

# ORDER IN COUNCIL

**XXV**  
**1947**

Dated the 28th day of October, 1947,  
made in pursuance of the

## **Channel Islands (Church Legislation) Measure, 1931.**

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(Registered on the Records of the Island of Guernsey  
the 8th November, 1947).

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1947

## ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 8th November, 1947, before Ambrose James Sherwill, Esquire, C.B.E., M.C., Bailiff, present : Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., Sir John Leale, Knight, James Frederick Carey, Esquire, Sir Abraham James Lainé, K.C.I.E., Arthur Falla, Pierre de Putron, Quartier Le Pelley, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark and Walter John Gavey, Esquires, Jurats.*

The Bailiff having this day communicated to the Court an Order of His Majesty in Council dated October 28th, 1947, transmitting copies of an Order in Council also dated October 28th, 1947, entitled "Order in Council dated the 28th day of October, 1947, made in pursuance of the Channel Islands (Church Legislation) Measure, 1931", The Court, after the reading of the said communicated Order in Council and after having heard His Majesty's Comptroller thereon, ordered that the said Orders in Council be registered on the Records of this Island and that an extract of this present Act with a copy of the said Orders in Council, be sent by His Majesty's Greffier to the Judge of Alderney and to the Seneschal of Sark for registration on the records

8th NOVEMBER, 1947.

of those Islands, of which Orders in Council the tenor followeth :—

## **At the Court at Buckingham Palace**

The 28th day of October, 1947.

**Present,**

## **The King's Most Excellent Majesty**

LORD PRIVY SEAL.

EARL OF LISTOWEL.

MR. TOMLINSON.

MR. KEY.

IT is this day ordered by His Majesty, by and with the advice of His Privy Council, that printed copies of the following named Order in Council be transmitted to the Royal Court of the Island of Guernsey, viz :—

Order in Council dated the 28th day of October, 1947, made in pursuance of the Channel Islands (Church Legislation) Measure, 1931.

AND it is hereby further ordered that the said Order in Council be registered and published in the Island of Guernsey, not as being essential to its operation therein, but that His Majesty's subjects in the Bailiwick may have notice of the said Order in Council having passed, and that they are bound thereby.

AND the Lieutenant-Governor or Commander-in-Chief for the time being of the Island of Guernsey, and its Dependencies, and all other persons whom it may concern, are to take notice of His Majesty's pleasure hereby signified, and govern themselves accordingly.

*E. C. E. Leadbitter.*

Order in Council referred to in the foregoing  
Order in Council.

**At the Court at Buckingham Palace,**

The 28th day of October, 1947.

**Present,**

**The King's Most Excellent Majesty  
in Council.**

WHEREAS it is provided by section two of the Channel Islands (Church Legislation) Measure, 1931, that any Measure which receives the Royal Assent after the passing of that Measure which contains an express provision that it may be applied to the Islands, or either of them, in accordance with that Measure, may, within two years after its passing, be so applied in accordance with the procedure set out in the Schedule to that Measure :

AND WHEREAS it is provided by section sixteen of the Incumbents (Disability) Measure, 1945, that that measure may at any time before the expiration of two years from the date declared under section one of the Emergency Legislation Measure, 1944, to be the date on which the emergency that was the occasion of the passing of the Clergy (National Emergency Precautions) Measure, 1939, be applied to the Channel Islands, or either of them, in accordance with the procedure set out in the Schedule to the Channel Islands (Church Legislation) Measure, 1931 :

AND WHEREAS section twenty-five of the Incumbents (Discipline) Measure, 1947 contains a similar condition for the application of that Measure to the Channel Islands, or either of them :

AND WHEREAS the date declared under section one of the Emergency Legislation Measure, 1944, to

be the date on which the emergency that was the occasion of the passing of the Clergy (National Emergency Precautions) Measure, 1939, came to an end was the fifteenth day of November, 1945 :

AND WHEREAS the Bishop, in exercise of the powers conferred by and in conformity with the provisions of paragraphs 1, 2 and 3 of the Schedule to the Channel Islands (Church Legislation) Measure, 1931, has prepared and presented to the Church Assembly the Scheme set out in the Schedule to this Order :

AND WHEREAS the Church Assembly has, in accordance with the provisions of paragraph 4 of the Schedule to the above-mentioned Measure, by Resolution approved the said Scheme :

NOW, THEREFORE, in pursuance of the above-mentioned Measure, His Majesty is pleased, by and with the advice of His Privy Council, to order and declare as follows :—

1. The Scheme set out in the Schedule to this Order is hereby confirmed.

2. The Incumbents (Disability) Measure, 1945, and the Incumbents (Discipline) Measure, 1947, shall apply to the Island of Guernsey in accordance with the provisions of the said Scheme.

