

## THE SCHEDULE

### THE CONSTITUTION

#### 1. Overriding Duty

Every person or body having functions under the Constitution or Statutes shall, in exercising those functions, have due regard to the fact that the Cathedral Church is the seat of the Bishop and a centre of worship and mission.

#### 2. Corporation

The members for the time being of the Council, the Chapter and the College of Canons of the Cathedral Church shall be a body corporate with perpetual succession and a common seal (to be known as the Common Seal of the Cathedral Church).

#### 3. The Visitor

The Bishop shall be Visitor of the Cathedral Church and shall have all the powers that belong as of right to the office of Visitor.

#### 4. The Dean

The Vicar of the Parish shall by virtue of his office be Dean. The Dean shall vacate his office automatically and without the execution of any instrument of resignation in accordance with the Ecclesiastical Offices (Age Limit) Measure 1975.

#### 5. The Residentiary Canons

5.1 The number of Residentiary Canons shall not exceed four at any one time.

5.2 The Residentiary Canons, being persons having the qualifications prescribed by law, shall be appointed to canonries after consultation with the Chapter, by the Bishop.

5.3.1 The holders of at least two Residentiary Canonries ("to be known as Commissioners' Canons Residentiary") shall, subject to the provisions of section 8 of the Measure, be engaged exclusively on cathedral duties.

5.3.2 One of the Commissioners' Canons Residentiary shall be appointed Vice Dean by the Bishop after consultation with the Dean.

5.4 A third Canon Residentiary ("to be known as the Third Canon Residentiary") shall hold the Residentiary Canonry founded and

established by the Order in Council made on the 27th day of October 1930 in pursuance of the provisions of the Archdeaconry of Surrey Measure 1930.

5.5 Subject to paragraphs 5.7 below any Residentiary Canon Appointed :-

5.5.1 for a term of years and who held office on 31 January 2011;

5.5.2 on freehold tenure prior to 31 January 2011 and from whom the bishop has received a declaration made in accordance with section 1(4) of the Ecclesiastical Offices (Terms of Service) Measure 2009; or

5.5.3 on or after 31 January 2011;

holds office in accordance with the provisions of the Ecclesiastical Offices (Terms of Service) Measure 2009 and any regulations made under section 2 of that Measure.

5.6. Any other Residentiary Canon holds office in accordance with the terms on which he was appointed.

5.7 A Residentiary Canon shall vacate his canonry automatically and without the execution of any instrument of resignation in accordance with the Ecclesiastical Offices (Age Limit) Measure 1975.

5.8 Subject to paragraphs 5.5 and 5.7 above, if a Residentiary Canon was at the date of his appointment an Archdeacon or the holder of a diocesan office, or was appointed to an Archdeaconry or other diocesan office at the same time as he was appointed to a Residentiary Canonry and was appointed to that canonry on the understanding that he would hold that canonry only so long as he held that Archdeaconry or other diocesan office, he shall on ceasing to do so vacate office as a Residentiary Canon unless the Bishop, after consultation with the Chapter, otherwise determines.

5.9 The Bishop may for financial or other reasons, after consultation with the Chapter, suspend and refrain from filling a Residentiary Canonry which has fallen vacant, and may, after the like consultation, revive and appoint to such Residentiary Canonry.

6. The Honorary Canons

6.1 Subject to the following provisions of this section there shall be not more than twelve Honorary Canons who shall be

appointed by the Bishop after consultation with the Chapter from among persons in Holy Orders who are beneficed or licensed in the Diocese or provided that not more than one Honorary Canon appointed by the Bishop may hold an office outside the Diocese.

6.2 Any Bishop Suffragan or stipendiary Assistant Bishop or Archdeacon, not being a Residentiary Canon shall be a supernumerary Honorary Canon.

6.3 An Honorary Canon shall vacate his office automatically and without the execution of any instrument of resignation on ceasing to be beneficed or licensed in the Diocese or attaining seventy years of age, whichever occurs first Provided that an Honorary Canon who has been appointed in connection with some office held or function performed by him shall, so long as he holds such office or performs such function, continue in his Honorary Canonry, but on ceasing to hold such office shall vacate his Honorary Canonry unless the Bishop otherwise determines.

