

## MEMORANDUM FOR THE GENERAL SYNOD FOLLOW-UP GROUP ON THE CATHEDRALS COMMISSION REPORT *HERITAGE AND RENEWAL*

### *Preamble*

As a general principle, we believe that the Follow-up Group should be cautioned against introducing extensive new legislation. Many of the problems identified by the Cathedrals Commission could be dealt with either under existing legislation or by issuing a code of good practice. Unless the need for specific and radical changes has been clearly established, and the precise result of such changes accurately assessed, we must advise against legislation which would do more harm than good.

1. Although many recommendations of the report are to be welcomed, others appear to be needlessly bureaucratic and expensive. As a general principle, new legislation for cathedrals arising from the report should be permissive rather than mandatory. It should enable cathedrals to establish their own appropriate structures and should remove some of the restraints that have inhibited sensible development. The last Cathedrals Measure of substance was enacted little more than thirty years ago and the case for making wholesale changes should not be based on unfortunate circumstances at a few cathedrals which have not been experienced by the vast majority of them. Desirable reforms need to be linked to available resources, which differ widely from cathedral to cathedral. We hope that there will be extensive consultation before any proposed legislation is introduced to the General Synod in order to achieve a broad consensus of support for it.
2. *A Standard Constitution for Cathedrals* (p. 59 paragraph 9; p. 60 paragraph 10; pp. 69–70 paragraphs 41–3)
  - (i) While we welcome any proposal which would facilitate constitutional changes, we are concerned about the legislative drafting envisaged in paragraph 9 at page 59. A Measure full of provisos concerning ‘local circumstances’, flexible adaptation and ‘sensible checks and balances’ is almost bound to be cumbersome and unworkable. The proposal to include ‘a standard constitution applying to every cathedral’ as a schedule to a new Measure is undesirable, although each constitution should include many standard features. We would certainly regret ‘the creation of a new uniform model of Cathedral organization’ (paragraph 10 at page 60). Existing cathedral statutes include a constitution for each cathedral and these could be modified locally as each cathedral brings its own statutes up to date (see below paragraph 4 (iv)) following the enactment of a new Measure. This could be facilitated by the issue of a code of practice rather than legislation. It follows that a procedure for the future amendment of such constitutions need not be based as suggested on the Church Representation Rules procedure as set out in the Synodical Government Measure 1969 s.7(1), (2).
  - (ii) By and large English cathedrals fall into two main groups. Although there is some overlap between these groups and the two titles of dean and provost, the distinction between them indicates that there are very different roles to be performed in cathedral life and ministry. As the Cathedrals Measure 1963 s.14 already allows provosts to become deans, we see no need for this to become mandatory.
  - (iii) Although ss. 7 and 8 of the 1963 Measure will need to be replaced, provision

should be made for those cathedrals which wish to retain their parishes to be able to do so. Some dean and chapter cathedrals already have associated parishes.

3. *Interim statutes (p. 70 paragraph 42)*

We believe this proposal to be unnecessary and undesirable. Existing cathedral statutes should continue in force until they are amended.

4. *A new procedure for the making of Cathedral statutes (pp. 68–71, paragraphs 33–44)*

(i) We accept that the present procedures under the Cathedrals Measure 1976 are unsatisfactory (paragraphs 36–9).

(ii) The role of the Privy Council in confirming cathedral statutes is clearly unnecessary, though we wonder whether its proposed abolition in fact impinges on the Royal Prerogative. The Privy Council was not involved in confirming the statutes of *all* cathedrals until the Cathedrals Measure 1931. The procedure enacted by this Measure allowed the Cathedral Commissioners to proceed to make new statutes by way of a scheme approved by the Privy Council. This appears to be based on the procedures for the transfer of capitular property contained in the Ecclesiastical Commissioners Act 1840. While the Crown has been involved in the grant of statutes to new foundation cathedrals since the 16th century by means of letters patent, some old foundation cathedrals (such as Lincoln and Exeter) had no royal authority for their statutes before the procedures authorised by the 1931 Measure.

