

ECCLESIASTICAL LAW, ENGLAND

The Reorganisation Schemes (Compensation) Rules 2011

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Coming into force in accordance with rule 1(2)

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The Dioceses Commission, in exercise of the powers conferred by paragraph 16(2) of Schedule 2 to the Dioceses, Pastoral and Mission Measure 2007(a), makes the following Rules:

PART 1

PRELIMINARY PROVISIONS

Citation, commencement and interpretation

- 1.—(1) These Rules may be cited as the Reorganisation Schemes (Compensation) Rules 2011.
- (2) They come into force on the day on which they are approved by the General Synod.
- (3) The following definitions apply for the purposes these Rules—
 - “the Appeal Tribunal” means the Appeal Tribunal constituted under Schedule 4 to the Pastoral Measure 1983(b) for the relevant province (and in the event of any question arising as to identity of the relevant province, that question shall be conclusively determined by the Dean of the Arches and Auditor);
 - “chancellor” means the chancellor or commissary general of a diocese;
 - “claimant” means an office holder who has applied to the Commission for a determination of the right to and amount of compensation payable to him or her and includes an office holder in respect of whom an appeal to the Appeal Tribunal has been brought;
 - “the Commission” means the Dioceses Commission established by section 2 of the Measure;
 - “ecclesiastical office holder” means an office holder the nature of whose office is such as to require the holder to be a clerk in holy orders;
 - “employer” includes any person who is responsible for paying the emoluments of office of, or is otherwise under an obligation regularly to remunerate, a person in respect of whom rule 15(1) applies;
 - “loss” means pecuniary loss;
 - “the Measure” means the Dioceses, Pastoral and Mission Measure 2007;
 - “office holder” means the holder of an office to whom paragraph 16(1) of Schedule 2 to the Measure applies;
 - “the Pension Scheme” means the Church of England Funded Pensions Scheme established under section 1(3) of the Pensions Measure 1997(c);
 - “responsible body” means the body by which compensation has been determined or directed to be payable;
 - “retiring age” means the retiring age as defined in the Scheme Rules;
 - “the Scheme Rules” means the rules as to the nature and amount of pensions and lump sum payments payable under the Pension Scheme made pursuant to section 2 of the Pensions Measure 1997;
 - “the secretary” means the secretary of the Commission.
- (4) For the purposes of rules 7, 12 and 13, the emoluments of an office include any official or other residence made available to the office holder in connection with his or her holding office.
- (5) For the purposes of rules 12 and 13, remuneration received, or to be received, in respect of regular remunerated work includes any residence made available to the person concerned in connection with that work.

(a) 2007 No. 1.
(b) 1983 No. 1.
(c) 1997 No. 1.

Application

2.—(1) These Rules set out the general principles to be applied in determining rights of compensation under paragraph 16 of Schedule 2 to the Measure.

(2) A reorganisation scheme shall, subject to paragraph (3), apply the provisions of these Rules in making provision for conferring rights to compensation on office holders.

(3) A reorganisation scheme may apply these Rules subject to such variations, adaptations or modifications as the Commission may think fit in the particular circumstances of the case.

PART 2

GENERAL PROVISIONS

Determination of compensation etc.

3.—(1) The right to and the amount of compensation payable to an office holder, and the identity of the responsible body (or bodies), shall be determined in the first instance by the Commission.

(2) The Commission may appoint one or more assessors to assist it when it is considering making any determination or direction (whether as to compensation or otherwise) under these Rules.

(3) An appeal shall lie to the Appeal Tribunal against the Commission's determination under paragraph (1).

Form of compensation

4.—(1) Compensation shall consist of periodical payments or a lump sum payment, or a combination of the two.

(2) Compensation in the form of periodical payments shall not be assignable.

Payments on account

5. The Commission may, pending the final determination of a claim for compensation, direct the making of payments on account to a claimant.

Subsequent applications

6.—(1) This rule applies to any person who, having applied for compensation under the provisions of a reorganisation scheme, has been refused compensation or is receiving, or has received, such compensation.

(2) A person to whom this rule applies may apply to the Commission for a grant, increase or renewal of compensation, as the case may be.

(3) The grounds for an application are that the circumstances of which account was taken by the Commission in making its earlier determination have materially altered to the person's disadvantage.

(4) The Commission may direct the payment of compensation or the increase of compensation if it is satisfied that the grounds for the application are made out and that compensation would be payable to the person concerned in accordance with the applicable provisions of these Rules.

(5) If the Commission directs an increase of compensation it may do so by way of increase of periodical payments or a lump sum payment or both.

(6) An appeal shall lie to the Appeal Tribunal against the determination of an application under this rule.

