

Constitution and Statutes of the Cathedral Church of the Holy and Undivided Trinity of Ely

PREAMBLE

A new Constitution and Statutes were drawn up by a Transitional Council established in accordance with the Cathedrals Measure 1999 and came into effect on the Feast of the Translation of St Etheldreda 17 October 2000.

The Constitution and Statutes may be repealed, amended or extended in accordance with the provisions of the Measure *provided always* that nothing in the Constitution and Statutes shall affect any right of patronage or other right or interest of the Crown.

Amendments and additions since that date are included in this document which came into effect on

INTERPRETATION

(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’ means the Cathedral Church of the Holy and Undivided Trinity of Ely;
- ‘Cathedral duties’ means duties, whether in the Cathedral or in the Diocese, which should, in the opinion of the Chapter, after consultation with the Bishop, and subject to the provisions of section 8 of the Measure, be discharged in or from the Cathedral;
- ‘Diocese’ means the Diocese of Ely and ‘Diocesan’ shall be construed accordingly;
- ‘Employee’ means a person in receipt of a salary or wage from the Cathedral Chapter;
- ‘King’s School’ means the Ely Cathedral Grammar School, otherwise known as the King’s School, Ely;
- ‘the Measure’ means the Cathedrals Measure 1999;
- ‘Month’ means a calendar month;
- ‘Prescribed declaration’ means the declaration in the Schedule to the Statutes’ appropriate to the person concerned;
- ‘Registrar’ means the Registrar of the Diocese of Ely;
- ‘See’ means the See of Ely;
- ‘Year’ means a calendar year beginning on the first day of January and ending on the thirty-first day of December;
- Words importing the masculine shall include the feminine.

(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 or, as the case requires, in the Diocese.

STATEMENT OF MISSION

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 is the seat of the Bishop and a centre of worship and mission.

CONSTITUTION

1. The Corporation

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

2. The Foundation

(1) The Foundation shall consist of the members of the Corporation, the High Bailiff, the Chapter Steward, the Chapter Clerk, the Chapter Registrar, the Administrator, the Surveyor to the Fabric, the Archivist, the Sacrist, the Sub-Sacrist, the Minor Canons, the Director of Music, the Assistant Organist, the Director of Ely Cathedral Girls' Choir, the Assistant Organist of Ely Cathedral Girls' Choir, the Director of Ely Cathedral Octagon Singers, the Organist of Ely Cathedral Octagon Singers, the Lay Clerks, the Choristers, the Vergers, the Bedespersons, the Head of the King's School, and the King's and Queen's Scholars of the King's School.

(2) Membership of the Foundation only shall confer no vested rights.

(3) The Chapter may by by-law extend the membership of the Foundation.

3. The Visitor

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

4. The Dean

(1) The Dean, being a person having the qualifications prescribed by law, is appointed by the Crown.

(2) The Dean shall vacate office automatically and without the execution of any instrument of resignation in accordance with the Ecclesiastical Offices (Age Limit) Measure 1975.

5. Residentiary Canons

(1) The number of Residentiary Canons shall not exceed six at anyone time.

(2) The Residentiary Canons shall be appointed by the Bishop after consultation with the Chapter.

(3) One of the Residentiary canonries may be held in conjunction with an office in the Faculty of Divinity in the University of Cambridge as provided in the Statutes of that University.

(4) The holders of at least two Residentiary canonries shall, subject to the provisions of Section 8 of the Measure, be engaged exclusively on cathedral duties.

(5) Any Residentiary Canon appointed:

- (a) for a term of years and who held office on 31 January 2011;
- (b) 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
- (c) 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.

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

(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.

(8) The Bishop may for financial or other reasons and after consultation with the Chapter suspend a Residentiary canonry which has fallen vacant and may after like consultation revive and appoint to such Residentiary canonry.

6. Honorary Canons

(1) Subject to the following provisions of this section there shall be not more than twenty-five Honorary Canons who shall be appointed by the Bishop from any persons in Holy Orders who are beneficed or licensed in the Diocese, save that not more than two persons need not be so beneficed or licensed.

(2) Any Bishop Suffragan or Stipendiary Assistant Bishop or Archdeacon, not already being a Residentiary Canon, shall be a supernumerary Honorary Canon.