(iii) We believe that the best way forward may be achieved by studying the origin of cathedral statutes. In the middle ages, in secular cathedrals, individual statutes were enacted by a diocesan bishop with the consent of his dean and chapter, or by the dean and chapter with the consent of the bishop.<sup>1</sup> These were collected into codes only from the mid-13th century. The report (p. 68 paragraph 35) is inaccurate in stating that 'since the earliest days' there has been 'a separate set of statutes for each cathedral'. Lincoln Cathedral operated for centuries under a draft set of statutes which were proposed in the 15th century but never formally agreed. Exeter's statutes were a random collection until the present century.<sup>2</sup>

(iv) It is undesirable for new statutes to be made by the proposed Greater Council of each cathedral.<sup>3</sup> We believe that new statutes should be made by the Administrative Chapter with the consent of the bishop and the proposed permanent Cathedrals Commission on behalf of the General Synod. This would combine the essential principles of flexibility in changing circumstances, with local and national consent, while maintaining the principle that each cathedral needs a set of statutes which have the force of law. The proposed permanent Cathedrals Commission should be empowered to assist cathedrals to amend their existing statutes and advise on future amendments.

5. *Greater Council (pp. 60–2 paragraphs 11–15)*

(i) We recognise the need for cathedrals to be seen to be accountable, not only for their financial resources and buildings, but also for their liturgical and evangelistic life, but think that such a body, as described in the report, would introduce an unwieldy extra layer of government which could well be counter-productive. Any references elsewhere in this memorandum to a Greater Council do not imply that we are in favour of it. Indeed, we strongly disapprove of this proposal.

<sup>1</sup> cf. K. Edwards. *The English Secular Cathedrals in the Middle Ages*, 2nd edition, Manchester 1967, pp. 115–9.

<sup>2</sup> *Ibid.*, pp. 23–7.

<sup>3</sup> The report is inconsistent on this point. Page 60 paragraph 12(a) speaks of the power of the Greater Council to 'approve statutes'. Page 71 paragraph 43(i) envisages 'the making of statutes' by this body.

- (ii) The principle of accountability is, however, important, and we have two alternative proposals to make. The first suggestion is the creation of a *body smaller than the proposed Greater Council*, consisting of not more than twelve persons, exercising a supervisory role over the Administrative Chapter as an *extension of the bishop's powers as visitor*. The existing statutes of Truro Cathedral include the principle of continuous episcopal supervision, which we believe to be a sound principle. The members of this smaller body should act as commissaries for the bishop in his role as visitor of the cathedral. Four members could be *ex-officio* (including the bishop himself, the chancellor of the diocese, a suffragan bishop and an archdeacon), four could be elected by the Diocesan Synod, and four (being members of the Church of England or a Church in communion with it) appointed by the bishop with the consent of the Administrative Chapter. There should be not less than two meetings a year of this body with the Administrative Chapter. All members of this body should hold office for renewable periods of three years. In the event of the bishop holding a general visitation, the powers of this body would be suspended during the time of the visitation. We recommend that the Church of England (Miscellaneous Provisions) Measure 1976 s.4 should be repealed and a fresh clause enacted requiring bishops to hold general visitations of their cathedrals at intervals not exceeding ten years.
- (iii) The specific functions of this proposed body should therefore include items (b), (c), (d) and (e) of paragraph 12 at pp. 60–1, but not (a) or (f) which we consider below. As commissaries of the bishop as visitor, this body in its corporate capacity should have the power to interview not only members of the Administrative Chapter but also any member of the cathedral foundation or employee of the Administrative Chapter. This body could appropriately be termed 'The Visitor's Council'.
- (iv) Our second suggestion, alternative to that contained in subparagraphs (ii) and (iii) above, is that the Administrative Chapter should be required to give regular reports to the College of Canons. If this body, as suggested in the report, contained both clerical and lay members, it could appropriately exercise a supervisory role over the activities of the Administrative Chapter. A radical reform of the College of Canons would be necessary and it would need additional powers. The model of York Minster (where the Administrative Chapter governs the cathedral on behalf of the Greater Chapter) could well be used more widely.<sup>4</sup>
- (v) Although non-Anglicans may have a welcome advisory role in cathedrals, they should not be given a formal supervisory role in their administrative structures.
6. *Administrative Chapter* (pp. 63–4 paragraphs 17–19)
- (i) We agree that this body should be the executive body of all cathedrals (including parish church cathedrals where authority at present lies with the Cathedral Council).
- (ii) We agree that the administrator and a limited number of other lay officers of the cathedral should be members of the Administrative Chapter where this is desired, but recommend that the precise membership is best determined locally. One cathedral may wish to include its chapter clerk if he is not the administrator, another the organist, another its accountant, and another the chairman or secretary of the Friends. All members of administrative chapters should have executive responsibility for part of the cathedral's work and should share regularly in the cathedral's worshipping life. We are not in favour of lay members