Responsible bodies

7.—(1) Compensation determined by the Commission as, or directed by it to be, payable under a reorganisation scheme shall be payable—

- (a) in the case of a diocesan or suffragan bishop, or a dean or residentiary canon of a cathedral in respect of whom section 21(1) of the Cathedrals Measure 1999^(a) applies, by the Church Commissioners;
- (b) in the case of an archdeacon, by a diocesan board of finance;
- (c) in the case of a residentiary canon in respect of whom paragraph (a) does not apply, by a cathedral or by a diocesan board of finance or by a combination of the two in such proportions, as, in the opinion of the Commission, the case requires;
- (d) in the case of a chancellor or deputy chancellor, by a diocesan board of finance;
- (e) in the case of a registrar of a diocese or deputy registrar, by a diocesan board of finance and the Church Commissioners in such proportions as, in the opinion of the Commission, the case requires.

(2) The references to a cathedral and to a diocesan board of finance in paragraph (1) are to such existing or newly created cathedral or diocesan board of finance as the Commission may specify having regard to the circumstances of the case.

(3) In determining—

- (a) whether compensation is to be payable by a cathedral or by a diocesan board of finance or a by combination of the two for the purposes of paragraph (1)(c) and, if by a combination of the two, the proportions in which it is to be payable by them under that paragraph, or
- (b) the proportions in which compensation is to be payable by a diocesan board of finance and the Church Commissioners under rule 1(e),

the Commission shall have regard to the body or bodies from whom the person to be paid compensation is or was in receipt of a stipend or other emoluments of office and, if more than one, the proportions in which those bodies respectively are or were paying that stipend or other emoluments of office.

Duty of disclosure

8.—(1) This rule applies to—

- (a) every claimant;
- (b) every applicant under rule 6; and
- (c) every person who is receiving compensation under a reorganisation scheme by way of periodical payments.

(2) Any person to whom this rule applies shall be under a duty to disclose to the Commission particulars of—

- (a) any ecclesiastical office or other office in a diocese or cathedral to which he or she has been appointed;
- (b) any ecclesiastical office or other office in a diocese or cathedral which has been offered to him or her;
- (c) any other regular remunerated work in which he or she is, or is to be, engaged;
- (d) any official residence or other residence made available to him or her in connection with his or her holding office or his or her regular remunerated work;
- (e) any matter mentioned in rule 14 or 21(2); and,
- (f) if he or she is a person in respect of whom rule 15(1) applies—

(a) 1999 No. 1.

- (i) any benefits he or she is accruing under an occupational pension scheme; and
- (ii) any benefits he or she is accruing under any other pension scheme in respect of which his or her employer is paying contributions.

(3) If a person to whom this rule applies fails to comply with the duty imposed by paragraph (2) and it appears to the Commission that in consequence that person has received payments or other benefits which otherwise he or she would not have received or payments or benefits in excess of those that he or she would otherwise have received, the Commission may (without prejudice to their powers under any other rule) direct the repayment of the amount of the payments or benefits or excess or such part thereof as they think just and that amount shall be recoverable as a debt due to the responsible body or, in the case of any such payments made, or benefits conferred, by the Church of England Pensions Board, to that board.

(4) If, as a result of a person's failure to comply with any duty imposed by paragraph (2), a period has been treated as being a period of deemed service for the purposes of rule 15(1) but would not have been so treated but for that failure, the Commission may direct that that period shall not be deemed to be a period of pensionable service and that any benefits accruing to that person, and the amount of any pension payable to him or her, are to be reduced accordingly.

(5) If a responsible body has paid contributions pursuant to section 4 of the Pensions Measure 1997 in respect of a period that has, by virtue of paragraph (4), been directed by the Commission as not to be treated as a period of pensionable service, the Commission may further direct that the responsible body shall be entitled to have those contributions reimbursed to it by the Church of England Pensions Board.

(6) The secretary shall provide to the Church of England Pensions Board and any relevant responsible body particulars of—

- (a) any disclosure made pursuant to the duty imposed by paragraph (2); and
- (b) any failure to comply with that duty of which the Commission becomes aware.

(7) Paragraphs (4) and (5) are without prejudice to the Commission's power under paragraph (3) to direct the repayment of payments or benefits received.

(8) An appeal shall lie to the Appeal Tribunal against a direction of the Commission made under paragraphs (3), (4) or (5) or a decision not to make such a direction.

PART 3

COMPENSATION OF ECCLESIASTICAL OFFICE HOLDERS

Application of Part 3

9. This Part applies for the purpose of conferring rights to compensation on ecclesiastical office holders.

Compensation for loss

10.—(1) An ecclesiastical office holder whose office is abolished by a reorganisation scheme shall, subject to the provisions of these Rules, be entitled to compensation for any loss suffered by him or her in consequence of the abolition of his or her office.

(2) Without prejudice to the generality of paragraph (1), the loss suffered by an ecclesiastical office holder shall include—

- (a) loss arising from his or her ceasing to occupy an official residence of the office holder or any other residence made available to him or her in connection with his or her holding office and
- (b) any expenses arising from his or her change of residence.

(3) This rule is subject to rule 11.