## 7. The Lay Canons

7.1 Subject to the following provisions of this section there shall not be more than fourteen Lay Canons of whom two shall be the Churchwardens of the Parish and the remainder shall be appointed by the Bishop from among lay persons who have given distinguished service to the Church within the Diocese, reside in the Diocese and are actual communicant members of the Church of England or of a Church in communion with the Church of England provided that not more than one Lay Canon appointed by the Bishop may reside outside the Diocese.

7.2 A Lay Canon shall seek to contribute to the corporate life of the Cathedral Church and to promote its mission and service in the Diocese.

7.3 A Lay Canon who is not a Churchwarden shall hold office for an initial period of five years, but shall be eligible for re-appointment for a further period not exceeding five years, and shall vacate his office automatically, and without the execution of any instrument of resignation upon ceasing to be resident in the Diocese.

7.4 A Lay Canon who holds that office by virtue of being a Churchwarden shall hold his Lay Canonry for such period as he is

a Churchwarden and shall automatically vacate that canonry on ceasing to be a Churchwarden.

## 8. Canons of Honour

8.1 After consultation with the Chapter, the Bishop may appoint up to six people including up to three ordained Ministers holding office in other Christian Churches, in or out of the United Kingdom, as Canons of Honour, who shall hold that title for such period, not exceeding five years, as shall be determined by the Chapter, after consultation with the Bishop but shall be eligible for reappointment for a further period not exceeding five years.

8.2 When such persons vacate the offices which they held at the time of their appointments, they shall automatically cease to be Canons of Honour unless the Bishop, after consultation with the Chapter, determines otherwise.

8.3 Canons of Honour shall not be allocated stalls nor shall they be Canons for the purposes of the Measure or members of the College of Canons.

## 9. The Council

9.1 There shall be a Council consisting of:

9.1.1 a chairman, appointed in accordance with 9.2 below;

9.1.2 the Dean;

9.1.3 two other members of the Chapter chosen by the Chapter;

9.1.4 two members of the College of Canons chosen by the College of Canons;

9.1.5 three lay persons not being members of the Chapter, representing the interests of the Cathedral Church community, and comprising two persons elected by the annual Parochial Church meeting from those on the church electoral roll of the Parish and one person elected by those who are engaged in work or service connected with the Cathedral Church in a regular capacity; and

9.1.6 three other lay persons, not being members of the Chapter, reflecting the close and historic connections of the Cathedral Church with the Diocese, and appointed by the Bishop's Council and Standing Committee of the Diocesan Synod.

9.1.7 a minimum of five and a maximum of seven other persons appointed by the Council, being persons having experience in connection with the work of the Cathedral Church or the ability to reflect local, diocesan, ecumenical or national interests in that connection.

9.2 The chairman shall be a lay person, not being a member of the Chapter, appointed by the Bishop after consultation with the Chapter.

9.3 The chairman and other members of the Council (other than the Dean) shall hold office for a term of not more than four years but shall be eligible for membership for further terms of office.

9.4 The Bishop has the right to be present and to speak at any meeting of the Council.

9.5 The Council shall meet on at least two occasions in each calendar year.

9.6 It shall be the duty of the Council to further and support the work of the Cathedral Church, spiritual, pastoral, evangelistic, social and ecumenical, reviewing and advising upon the direction and oversight of that work by the Chapter and in particular, without prejudice to the generality of the foregoing, to:-

9.6.1 consider proposals submitted by the Chapter in connection with the general direction and mission of the Cathedral Church and to give advice on them to the Chapter;

9.6.2 receive and consider the annual budget of the Cathedral Church;

9.6.3 receive and consider the annual report and audited accounts;

9.6.4 provide a written report each year to the Bishop as Visitor;

9.6.5 consider proposals submitted by the Chapter in connection with the Constitution and Statutes of the Cathedral Church with a view to their revision under Part II of the Measure; and

9.6.6 draw to the attention of the Chapter matters relating to the Constitution and Statutes of the Cathedral Church.

