the Vicar General.</p> <p>The Care of Places of Worship Measure 1999 (n.2) does not extend to the Isle of Man.</p>
16	<p>There are no 'peculiarities' or extra-parochial places in the Isle of Man. The Bishop is the ordinary for the Cathedral Church of St German.</p> <p>The Church Buildings Council does not operate in the Isle of Man.</p>
17	<p>If the church is a registered building (the equivalent of a 'listed building') or in a conservation area, notice of the faculty application is given by the registrar to the Department of Infrastructure (the equivalent of the 'local planning authority'); no notice is given to English Heritage or any of the amenity societies. No statement of significance or statement of need is required.</p> <p>Note that there is no 'ecclesiastical exemption' in the Isle of Man. Accordingly registered building consent, in addition to a faculty, may be required for works affecting a church which is a registered building or in a conservation area.</p>
18	<p>The diagram must be read subject to the notes on pp.16-17 above.</p> <p>4 — The Parish</p>
19-20	<p>ANCIENT PARISHES</p> <p>The 17 'ancient parishes' in the Isle of Man were Andreas, Arbory, Ballaugh, Braddan, Bride, German, Jurby, Lezayre, Lonan, Malew, Marown, Maughold, Michael, Onchan, Patrick, Rushen and Santan.</p>
20	<p>NEW AND ALTERED PARISHES</p> <p>Certain of the Church Building Acts and New Parishes Acts extended to the Isle of Man, but not others. Some new parishes or districts were created under those Acts, but they were superseded by new powers under the Church Act 1880 (of Tynwald). The New Parishes Act 1943 and the Pastoral Measure 1968 did not extend to the Isle of Man. The Pastoral Measure 1983 was extended to the Isle of Man in a modified form in 1991, replacing the 1880 Act, and has itself now been replaced by the Mission and Pastoral Measure (Isle of Man) 2012.</p>

<i>Page</i>	<i>Notes</i>
21	There is no pastoral committee for the Isle of Man, and the Church Commissioners for England have no jurisdiction. Instead, the functions of making proposals for pastoral reorganisation and pastoral schemes are exercised by the Church Commissioners for the Isle of Man. A pastoral scheme does not require to be confirmed by Order in Council, and no appeal lies to the Judicial Committee of the Privy Council; instead, the High Court of Justice of the Isle of Man has power on application to quash a scheme if it is ultra vires or if the procedures have not been followed.
22	The Marriage Act 1949 does not extend to the Isle of Man. There is no equivalent right to resort to an adjoining parish under the Marriage Act 1984 (of Tynwald).
23	UNIONS OF BENEFICES AND PARISHES Neither the earlier legislation referred to, nor the Pastoral Measure 1968, extended to the Isle of Man.
23-24	TEAM AND GROUP MINISTRIES The only team ministry so far established in the Isle of Man is in Onchan, Lonan and Laxey (with effect from 1st October 2012). A group ministry has been established for All Saints, St George's, St Matthew's and St Thomas's, Douglas (with effect from 1 January 2014).
25	CONVENTIONAL DISTRICTS 'Conventional districts' were unknown in the Isle of Man.
25-26	SHARING OF CHURCH BUILDINGS The Sharing of Church Buildings Act 1969 extends to the Isle of Man. The functions of the pastoral committee are exercised by the Church Commissioners for the Isle of Man.
28	OTHER FORMS OF MINISTRY Part V of the Dioceses, Pastoral and Mission Measure 2007 does not extend to the Isle of Man.
	5 — The Parochial Clergy
30	THE INCUMBENT All benefices in the Isle of Man are rectories or vicarages, and perpetual curacies were unknown.
31	The Benefices Act 1898 and the Benefices Measure 1972 do not extend to the Isle of Man. The Ecclesiastical Offices (Age Limit) Measure 1975 does not extend to the Isle of Man (except in relation to the Bishop), but equivalent provision is made by sections 8 and 9 of the Church Act 1992 (of Tynwald).

