

# 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

(Revised edition 2006)

**K F W Gumbley**

**Chairman of the Legislative Committee of the Sodor and Man Diocesan Synod**

© K F W Gumbley 2007

---

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>
	<b>1 — The Constitution of the Church</b>
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'.
4	The Archdeacon has no power to grant faculties in the Isle of Man. 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 The Isle of Man is divided into 3 deaneries (Douglas, Ramsey, and Castletown and Peel). As to deanery synods, see below.
6-7	SYNODICAL GOVERNMENT Deanery synods exist in the Isle of Man, but do not have the functions of deanery synods in England. They consist of the members of the Diocesan Synod representing the deanery, and meet triennially, following the election of members of the Diocesan Synod (see below), for the purpose of making nominations to Boards and Committees of the Diocesan Synod.

<i>Page</i>	<i>Notes</i>
	<b>2 — The Courts of the Church</b>
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 presentations.</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>
	<b>3 — Faculties</b>
15	The Care of Places of Worship Measure 1999 (n.2) does not extend to the Isle of Man.
16	<p>There are no 'peculiar' or extra-parochial places in the Isle of Man. The Bishop is the ordinary for the Cathedral Church of St German.</p> <p>The Council for the Care of Churches does not operate in the Isle of Man.</p> <p>Only the Vicar General may adjudicate on faculty petitions in the Isle of Man. The Archdeacon has no jurisdiction to grant faculties.</p>
17	<p>The Archdeacon has no power to license the temporary reordering of the interior of a church.</p> <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 Local Government and the Environment (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	The diagram must be read subject to the notes on pp.16-17 above.
	<b>4 — The Parish</b>
19-20	<p>ANCIENT PARISHES</p> <p>There are 17 'ancient parishes' in the Isle of Man (Andreas, Arbory, Ballaugh, Braddan, Bride, German, Jurby, Lezayre, Lonan, Malew, Marown, Maughold, Michael, Onchan, Patrick, Rushen, Santan).</p>

<i>Page</i>	<i>Notes</i>
	NEW AND ALTERED PARISHES
	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.
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 an appeal lies to the First Deemster, not to the Judicial Committee of the Privy Council.
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).
23-24	TEAM AND GROUP MINISTRIES
	Although there is power to establish team and group ministries under the Pastoral Measure 1983 as it has effect in the Isle of Man, none has yet been established.
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.
	<b>5 — The Parochial Clergy</b>
28	THE INCUMBENT
	All benefices in the Isle of Man are rectories or vicarages, and perpetual curacies were unknown.
29	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).
35	<i>Enforcement of duties</i>
	The Pluralities Act 1838 does not extend to the Isle of Man.
	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.
36	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.

<i>Page</i>	<i>Notes</i>
38	<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>
39	<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 does not apply where the office-holder held office on 15th May 1979.</p>
39-40	<p><i>Sequestrations</i></p> <p>Sequestrators are appointed by a writ of sequestration issued by the Bishop.</p> <p>The Endowments and Glebe Measure 1976 does not extend to the Isle of Man.</p>
41	<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>
45	<p>MEMBERS OF TEAM AND GROUP MINISTRIES</p> <p>The age limit under the Church Act 1992 applies to team vicars.</p>
47	<p>ORDAINED WOMEN</p> <p>Notice of resolution A or B must be given to the Bishop, the rural dean, the lay chairman of the deanery synod, the Diocesan Registrar and the patron.</p>
	<p><b>6 — The Patron and Patronage</b></p>
49	<p>The patronage of benefices in the Isle of Man is vested in either the Crown or the Bishop (with the exception of St Ninian's Douglas, whose patron is the Church Pastoral Aid Society).<sup>1</sup></p> <p>The Patronage (Benefice) Measure 1986 extends to the Isle of Man subject to considerable modifications. There is no register of patrons.</p>
51-61	<p>PATRONAGE (BENEFICES) MEASURE 1986</p> <p>For the text of the Measure as it has effect in the Isle of Man, see <a href="http://www.gumbley.net/pbmframe.htm">http://www.gumbley.net/pbmframe.htm</a></p>
61-62	<p>APPOINTING A NEW INCUMBENT</p> <p>For guidance notes on appointing a new incumbent in the Isle of Man see <a href="http://www.gumbley.net/patrons.htm">http://www.gumbley.net/patrons.htm</a></p>
	<p><b>7 — The Office of Churchwarden</b></p>
63	<p>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.</p> <p>For the text of the 1964 Measure as it has effect in the Isle of Man see <a href="http://www.gumbley.net/carm1964.htm">http://www.gumbley.net/carm1964.htm</a></p>

---

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

<i>Page</i>	<i>Notes</i>
64	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.
69	Churchwardens are admitted to office by the Chapter Court (see note on p.8 above).
	<b>8 — The Functions of Churchwardens</b>
79	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 (but see below as to separate representation of certain chapels).
80	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.
81-83	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:  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);  5(1)(b): a reference to the Church Act 1979 (of Tynwald) is substituted for the reference to the Inspection of Churches Measure 1955.
83	<i>Maintenance of order</i>  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.
85	In the Isle of Man sequestrators are appointed by a writ of sequestration issued by the Bishop.  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.
	ACTIONS BY OR AGAINST CHURCHWARDENS  In the Isle of Man the churchwardens are a corporation.
	<b>9 — Other lay officers</b>
86	PARISH CLERK AND SEXTON  The PCC has power to appoint a parish clerk, but the sexton is appointed by the churchwardens under the Burials Act 1986 (of Tynwald).
87-88	CHURCH ARCHITECT OR SURVEYOR  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).

<i>Page</i>	<i>Notes</i>
	<b>10 — Parochial Church Meetings and Councils</b>
91	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.  Three parishes (Marown, Lezayre and Maughold) are each divided into two electoral districts, one attached to the parish church and the other attached to a chapel of ease (St Luke's Baldwin, St Stephen's Sulby and Christ Church Dhoon respectively), the district attached to a chapel of ease being referred to as a 'chapelry'. Each electoral district has its own church electoral roll, annual parochial church meeting and parochial church council.  In two parishes (Patrick and Malew) an additional annual meeting is held for a chapel of ease (St James Dalby and St Mark's respectively). <sup>2</sup>  Representatives of the laity on the Diocesan Synod are directly elected by the annual meetings.
93-150	The text of the Rules as they have effect in the Isle of Man is set out at <a href="http://www.gumbley.net/crrframe.htm">http://www.gumbley.net/crrframe.htm</a> A printed version is available from the author.
	<b>11 — Powers and Responsibilities of Parochial Church Councils</b>
157	1. The Parsonages Measure 1938 does not extend to the Isle of Man.  3. 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.  4. 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.
158	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.  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.
	<b>DATA PROTECTION</b>  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).
159	<b>DISABILITY DISCRIMINATION</b>  The Disability Discrimination Act 1995 does not extend to the Isle of Man.
160	<b>HEALTH AND SAFETY</b>  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.

---

<sup>2</sup> See CRR rule 12.

<i>Page</i>	<i>Notes</i>
162-172	<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 <a href="http://www.gumbley.net/pccp1956.htm">http://www.gumbley.net/pccp1956.htm</a></p> <p><b>12 — Conduct of Meetings</b></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 <a href="http://www.gumbley.net/carm1964.htm">http://www.gumbley.net/carm1964.htm</a></p>

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