9.7 The Council may:-

9.7.1 request reports from the Chapter on any matter concerning the Cathedral Church;

9.7.2 discuss and declare its opinion on any such matter; and

9.7.3 draw any matter to the attention of the Visitor or the Church Commissioners.

10. The Chapter

10.1 There shall be a Chapter which shall, subject to the provisions of section 4 of the Measure, consist of:-

10.1.1 the Dean, who shall be the chairman and shall have a second or casting vote;

10.1.2 all the Residentiary Canons;

10.1.3 the Chairman of the Finance Committee; and

10.1.4 five lay persons two appointed by the Bishop after consultation with the Chapter, one appointed by the Chapter after consultation with the Bishop, one Churchwarden and one elected by the annual Parochial Church meeting from those on the church electoral roll of the Parish who may also be a Churchwarden.

Provided that a lay member of the Chapter must be an actual communicant member of the Church of England or a Church in communion with the Church of England and be resident in the Diocese or have his name on the church electoral roll of a parish in the Diocese.

10.2 The members in categories 10.1.3 and 10.1.4 shall hold office for three years but shall be eligible for membership for a further term not exceeding three years but no further such term of office save in exceptional circumstances with the agreement of the Chapter and the Bishop.

Provided that the lay member who holds office by virtue of being a Churchwarden shall automatically vacate office on ceasing to be a Churchwarden

10.3 It shall be the duty of the Chapter to direct and oversee the administration of the affairs of the Cathedral Church including in particular, to :-

10.3.1 order the worship and promote the mission of the Cathedral Church;

10.3.2 formulate, after consultation with the Bishop, proposals in connection with the general direction and mission of the Cathedral Church and submit them to the Council for its advice;

10.3.3 manage all property vested in the Cathedral Church and the income accruing from it and, in particular, ensure that necessary repairs and maintenance in respect of the Cathedral Church and its contents and other buildings and monuments are carried out;

10.3.4 prepare an annual budget for the Cathedral Church and submit it to the Council;

10.3.5 prepare in accordance with section 27 of the Measure an annual report and audited accounts, and submit them to the Council and the College of Canons;

10.3.6 submit to the Council any such other reports as may be requested by the Council on any matter concerning the Cathedral Church;

10.3.7 keep under review the Constitution and Statutes of the Cathedral Church and submit any proposals for their revision to the Council; and

10.3.8 consider matters relating to the Constitution and Statutes of the Cathedral Church drawn to the attention of Chapter by the Council in accordance with Paragraph 9.6.6; and

10.3.9 hold the common seal of the Cathedral Church and affix it when required;

10.4 The Chapter shall meet on at least nine occasions in each calendar year.

10.5 The Chapter shall have power, subject to the provisions of the Measure and the Care of Cathedrals Measure 1990, to acquire and dispose of property on behalf of the corporate body of the Cathedral Church established by this Constitution.

10.6 The Chapter shall exercise the functions previously exercisable in relation to the Parish by the parochial church council and transferred to the administrative body of the Cathedral under section 12(1) of the Cathedrals Measure 1963.

11. The Finance Committee of the Chapter

11.1 There shall be a finance committee of the Chapter with the function of advising the Chapter in connection with its

responsibilities in the field of financial and investment management and the management of property belonging to the Cathedral Church.

11.2 The Finance Committee shall consist of the Dean, the Chairman of the Finance Committee and at least two other persons appointed by the Chapter for their expertise and experience in the field of financial investment and property management.

## 12. Other Committees

The Chapter may establish such other committees as it may determine, and may delegate functions, powers, and duties to any committee. The Dean shall be a member of each such committee. If the Chapter so determines, persons who are not members of the Chapter may be members of a committee.

## 13. The College of Canons

13.1 There shall be a College of Canons consisting of :-

13.1.1 the Dean;

13.1.2 every Bishop Suffragan;

13.1.3 every full-time stipendiary assistant bishop;

13.1.4 every Canon (ordained or lay); and

13.1.5 every Archdeacon.

13.2 In the event of a vacancy in the See, the members of the College of Canons shall be summoned by the Dean to meet and on receiving from Her Majesty a licence under the Great Seal with a letter missive as provided by the Appointment of Bishops Act 1533 shall proceed to the election of a Bishop in the manner laid down by that Act.