*E. C. E. Leadbitter.*

## SCHEDULE

A SCHEME PREPARED BY THE BISHOP OF WINCHESTER IN PURSUANCE OF THE CHANNEL ISLANDS (CHURCH LEGISLATION) MEASURE, 1931, FOR APPLYING THE INCUMBENTS (DISABILITY) MEASURE, 1945, AND THE INCUMBENTS (DISCIPLINE) MEASURE, 1947, TO THE ISLAND OF GUERNSEY.

## PREAMBLE

1. Whereas by section two of the Channel Islands (Church Legislation) Measure, 1931, it is provided that any Measure receiving the Royal Assent after the passing of that Measure which contains an express provision that it may be applied to the Islands or either of them in accordance with that Measure may within two years after its passing be so applied in accordance with the procedure set out in the Schedule to that Measure.

2. And whereas by section sixteen of the Incumbents (Disability) Measure, 1945, it is provided that that Measure may at any time before the expiration of two years from the date declared under section one of the Emergency Legislation Measure, 1944, to be the date on which the emergency that was the occasion of the passing of the Clergy (National Emergency Precautions) Measure, 1939, came to an end be applied to the Channel Islands, or either of them, as defined in the Channel Islands (Church Legislation) Measure, 1931, in accordance with the procedure set out in the Schedule to that Measure.

3. And whereas section twenty-five of the Incumbents (Discipline) Measure, 1947, contains a similar provision for the application of that Measure to the Channel Islands or either of them.

4. And whereas the date declared under section one of the Emergency Legislation Measure, 1944, to be the date on which the emergency that was the occasion of the passing of the Clergy (National Emergency Precautions) Measure, 1939, came to an end was the fifteenth day of November, 1945,

5. And whereas the Bishop of Winchester has come to the conclusion that the Incumbents (Disability) Measure, 1945, and the Incumbents (Discipline) Measure, 1947, ought to be applied with certain variations to the Channel Islands and has in accordance with the provisions of paragraph 1 of the said Schedule prepared the following Scheme for the purpose ;

6. And whereas the provisions of paragraphs 2, 3 and 4 of the said Schedule have been complied with.

### SCHEME

1. The Incumbents (Disability) Measure, 1945 and the Incumbents (Discipline) Measure, 1947, shall apply to the Island of Guernsey subject to the following variations, that is to say :—

- (1) For the Ministerial Committee referred to in the said Measures there shall be substituted for the Island of Guernsey a Ministerial Committee consisting of clerks in Holy Orders beneficed or licensed under seal to officiate within that Island elected in accordance with the provisions of the Schedule to this scheme ; and the First Schedule to the Incumbents (Disability) Measure, 1945, shall not apply to the Island.
- (2) In the proviso to subsection (1) of Section four of the Incumbents (Disability) Measure, 1945, the word " three " shall be substituted for the words " four " and " five " respectively.

- (3) In paragraph (ii) of Section seven of the said Measure the expression "Clergy Pensions Measures 1926 to 1936" shall be construed as meaning the Clergy Pensions Measures 1926 to 1928, and any Measure extending, amending or consolidating the same which has been or may hereafter be applied to the Channel Islands.
- (4) In the proviso to subsection (1) of Section six of the Incumbents (Discipline) Measure, 1947, the word "three" shall be substituted for the word "four".

## SCHEDULE

### MINISTERIAL COMMITTEE FOR GUERNSEY

#### PART I

##### *Constitution*

1.—(1) The Clerks in Holy Orders beneficed or licensed under seal to officiate within the Island of Guernsey shall elect from among themselves seven persons to be the members of the Committee :

Provided that no person shall be a member of the Committee of the Island while he shall for the time being hold the office of Dean of the Island.

(2) (a) An election of the Committee shall be held in the Island at a time to be appointed by the bishop as soon as may be practicable after the confirmation of this Scheme and the members so elected shall be elected for such a period expiring not more than four years after the confirmation of this Scheme as the bishop of the diocese shall by writing under his hand determine.

(b) Subject to the provisions of the foregoing sub-paragraph and of Part III of this Schedule, elections shall be held in every third calendar year at a time to be appointed by the bishop.



(3) Every election shall be conducted by such person as shall be appointed for the purpose by the bishop and candidates for election shall be nominated and seconded in writing by persons qualified to vote at such election. No person shall be nominated unless he shall have first signified in writing his consent to serve.