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<sup>4</sup> It is worth noting that a similar proposal nearly seventy years ago was strongly opposed by George Bell and others: cf. R. C. D. Jasper. *George Bell, Bishop of Chichester* (London 1967), pp. 50–2.

of the administrative chapter having a formal power to vote on matters which come before it. In particular, the integrity of an administrator who voted against a proposal in chapter, but (as the chapter's executive officer) was responsible for carrying out a decision he did not support, might be open to question.

(iii) We recommend that all cathedrals be empowered to add to their Administrative Chapters two honorary or lay canons or prebendaries, elected by the whole body of such canons or prebendaries, as non-voting observers and advisers. As members of the cathedral foundation they could share in the governance of the cathedral at this level rather than be members of the proposed Greater Council, which we see as essentially a supervisory body.

7. *College of Canons* (pp. 62-3 paragraph 16)

(i) We stress that honorary and lay canons and prebendaries *must* be members of the Church of England or a Church in communion with it. We do not think that members of other denominations, or even non-Christians, should have a voice in the administration of a cathedral, either as members of the proposed College of Canons or the proposed Greater Council. It may be possible for individual cathedrals to assign stalls to members of other denominations and to give them the title of honorary ecumenical chaplains, as at St Albans, as a mark of respect and honour, and as a gesture of fellowship and friendship, but we do not consider that it should go further than this.

(ii) Any new legislation should allow those old foundation cathedrals where the non-residentiary members of the Greater or General Chapter are termed 'prebendaries' to continue to be so termed.

(iii) The number of lay canons in each cathedral should be decided locally by the bishop and the administrative chapter, and enacted in the revised statutes of each cathedral. The Administrative Chapter should be responsible for assigning appropriate seats to the lay canons.

(iv) Meetings of the College of Canons should not normally exceed two a year.

8. *Cathedral Community* (pp. 10-12 paragraphs 16-21; page 65 paragraphs 23-5)

(i) We are not in favour of representatives of this community (which in some cathedrals would be hard to define) being elected to the Greater Council.

(ii) The recommendations to hold an annual meeting for a Cathedral Community Committee should be permissive not mandatory. Where such a committee may be given clear terms of reference and a clearly-defined role in the life of the cathedral, we would welcome it. At the same time, we would regret all cathedrals being forced to adopt a common policy as not all cathedrals have 'purely domestic activities' as mentioned in paragraph 25.

(iii) For the avoidance of doubt, churchwardens in parish church cathedrals, and cathedral wardens if established in other cathedrals, should not be admitted to their office by the archdeacon but by the bishop, or the chancellor or registrar.

9. *Cathedral Clergy* (page 64 paragraph 22 and chapter 8 *passim*)

(i) Cathedral Measure 1963 s.9 needs to be amended to prevent bishops using full-time residentiary canons for diocesan duties where these occupy too much of their time. We recommend that the annual certificate which is at present signed by the bishop and sent to the Church Commissioners should in future be signed by the dean or provost in addition to the bishop.

(ii) In view of the wider discussion of freeholds currently taking place, which involves the whole of the Church's ministry, we consider it inappropriate for this issue to be decided in advance of that wider debate (*pace* the recent synodical decision on team ministries) as far as cathedrals are concerned. However, we realise that whatever is decided should properly be reflected in the final decisions regarding cathedrals (page 93 paragraph 16). We are concerned that hasty legislation affecting cathedrals alone could lead to younger men and women