<i>Page</i>	<i>Notes</i>
37	<p><i>Enforcement of duties</i></p> <p>The Pluralities Act 1838 does not extend to the Isle of Man. Provision with respect to residence in the parish is made by the Clergy Residence Act 1897 (of Tynwald).</p> <p>The Incumbents (Vacation of Benefices) Measures 1977 and 1993 do not extend to the Isle of Man, but similar provision is made by the Incumbents (Disability) Measure (Isle of Man) 1995 and the Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996.</p> <p>The above legislation has now been superseded by the Ecclesiastical Offices (Terms of Service) Measure 2009.</p>
38	<p>5. An inquiry under the Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996 is conducted by a diocesan tribunal consisting of the Vicar General and 2 lay members and 2 clergy members drawn from a diocesan panel.</p>
40	<p><i>Avoidance of benefice</i></p> <p>As noted above, the 1977 Measure does not extend to the Isle of Man, but the Bishop has similar powers to make a 'declaration of avoidance' in case of disability or pastoral breakdown under the 1995 and 1996 Measures.</p>
41	<p>The Ecclesiastical Offices (Age Limit) Measure 1975 does not extend to the Isle of Man (except in relation to the Bishop), but equivalent provision is made by the Church Act 1992 (of Tynwald). The Act did not apply where the office-holder held office on 15th May 1979 (none such remain).</p>
42-43	<p><i>Sequestrations</i></p> <p>Sequestrators are appointed by a writ of sequestration issued by the Bishop (but sequestrators are no longer appointed except in special circumstances).</p> <p>The Endowments and Glebe Measure 1976 does not extend to the Isle of Man.</p>
43	<p>THE UNBENEFICED CLERGY</p> <p>The age limit under the Church Act 1992 also does not apply to priests in charge or assistant curates.</p>
48	<p>MEMBERS OF TEAM AND GROUP MINISTRIES</p> <p>The age limit under the Church Act 1992 applies to team vicars.</p>
50	<p>ORDAINED WOMEN</p> <p>Notice of resolution A or B must be given to the Bishop, the Diocesan Registrar and the patron.</p>
50	<p>COMMON TENURE</p> <p>The Ecclesiastical Offices (Terms of Service) Measure 2009 came into force on the Isle of Man on 1st January 2013. All clergy in post before that date have now opted in to Common Tenure. A complaint of unfair dismissal can be made to the Employment Tribunal constituted under the Employment Act 2006 (of Tynwald)..</p>

6 — The Patron and Patronage

<i>Page</i>	<i>Notes</i>
52	The patronage of benefices in the Isle of Man is vested in either the Crown or the Bishop, or both by turns (with the exception of St Ninian's Douglas, whose patron is the Church Pastoral Aid Society). ¹ The Patronage (Benefice) Measure 1986 extends to the Isle of Man subject to considerable modifications. There is no register of patrons.
54-64	PATRONAGE (BENEFICES) MEASURE 1986 For the text of the Measure as it has effect in the Isle of Man, see http://www.gumbley.net/pbmframe.htm .
64-65	APPOINTING A NEW INCUMBENT For guidance notes on appointing a new incumbent in the Isle of Man see http://www.gumbley.net/patrons.htm .
	7 — The Office of Churchwarden
66	The Churchwardens Measure 2001 does not extend to the Isle of Man. Provision is made for the appointment and resignation of churchwardens by the Churchwardens (Appointment and Resignation) Measure 1964, which extends to the Isle of Man subject to considerable modifications. ² For the text of the 1964 Measure as it has effect in the Isle of Man see http://www.gumbley.net/carm1964.htm .
69	None of the disqualifications in sections 2 and 3 of the 2001 Measure applies in the Isle of Man. However, a person may be disqualified for appointment under the Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996.
72	Churchwardens are admitted to office by the Chapter Court (see note on p.8 above).
	8 — The Functions of Churchwardens
82	CHURCHWARDENS AND CHAPELWARDENS As rule 18 of the Church Representation Rules does not apply to the Isle of Man, no provision is made for district church councils or district churchwardens.
83	POWERS AND DUTIES <i>As to church, churchyard and contents of church</i> The maintenance of the churchyard (if it is a 'parish burial ground') is the responsibility of the churchwardens under the Burials Act 1986 (of Tynwald), the expenses being defrayed out of a burial rate levied on property in the ancient parish. Special provisions apply to the parishes (Braddan and Onchan) parts of which fall within the borough of Douglas, and to the maintenance of the churchyard of St George's Douglas.

¹ For details of the patrons, see <http://www.gumbley.net/diocese.htm>

² The Churchwardens Measure (Isle of Man) 2013 will replace the 1964 Measure, but is not yet in force. It is expected to be brought into force in time for the elections of churchwardens in 2015.