13.3 The College of Canons shall :-

13.3.1 receive and consider the annual report and audited accounts of the Cathedral Church; and

13.3.2 discuss such matters concerning the Cathedral Church as may be raised by any of its members.

## 14. The Cathedral Officers and Staff

14.1 There shall be an Administrator of the Cathedral Church, who shall be appointed by the Chapter on such terms in respect of tenure, remuneration and duties as the Chapter may determine.

14.2 There shall be an Architect of the Cathedral Church, who shall be a person registered under the Architects Act 1997 or any Act amending or extending the same, and shall be appointed by the Chapter (after consulting the Cathedrals Fabric



Commission for England) on such terms in respect of tenure, remuneration and duties as the Chapter may determine.

14.3 There shall be an Auditor, who shall be a person who may under section 43 of the Charities Act 1993 audit the accounts of a charity, and shall be appointed by the Chapter on such terms in respect of tenure and remuneration as the Chapter may *determine*, and who shall audit the accounts of the Cathedral Church in accordance with section 27 of the Measure.

14.4 There shall be an Organist and Master of the Choristers, who shall supervise the music in the Cathedral Church and shall be appointed by the Chapter on such terms in respect of tenure, remuneration and duties as the Chapter may determine. The Members of the Choir shall be admitted by and hold office under the Dean and shall render service for such time only as may be determined by the Chapter, after consultation with the Organist and Master of Choristers.

14.5 There shall be a Verger, who shall uphold the dignity of worship in the Cathedral Church, care for its security and welcome all who enter it and shall be appointed by the Chapter on such terms in respect of remuneration and tenure as the Chapter may determine.

14.6 There shall be a Chairman of the Finance Committee, who shall hold office for three years and otherwise be appointed by the Chapter on such terms as the Chapter may determine.

14.7 The Cathedral Chaplains shall be persons licensed by the Bishop. They shall be appointed on such terms and conditions as may be determined by the Chapter and shall perform such duties as are assigned to them. Honorary Cathedral Chaplains may also be appointed.

14.8 The Chapter may appoint as many Assistant Vergers, Organists and other staff as may from time to time seem necessary on such terms and conditions as may be determined by the Chapter.

15. Provisions Applicable to the Constitution and the Statutes

15.1 No repeal or amendment of, nor any additions to, the Constitution or the Statutes shall be made except in accordance with the provisions of the Measure.

15.2 Nothing in the Constitution or Statutes shall affect any right of patronage or other right or interest of Her Majesty.

## 16 Interpretation

### 16.1 In the Constitution and in the Statutes -

"actual communicant" means a person who has received Communion according to the use of the Church of England or of a Church in communion with the Church of England at least three times within the preceding twelve months;

"Cathedral Church" means the Cathedral Church of Saint Thomas of Canterbury, Portsmouth;

"cathedral duties" means duties, whether in the Cathedral Church or the Diocese, which should, in the opinion of the Chapter, after consultation with the Bishop, be discharged in or from the Cathedral Church;

"consultation" means affording an opportunity to express views both in general as to an appointment or issue and specifically as to any person proposed for appointment or any proposed course of action and in deciding whom to appoint or on the action to be taken having regard to those views;

"Diocese" means Diocese of Portsmouth and "diocesan" shall be construed accordingly;

"the Measure" means the Cathedrals Measure 1999;

"meeting" means members of the relevant body meeting in person or by video conferencing and "meet" shall be construed accordingly;

"Parish" means ecclesiastical parish of Saint Thomas of Canterbury, Portsmouth, and "Parish Church" and

"parochial" shall be construed accordingly;

"See" means See of Portsmouth;

and words importing the masculine shall include the feminine.

16.2 A reference in the Constitution and Statutes to the holder of any office, dignity or preferment shall be to the holder for the time being of such office, dignity or preferment in the Cathedral Church or, as the case requires, in the Diocese.

NB: For the purposes of statutory interpretation (Section 6 of the Interpretation Act 1978) "he" includes "she".