(3) An Honorary Canon shall vacate his office automatically and without the execution of any instrument of resignation upon ceasing to be beneficed or licensed in the Diocese or attaining seventy years of age, whichever occurs first.

Provided that

(i) an Honorary Canon appointed under (2) above or Section 8 below, shall, so long as he holds such office, continue in his honorary canonry, but on ceasing to hold such office shall vacate his honorary canonry unless the Bishop otherwise determines;

and

(ii) an Honorary Canon, except one appointed under (2) above, being beneficed or licensed in the Diocese shall vacate his canonry on ceasing to be so beneficed or licensed, unless requested in writing by the Bishop to continue in his canonry.

7. Lay Canons

(1) Subject to the following provisions of this section there shall be not more than ten Lay Canons who shall be appointed by the Bishop from among lay persons who are actual communicants.

(2) A Lay Canon shall be resident within the diocese, save that not more than two persons so appointed need not be so resident.

(3) A Lay Canon shall hold office for an initial period of five years but shall be eligible for re-appointment for further such periods.

(4) A Lay Canon shall vacate his office automatically and without the execution of any instrument of resignation upon attaining seventy years of age or ceasing to be a resident in the diocese, (where such residence is required under (2) above), whichever occurs first, unless requested in writing by the Bishop to continue in his canonry.

8. Chapter

(1) There shall be a Chapter which shall, subject to the provisions of section 4 of the Measure, consist of:

(i) the Dean, who shall be the chairman and shall have a second or casting vote;

(ii) all the Residentiary Canons;

(iii) four other persons, of whom at least three shall be lay,
appointed by the Bishop after consultation with the Chapter.

Provided that

(a) a lay member so appointed must be an actual communicant and shall be resident in the Diocese or have his name either on the church electoral roll of a parish in the Diocese or on the Cathedral Community Roll.

(b) the members in category (iii) above shall hold office for three years but shall be eligible for membership for further terms of office.

(2) It shall be the duty of the Chapter to direct and oversee the administration of the affairs of the Cathedral, including in particular to:

(i) order the worship and promote the mission of the Cathedral;

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

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

(iv) prepare an annual budget for the Cathedral and submit it to the Council;

(v) 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;

(vi) submit to the Council such other reports as may be requested by the Council on any matter concerning the Cathedral;

(vii) keep under review the Constitution and Statutes of the Cathedral and submit any proposal for their revision to the Council and

- (viii) hold the common seal of the Cathedral and affix it when required.
- (3) The Chapter shall meet on at least nine occasions in each year.
- (4) The Chapter shall have power, subject to the provisions of the Measure, and of the Care of Cathedrals Measure 1990, to acquire and dispose of property on behalf of the corporate body of the Cathedral established by this Constitution.

9. Finance Committee

- (1) There shall be a finance committee of the Chapter with the function of advising the Chapter in connection with its responsibility in the field of financial and investment management.
- (2) The committee shall consist of the Dean and Administrator and at least two other persons as shall be appointed by the Chapter for their expertise and experience in the field of financial and investment management. Members so appointed shall hold office for a term of five years but shall be eligible for membership for further terms of office.

10. 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.

11. Council

- (1) There shall be a Council consisting of:
- (i) a chairman appointed in accordance with paragraph (2) below;
 - (ii) the Dean;
 - (iii) three members of the Chapter chosen by the Chapter;
 - (iv) two members of the College of Canons chosen by the College of Canons;
 - (v) one employee of the Cathedral, not being a member of the Chapter, who shall be elected by the employees of the Cathedral;
 - (vi) three lay persons, being members of the Cathedral Community Roll, but being neither employees of the Cathedral nor members of the Chapter. Of these three, at least one shall be a volunteer worker for the Cathedral and at least one shall be a regular worshipper at the Cathedral. These three persons shall be elected by those members of the Cathedral Community Roll who are neither employees of the Cathedral nor members of the Chapter.

Election procedure for (v) and (vi) above shall be determined by the Council.