<i>Page</i>	<i>Notes</i>
84-86	<p>The Care of Churches and Ecclesiastical Jurisdiction Measure 1991 extends to the Isle of Man in a modified form Sections 4 and 5 are modified as follows:</p> <p style="padding-left: 40px;">4(3): the terrier, inventory and logbook are to be in a form recommended by the Bishop (who has in fact recommended the form in use in England);</p> <p style="padding-left: 40px;">5(1)(b): a reference to the Church Act 1979 (of Tynwald) is substituted for the reference to the Inspection of Churches Measure 1955.</p>
86	<p><i>Maintenance of order</i></p> <p>The Ecclesiastical Courts Jurisdiction Act 1860 does not extend to the Isle of Man, but the Burials Act 1986 (of Tynwald) provides for similar offences in parish burial grounds.</p>
88	<p>In the Isle of Man sequestrators are appointed by a writ of sequestration issued by the Bishop.</p> <p>The Parochial Registers and Records Measure 1978 does not extend to the Isle of Man, but similar provision for the custody of parochial records during a vacancy is made by the Church Records Measure (Isle of Man) 2000.</p> <p>ACTIONS BY OR AGAINST CHURCHWARDENS</p> <p>In the Isle of Man the churchwardens are a corporation.</p> <p>9 — Other lay officers</p>
89	<p>PARISH CLERK AND SEXTON</p> <p>The PCC has power to appoint a parish clerk, but the sexton is appointed by the churchwardens under the Burials Act 1986 (of Tynwald).</p>
90-91	<p>CHURCH ARCHITECT OR SURVEYOR</p> <p>The Inspection of Churches Measure 1955 does not extend to the Isle of Man, but similar provision is made by the Church Act 1979 (of Tynwald).</p> <p>10 — Parochial Church Meetings and Councils</p>
94	<p>The Church Representation Rules extend to the Isle of Man subject to considerable modifications. Amendments of the Rules made by resolution of the General Synod since 1984 do not extend to the Isle of Man unless the Diocesan Synod so resolves.</p> <p>Representatives of the laity on the Diocesan Synod are directly elected by the annual meetings.</p>
93-150	<p>The text of the Rules as they have effect in the Isle of Man is set out at http://www.gumbley.net/crrframe.htm. A PDF version may be downloaded from http://www.gumbley.net/crr_iom_2009.pdf</p> <p>11 — Powers and Responsibilities of Parochial Church Councils</p>
160	<p>1. The Parsonages Measure 1938 does not extend to the Isle of Man.</p> <p>4. As noted above, the functions of the pastoral committee and the Church Commissioners for England under the Pastoral Measure 1983 are exercised by the Church Commissioners for the Isle of Man.</p> <p>6. As noted above, the Ecclesiastical Offices (Age Limit) Measure 1975 does not extend to the Isle of Man, but equivalent provision is made by the Church Act 1992 (of Tynwald) ss.8 and 9.</p>

<i>Page</i>	<i>Notes</i>
161	<p>7. As noted above, the Incumbents (Vacation of Benefices) Measures 1977 and 1993 do not extend to the Isle of Man, but similar provision is made by the Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996.</p> <p>8. Section 6 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 does not extend to the Isle of Man. The responsibility for trees in a churchyard rests with the churchwardens.</p> <p>10. As noted above, Part V of the Dioceses, Pastoral and Mission Measure 2007 does not extend to the Isle of Man.</p>
161	<p>DATA PROTECTION</p> <p>The Data Protection Act 1998 does not extend to the Isle of Man, but similar provision is made by the Data Protection Act 2002 (of Tynwald).</p>
162	<p>DISABILITY DISCRIMINATION</p> <p>The Disability Discrimination Act 1995 does not extend to the Isle of Man. The Disability Discrimination Act 2006 (of Tynwald) is not yet in force.</p>
163	<p>HEALTH AND SAFETY</p> <p>The Health and Safety at Work etc. Act 1974 applies to the Isle of Man subject to considerable modifications. The Work at Height Regulations 2005 and Control of Asbestos at Work Regulations 2002 do not extend to the Isle of Man.</p>
166-176	<p>PAROCHIAL CHURCH COUNCILS (POWERS) MEASURE 1956</p> <p>The text of the Measure as it has effect in the Isle of Man is set out at http://www.gumbley.net/pccp1956.htm.</p> <p>12 — Conduct of Meetings</p>
176	<p>The timetable is inapplicable so far as it relates to the appointment of churchwardens, as to which see the Churchwardens (Appointment and Resignation) Measure 1964 at http://www.gumbley.net/carm1964.htm</p>

Further information about the ecclesiastical law and church legislation of the Isle of Man can be found at the Diocesan Registry website at <http://www.gumbley.net/registry.htm>