

# THE GOVERNING BODY OF THE CHURCH IN WALES RECENT LEGISLATION

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Several matters of legal significance were dealt with by the Governing Body of the Church in Wales at its April 1990 meeting at St. David's University College, Lampeter. Amendments to the Constitution were passed concerning two matters of nomenclature, the preparation of inventories, the qualification of parish auditors and pension arrangements for the clergy. In addition two bills were successfully passed and became Canons of the Church in Wales.

## CHANGES OF NOMENCLATURE

At the suggestion of the Representative Body of the Church in Wales, the Governing Body approved constitutional amendments by which the *Reconstruction Scheme*, which provides for clergy stipends, expenses, etc., has become the *Maintenance of Ministry Scheme*, and the *Clergy and Deaconesses' Pension Scheme* has become the *Clerics' and Deaconesses' Pension Scheme*.

## LOG BOOK, TERRIER AND INVENTORY

Again following a proposal of the Representative Body made at the September 1989 meeting of the Governing Body, the Governing Body approved an amendment to chapter VI of the Constitution providing that the incumbent and churchwardens of each parish should be responsible for completing a Log Book, Terrier and Inventory for the parish. The terrier will list all lands held by the Church in the parish, while the inventory will furnish a record of all chattels pertaining to the church and its worship. The Log Book will record the work carried out to the fabric of church buildings, particularly as a result of the recommendations made during quinquennial inspections. The documents will be completed in such form and at such times as the Representative Body shall determine, the responsibility in relation to Cathedral property resting upon the Dean and Chapter to make the necessary returns.

## PARISH AUDITORS

Section 16 (2) of chapter VI of the Constitution was amended to provide that the person appointed to audit the accounts of a Parochial Church Council should not be a member of the Council of that parish.

## PENSIONS

Section 7 (2) of chapter XII of the Constitution was amended so as to introduce a new formula for the calculation of the pension entitlements of clerics and deaconesses. The new formula is based on one-fortieth of such percentage as the Representative Body shall determine of the current stipend of an office holder.

## CANONICAL AGE FOR ORDINATION

At Disestablishment, the Church in Wales inherited, with some exceptions, the provisions of the ecclesiastical law of the Church of England as its canon law. At that time, as now, it was necessary for a person to be twenty-three years old to be ordained deacon and twenty-four to be a priest. However, while it was possible for the Archbishop of Canterbury to grant a faculty to permit the ordination to the diaconate of a person under twenty-three, it was not then permissible for a faculty to be granted to permit the ordination to the priesthood of a young man under twenty-four. Indeed, under the Clergy Ordination Act, 1804, the ordination to the priesthood of a man not fully twenty-four years old was not only irregular but totally void. This remarkably erastian piece of legislation gives rise to difficult questions for the canonist regarding the powers of an earthly legislature to determine the validity of acts performed by bishops by virtue of their apostolic ministry. Since 1920, the Church of England has legislated to provide that the Archbishop may permit the ordination to the priesthood of a man who is twenty-three but not yet twenty-four. However, this Clergy (Ordination and Miscellaneous Provisions) Measure, 1964, being post-Disestablishment, does not apply to Wales.

The Governing Body has now promulgated the Age of Ordination Canon, 1990, which gives to the Archbishop of Wales similar powers to those enjoyed by the Archbishop of Canterbury under the 1964 Measure, the power with regard to the ordination to the diaconate having passed to the Archbishop of Wales already at Disestablishment. Significantly, however, the Governing Body has also exercised its powers under the Welsh Church Act, 1914 to repeal the 1804 Act, and has also enacted that this repeal shall be deemed to take effect as from the date of Disestablishment.

## CLERICAL DISABILITIES

The Governing Body also promulgated the Clerical Disabilities Canon, 1990, following the successful completion of its Committee Stage and Third Reading at the April Meeting. As only points of detail can be amended at the Committee Stage and amendments generally are proscribed at the Third Reading, there were no substantive changes to the bill as described in an earlier number of this journal<sup>1</sup>. Amendments of detail were however made clarifying the procedure on appeal from a sentence of deposition and expulsion from orders, and introducing time limits of twenty-eight days and nine months respectively for the enrolment and recording of Deeds of Relinquishment. This canon has repealed and in effect replaced the Clerical Disabilities Act, 1870 within the Church in Wales.

## ECUMENICAL RELATIONS

A Bill to permit the Establishment of Ecumenical Projects received its formal First Reading at the April meeting. The First Reading involves the reading of the title only and there is no debate. The provisions of this bill will therefore be discussed following its Second Reading in September, when its principles will be debated. The Committee Stage and Third Reading are likely to be in September 1991.

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1. Vide, (1989) 1 ECC LJ (5) 30-31.