- refusing canonries and to the average age of chapters rising (page 96 paragraphs 28–31).
- (iii) The termination of cathedral appointments should be initiated only where there is a unanimous recommendation to the bishop by the remainder of the Administrative Chapter. The Visitor's Council, or any other similar body, should not have the power to petition the bishop to terminate an appointment, though the bishop may be required to consult a body when he receives a recommendation from the remainder of the Administrative Chapter.
10. *Permanent Cathedrals Commission (pages 67–8 paragraphs 33–4)*
- (i) This should be modestly-sized and economically run. Its role needs to be defined precisely.
- (ii) Any functions of the General Synod as a whole relating to cathedrals should be delegated to this body.
11. *Cathedral Committees (page 71 paragraph 43(f); page 81 paragraph 27; pages 116–20 paragraphs 8–20)*
- (i) New cathedral statutes should include provisions for the FAC, FIAC, Friends' Council and other committees, both statutory and non-statutory.
- (ii) The working of the Care of Cathedrals Measure 1990 should be kept under review.
12. *Cathedrals in new dioceses (pages 71–2 paragraphs 45–8)*  
The stages by which cathedrals may be founded in newly-created dioceses should be set out in a separate Measure. Although this process was gradual in the case of parish church cathedrals in the late 19th and early 20th centuries, there may well be expectations that further cathedrals should become fully equipped relatively swiftly. A facilitative rather than a prescriptive approach to fresh legislation concerning cathedrals should be preferred, as this will make it easier for new cathedrals to be founded.
13. *Cathedrals and Synodical Government*  
We regret that there is little in the report about the links between cathedrals and synodical government. In particular, some cathedrals are under-represented in diocesan synods. The Synodical Government Measure 1969, schedule 3 (Church Representation Rules, part IV, s.24(2)) should be amended to enable all residentiary canons to be *ex-officio* members of the diocesan synod and s.24(3) should also be amended to allow those cathedrals which have a roll of habitual worshippers to elect two lay representatives on to the diocesan synod.
14. *Cathedral accounts (pages 82–3, paragraphs 32–5)*  
Cathedral accounts, including trust funds, should be prepared, audited and published in a common form, as recommended in the report. The Cathedrals Measure 1963 s.38 should be amended to incorporate these recommendations.
15. *Canon Precentor (page 78 paragraph 14)*  
The position of the precentor differs widely from cathedral to cathedral. At York, for example, he is a canon residentiary, while at Canterbury he is a minor canon. We agree with the recommendation that the responsibility of a member of the Administrative Chapter for liturgical matters should become a standard practice. As a matter of good practice rather than legislation, we recommend that he should be known as the Precentor, while a *minor* canon exercising a liturgical and musical role should be known as the succentor. Where the Canon Precentor has no assistance in performing the musical parts of the liturgy, such an appointment is necessarily limited to clergy who can sing. In these cases, a college of honorary minor canons could be recruited from among the younger clergy of the diocese to assist in the conduct of choral services and to receive valuable experience of cathedral ministry at an early stage.
16. *Emeritus titles (page 62 paragraph 16)*  
The custom of conferring emeritus titles on members of chapters when they

retire or resign differs widely from cathedral to cathedral. The Cathedrals Measure 1963 s.11(2) (k) enabled cathedral statutes to empower the bishop to confer such titles on those clergy who retire immediately after holding office. Confusion and misunderstanding can occur, however, when a Canon Residentiary moves to an incumbency *in the same diocese* and loses the title of canon, the inference being that the person is in some way being demoted. The statutes of Winchester Cathedral have an interesting provision: in the event of an archdeacon in the diocese (or the Dean or Guernsey or Jersey) vacating his office but continuing to reside in the diocese, he may retain an honorary canonry in addition to the prescribed number of honorary canons on the foundation. We recommend that a similar provision should be enacted to allow canons residentiary to hold an additional honorary canonry if they resign their canonry but continue to work in the same diocese. We agree that ordained honorary canons and prebendaries should relinquish their stalls, but not their emeritus titles, when they cease to be beneficed or licensed in the diocese. This could be achieved by an amendment to the schedule of the Ecclesiastical Offices (Age Limit) Measure 1975.

17. The members of the Ecclesiastical Law Society working party on cathedrals are very willing to offer comments and advice on any draft legislation relating to cathedrals.

*Members of the Working Party:* Revd. Philip Barrett (Convener), Revd. T. R. Barker, David Faull, David Hands, Revd. Richard Hanford, Canon Christopher Hill, Clifford Payton, Colin Pordham, Revd. John Rees.

On 21 June 1995 the General Committee commended the Report as a responsible view of a Working Party of the Society which deserves careful consideration by the Follow-up Group. However, the Committee had not had the opportunity to discuss the contents of the Report in detail and the Report could only be taken as representing the views of the Working Party.