## THE SCHEDULE

### THE STATUTES

#### 1. The Bishop

1.1 The Bishop shall have the principal seat and dignity in the Cathedral Church.

1.2 After consultation with the Chapter, the Bishop may officiate in the Cathedral Church and use it in his work of teaching and mission, for ordinations, confirmations and synods and for other diocesan occasions and purposes; at any such service which the Bishop holds he may determine the ordering thereof, preach or appoint the preacher and decide the object of the collection.

1.3 The Bishop may, after consultation with the Chapter, celebrate the Holy Communion and preach or appoint the preacher at one service on each of Christmas Day, Easter Day and Whitsunday and, in addition, seven other days, including up to four Sundays, during each year chosen by him.

1.4 The Bishop may at any time seek the advice of the Chapter on any matter.

1.5 The Bishop shall as Visitor hear and determine any question as to the construction of the Constitution and Statutes.

1.6 The Bishop may hold a visitation of the Cathedral Church when he considers it desirable or necessary to do so or when requested by the Council or the Chapter.

1.7 In the course of a visitation, the Bishop may give such directions to the Chapter, to the holder of any office in the Cathedral Church or to any person employed by the Cathedral Church as will, in the opinion of the Bishop, better serve the due observance of the Constitution and Statutes.

1.8 It shall be the duty of any person or body on whom functions are conferred by the Constitution and Statutes to act in accordance with any determination and any direction by the Bishop under this Statute.

1.9 The Bishop may at any time propose for consideration by the Council amendments to the Constitution and Statutes.

## 2. The Dean

2.1 The Dean shall be the principal dignitary of the Cathedral Church, next after the Bishop.

2.2 The Dean shall be installed according to the customs of the Cathedral Church and at his installation shall make such declarations and take such oaths as may be prescribed by law.

2.3 It shall be the duty of the Dean, as chairman of the Chapter, to govern and direct on its behalf the life and work of the Cathedral Church and, in particular, to :-

2.3.1 ensure that Divine Service is duly performed in the Cathedral Church;

2.3.2 ensure that the Constitution and Statutes are faithfully observed;

2.3.3 maintain good order and proper reverence in the Cathedral Church;

2.3.4 secure the pastoral care of all members of the Cathedral Church community; and

2.3.5 take all decisions necessary to deal with any emergency affecting the Cathedral Church, pending consideration of the matter by the Chapter.

2.4 the Vice Dean shall in the absence or illness of the Dean perform the functions specified in clause 2.3 but if the office of Vice Dean is vacant, or the Bishop considers that the Dean or Vice Dean is unable to discharge any or all of his functions by reason of illness or absence or any other causes the Bishop shall, after consultation with the Chapter, appoint a Residentiary Canon to carry out such functions as the Dean or Vice Dean is unable to discharge during the period in question; and references in the Constitution and Statutes to the Dean shall be construed accordingly.

2.5 If any question arises whether an appointment under paragraph 2.4 above is justified, that question shall be determined by the Archbishop of the province.

## 3. The Residentiary Canons

3.1 Every Residentiary Canon shall be installed according to the customs of the Cathedral Church and at his installation by the Dean shall make such declarations and take such oaths as may be prescribed by law and the said customs.

3.2 The Residentiary Canons shall undertake such duties in the

Cathedral Church as the Chapter shall determine, after consultation with them, including preaching and celebrating the Holy Communion. They shall endeavour to strengthen the whole corporate life, worship and work of the Cathedral Church and to promote the usefulness of the Cathedral Church in the Diocese.

#### 4. The Archdeacons

4.1 The Archdeacons shall have the stalls in the Cathedral Church allotted by custom to their Archdeaconries and the Dean shall install them therein according to the customs of the Cathedral Church.

4.2 Each Archdeacon shall have the right, after consultation with the Chapter, of preaching in the Cathedral Church at a service on one Sunday in each year and to celebrate the Holy Communion therein four times in each year.

#### 5. The Honorary Canons

5.1 An Honorary Canon shall be allotted a stall in the Cathedral Church and at his installation therein by the Dean shall make such declarations and take such oaths as may be prescribed by law and the customs of the Cathedral Church.