(4) Notice of any election together with a nomination paper shall be sent to every clerk in Holy Orders beneficed or licensed under seal to officiate in the Island and a period of not less than fourteen days shall be allowed for the making of nominations. If after the expiration of this period fewer than the required number of persons shall have been nominated, the bishop shall have power to nominate a sufficient number of persons to make up the required number.

(5) Voting papers with the names in alphabetical order of the persons nominated shall be sent to all electors and such papers shall be signed on the back by the person voting and returned through the post to the person conducting the election. The election shall be made according to the principle of proportional representation by the method of the single transferable vote under rules to be approved from time to time by the archbishop of the province.

(6) Each candidate shall have the right to be present or to nominate one of the electors to be present on his behalf at the counting of the votes.

(7) If more than the required number of persons has been nominated, the four candidates who obtain the four highest places in the election shall be ordinary members of the Committee, and the three who obtain the next three places shall be reserve members. If not more than the required number of persons has been nominated the election shall be held for the first four places only and the four

candidates so elected shall be the ordinary members of the Committee and the remaining three candidates shall be the reserve members.

(8) Every election of ordinary members and reserve members of the Committee under the foregoing provisions of this Schedule shall forthwith be certified to the bishop in writing under the hand of the person conducting the election and any such certificate shall be conclusive evidence of the due election of any person therein mentioned.

2. Everything which the Committee are by the Incumbents (Disability) Measure, 1945, and by the Incumbents (Discipline) Measure, 1947, required or empowered to do shall be done by the four ordinary members of the Committee provided that—

- (1) if any ordinary member of the Committee shall vacate his office or be unable or unwilling to act in any particular case he shall nominate one of the reserve members of the Committee to serve accordingly :
- (2) if for any reason he is unable or unwilling to nominate a reserve member or fails to do so within fourteen days after being requested by the Chairman of the Committee in writing to do so, the chairman shall nominate a reserve member :
- (3) the reserve member nominated under either of the preceding paragraphs of this proviso shall for the purpose for which he is nominated have all the powers of an ordinary member of the Committee.

3. If during the course of the inquiry in any case any member of the Committee serving in the case retires or becomes unable to act, the inquiry shall nevertheless proceed unless any of the parties

thereto shall object ; but if such objection be raised the inquiry shall be recommenced.

4. The ordinary members and the reserve members of the Committee shall, subject to the provisions of paragraphs 5 and 6 of this Part of this Schedule, hold office until the conclusion of the next ensuing election :

Provided that where the Committee have been instructed to act in any particular case, and at the conclusion of the next ensuing election have not completed their duties in respect of that case, the members of the Committee engaged in that case, shall continue in office for the purpose of that case only, and no new member elected at any such intervening election shall be qualified by reason of that election to act as a member of the Committee for the purposes of that case.

5. An ordinary member or reserve member of the Committee shall be disqualified from acting as a member of the Committee for any purpose in any case in which he is himself the subject of an inquiry under this Measure or under any Statute or Measure relating to clerical discipline.

6. A member (whether an ordinary or reserve member) of the Committee shall vacate his office as soon as he shall have ceased for a period of three months to be qualified as an elector or as soon as any order shall have been made against him under any Statute or Measure relating to clerical discipline.

7. Whenever an ordinary member of the Committee shall for any reason vacate his office one of the reserve members nominated by such ordinary member shall forthwith fill the vacancy so created and thereafter have all powers of an ordinary member of the Committee.

## II

### PART II

#### *Procedure*

1. The Committee shall elect a chairman and shall have power to adjourn, and, subject to the provisions of the Incumbents (Disability) Measure, 1945, and the Incumbents (Discipline) Measure, 1947, to determine their own rules of procedure.

2. Except as otherwise expressly provided by the Incumbents (Disability) Measure, 1945, or the Incumbents (Discipline) Measure, 1947, every question submitted to a meeting shall be decided by a majority of the votes of those present, the chairman having a second or casting vote in the case of an equality of votes.

3. Three members shall be a quorum for a meeting of the Committee, and the Committee may act notwithstanding any vacancy in its body.

4. All proceedings at any meeting of the Committee shall be held in private.

### PART III

#### *Special Provisions*

In the carrying out of the provisions of this Schedule in the Island, the bishop shall have power which shall be exercisable from time to time—

- (i) to direct that any election shall be held at a time earlier than that prescribed in Part I of this Schedule ;
- (ii) in any case which any difficulty arises, to give any directions consistent with the provisions of this Schedule which he may consider expedient ;
- (iii) to make provision for any matter not provided for in this Schedule.

PETER J. MAUGER,  
H.M. Greffier.