(vii) ten other persons comprising:

(a) one person appointed by the Cambridgeshire Ecumenical Council and resident in the Diocese;

(b) one person having experience of local government to be appointed by the Bishop after consultation with the Lord Lieutenant of the County of Cambridgeshire and representatives of County and District Councils;

(c) one person with experience in the field of education to be appointed by the Bishop after consultation with such bodies as the Bishop considers appropriate;

(d) one lay person who is, at the time of appointment, a member of the Bishop's Council, to be appointed by the Bishop's Council;

(e) two lay persons who are, at the time of appointment, members of the Diocesan Synod to be elected by the Diocesan Synod;

(f) one person appointed by the Appointments Committee of the Church of England, being a person whom that Committee considers has the ability to reflect national interests in connection with the work of the Cathedral;

(g) the Lord Lieutenant of the County of Cambridgeshire or a member of the Lieutenancy of Cambridgeshire to be appointed by the Lord Lieutenant;

(h) two persons to be appointed by the Bishop.

(2) The chairman of the Council shall be a lay person, not being a member of the Chapter and shall be appointed by the Bishop. Before making such appointment, the Bishop shall afford the Chapter an opportunity to express views both in general as to the appointment and as to any specific person proposed by the Bishop for appointment. In deciding whom to appoint, the Bishop shall then have regard to those views.

(3) The chairman and other members of the Council (other than the Dean) shall hold office for a term of five years but shall be eligible for membership for further terms of office.

(4) The Bishop shall have the right to be present and to speak at any meeting of the Council.

(5) The Council shall meet on at least two occasions in each year.

(6) It shall be the duty of the Council to further and support the work of the Cathedral, 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:

- (i) consider proposals submitted by the Chapter in connection with the general direction and mission of the Cathedral and to give advice on them to the Chapter;
 - (ii) receive and consider the annual budget of the Cathedral;
 - (iii) receive and consider the annual report and audited accounts;
 - (iv) consider proposals submitted by the Chapter in connection with the constitution and statutes of the Cathedral with a view to their revision under Part II of the Measure:
- (7) The Council may:
- (i) request reports from the Chapter on any matter concerning the Cathedral;
 - (ii) discuss and declare its opinion on any such matter; and
 - (iii) draw any matter to the attention of the Visitor or the Church Commissioners.

12. The College of Canons

- (1) There shall be a College of Canons consisting of:
- (i) the Dean;
 - (ii) every Bishop Suffragan;
 - (iii) every full-time stipendiary assistant bishop in the Diocese;
 - (iv) every Residentiary, Honorary and Lay Canon
 - (v) every Archdeacon.
- (2) The College of Canons shall meet at least once a year and shall:
- (i) receive and consider the annual report and audited accounts of the Cathedral;
 - (ii) discuss such matters concerning the Cathedral as may be raised by any of its members.
- (3) In the event of a vacancy in the See, 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. The Administrator and other Officers

- (1) There shall be an Administrator of the Cathedral who shall be appointed by the Chapter on such terms in respect of tenure, remuneration and duties as the Chapter may determine.
- (2) There shall be a Surveyor to the Fabric of the Cathedral, 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.
- (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 in accordance with section 27 of the Measure.
- (4) There shall be a Director of Music who shall supervise the music in the Cathedral and shall be appointed by the Chapter on such terms in respect of tenure, remuneration and duties as the Chapter may determine.
- (5) There shall be an Archivist who shall be responsible for the Chapter Archives both at Ely and those deposited on loan at the Cambridge University Library and elsewhere.

14. The Cathedral Community Roll

- (1) The Chapter shall as soon as practicable after the coming into effect of this Constitution cause to be formed, and thereafter maintained, a roll containing the names of persons who are members of the Cathedral community and apply to be enrolled as such.
- (2) For the purposes of the Constitution and Statutes, the members of the Cathedral community shall be persons over the age of sixteen years:
 - (i) who worship regularly in the Cathedral or
 - (ii) who are otherwise engaged in work or service connected with the Cathedral in a regular capacity.
- (3) If any question arises as to whether a person applying to be enrolled is a member of the Cathedral community, that question shall be determined by the Dean.
- (4) The Chapter may establish a Cathedral Community Committee which shall consist of ten persons elected at a meeting of persons whose names are on the roll of members of the Cathedral community from among such persons. Members of the Committee shall hold office for three years but shall be eligible for further terms of office. The Committee shall elect a chairman from among its members and shall advise the Chapter on all matters affecting the Cathedral community. The Chapter may delegate to the Committee such functions, powers and duties relating to the Cathedral community as the Chapter may determine.