5.2 Each Honorary Canon shall, unless prevented by sickness or other unavoidable cause, preach and celebrate the Holy Communion in the Cathedral Church when invited by the Dean to do so.

5.3 Each Honorary Canon shall attend meetings of the College of Canons when summoned by the Dean.

#### 6. The Lay Canons

6.1 A Lay Canon shall be allotted a stall in the Cathedral Church and shall be installed therein by the Dean in accordance with the customs of the Cathedral Church.

6.2 Each Lay Canon shall join in ordinary worship in the Cathedral Church at regular intervals and attend special diocesan services when required.

6.3 Each Lay Canon shall attend meetings of the College of Canons when summoned by the Dean.

#### 7. Emeritus Titles

The Bishop may confer upon a Dean, a Residentiary Canon or an Honorary Canon who vacates his office, and immediately upon such vacation retires, the title as the case may be, of Dean Emeritus or Canon Emeritus. A title conferred under this provision shall confer no vested interest and, in particular, the holder shall

not by virtue of that title be a member of the College of Canons.

## 8. The Council

8.1 Meetings of the Council shall be called by the chairman, in accordance with a resolution of the Council, on his own motion, or on the written requisition of at least five members of the Council.

8.2 The quorum for the transaction of business at a meeting of the Council shall be nine of its members including at least two appointed under sections 9.1.1, 9.1.6 and 9.1.7 of the Constitution.

8.3 In the absence of the chairman, the Council shall elect one of its members to preside over it.

## 9. The Chapter

9.1 Meetings of the Chapter shall be called by the Dean, in accordance with a resolution of the Chapter, on his own motion, or on the written requisition of at least four members of the Chapter.

9.2 The quorum for the transaction of business at a meeting of the Chapter shall be eight of its members.

9.3 In the absence of the Dean, or of any person appointed to exercise the functions of the Dean under article 2.4 of the Statutes, the Chapter shall elect one of its members to preside over it, but such person shall not have a second or casting vote.

9.4 The following steps shall not be taken without the consent of the Dean :-

9.4.1 any alternation of the ordering of services in the Cathedral Church

9.4.2 the settlement of the Cathedral Church's budget;

9.4.3 the implementation of any decision taken by the Chapter in the Dean's absence;

Provided that, in the case of a decision taken by the Chapter as to any matter other than one mentioned in paragraph 9.4.1 or 9.4.2 above, his consent shall be deemed to have been given for the purposes of paragraph 9.4.3 above after the expiry of one month following the date on which the decision was taken, unless, within that period, the Dean requests the Chapter to reconsider the decision at the next meeting of the Chapter, in

which case the matter shall be decided by a majority vote of those present and voting at the meeting, the Dean having a second or casting vote.

9.5 The members of the Finance Committee of the Chapter, other than the Dean, shall hold office for a term of three years but shall be eligible for membership for further terms of office.

9.6 The members of any other committees established by the Chapter, other than the Dean, shall hold office for a term of three years.

9.7 The Chapter may make by-laws not being inconsistent with the Measure, the Constitution or these Statutes.

#### 10. Vacancies in Membership

No proceedings of the Council, the Chapter or the College of Canons shall be invalidated by any vacancy in the membership or by any defect in the qualification or election of any member.

#### 11. The Order of Precedence in the Cathedral Church

The order of precedence at services held in the Cathedral Church shall be as follows :-

11.1 the Bishop;

11.2 any Bishop Suffragan or Assistant Bishop when representing the Bishop;

11.3 the Chancellor of the Diocese;

11.4 the Diocesan Registrar;

11.5 the Dean;

11.6 any Bishop Suffragan or Assistant Bishop when not representing the Bishop;

11.7 the Archdeacons;

11.8 the Residentiary Canons;

11.9 the lay members of the Chapter

11.10 the Honorary Canons;

11.11 the Canons of Honour;

11.12 the Lay Canons;

11.13 the Cathedral Chaplains.

Any questions as to the order of precedence not covered by these Statutes shall be determined by the Dean.

NB: For the purposes of statutory interpretation (Section 6 of the Interpretation Act 1978) "he" includes "she".