Special cases

11.—(1) This rule applies in the case of an ecclesiastical office holder where—

- (a) the Commission has sent to every interested party in accordance with section 6(4) of the Measure a copy of a draft reorganisation scheme (“the draft scheme”) which provides for the abolition or reduction in status of an office in respect of which paragraph 16(1) of Schedule 2 to the Measure is applicable and
- (b) the ecclesiastical office holder is subsequently appointed to that office.

(2) If the office of an ecclesiastical office holder in respect of whom this rule applies is abolished or reduced in status in consequence of the draft scheme being made and confirmed in accordance with the provisions of sections 7 and 8 of the Measure, any entitlement to compensation under rule 10 shall be based on not more than one year’s loss of service in his or her post.

(3) For the purposes of this rule—

- (a) a diocesan bishop shall be deemed to have been appointed on the day on which his election was confirmed;
- (b) a suffragan bishop shall be deemed to have been appointed on the day on which the letters patent presenting him to the archbishop of the relevant province are dated;
- (c) a dean of a cathedral whose constitution provides for the appointment of the dean to be by Her Majesty, and the holder of a canonry to which section 24 of the Ecclesiastical Commissioners Act 1840(a) applies, shall be deemed to have been appointed on the day on which the letters patent so appointing him or her are dated;
- (d) any other ecclesiastical office holder shall be deemed to have been appointed on the day on which he or she was instituted or collated to the office in question (or, in the case of a dean other than a dean to whom sub-paragraph (c) applies, the day on which he or she was instituted or collated to the parochial benefice by virtue of which he or she holds the office of dean).

Determination of loss

12. In determining whether a claimant in respect of whom this part applies has suffered loss giving a right to compensation and, if so, the amount of that compensation, the Commission—

- (a) shall take into account the emoluments of any ecclesiastical office or other office in a diocese or cathedral to which the claimant has been or is to be appointed, or the remuneration to be received in respect of any other regular remunerated work in which he or she is or is to be engaged; and
- (b) if he or she refuses without good and sufficient reason to accept an ecclesiastical office or other office in a diocese or cathedral which is comparable to the office in respect of which the compensation is claimed, may take into account the emoluments of the office so refused.

Suspension or reduction of periodical payments in certain cases

13.—(1) If a person who is receiving compensation under a reorganisation scheme in the form of periodical payments is appointed to an ecclesiastical office or becomes engaged in any regular remunerated work, or refuses any such office as is mentioned in rule 12(b), the Commission may direct that the periodical payments be suspended or reduced in amount, having regard to the emoluments of the office or the remuneration received (or to be received) for the work.

(2) An appeal shall lie to the Appeal Tribunal in respect of such a direction or a decision not to make such a direction.

(a) 3 & 4 Vict. c. 113.

Refusal or discontinuance of compensation

14. If any person who is claiming or receiving or has received compensation in respect of which this part applies—

- (a) executes a deed of relinquishment under the Clerical Disabilities Act 1870(a); or
- (b) becomes a member of a religious body which is not in communion with the Church of England; or
- (c) becomes disqualified under the Ecclesiastical Jurisdiction Measures 1963 to 1974(b) from holding preferment in the Church of England or has, under the Clergy Discipline Measure 2003(c), had imposed on him or her a penalty of removal from office, prohibition for life or for a limited period or revocation of his or her licence,

the Commission may refuse the claim or, as the case may be, may direct, subject to a right of appeal to the Appeal Tribunal, that no further payment of compensation shall be made to him or her under the reorganisation scheme.

Pensions

15.—(1) Subject to paragraph (2), any period after the abolition of the office of an ecclesiastical office holder who is a member of the Pension Scheme, and before he or she reaches the retiring age, during which he or she is not—

- (a) in pensionable service within the meaning of the Scheme Rules,
- (b) receiving a pension under the Scheme Rules,
- (c) engaged in employment or other work in respect of which he or she is accruing benefits under another occupational pension scheme, or
- (d) otherwise accruing benefits under another pension scheme in respect of which his or her employer is paying contributions,

shall be deemed for the purposes of the Scheme Rules to be a period of pensionable service (but shall not otherwise constitute ‘service’ under the Scheme Rules).

(2) Any period after the happening of any of the events mentioned in rules 12(b) or 14 and, in the case of a person to whom rule 11 applies, any period after the expiry of one year from the date on which his or her office ceased to exist, is to be excluded from any period deemed to be a period of pensionable service under paragraph (1).

(3) On attaining the retiring age, a person in respect of whom paragraph (1) applies shall begin to receive his or her pension under the provisions of the Scheme Rules (subject to such modifications as apply in the case of such a person by virtue of the provisions of this rule), unless he or she is then in actual pensionable service under the Scheme Rules.

(4) The responsible body within the meaning of these Rules shall, for the purposes of section 4(4)(g) of the Pensions Measure 1997, be the body primarily concerned for the time being in promoting the membership of the Pension Scheme of a person to whom that body is required to pay compensation under a reorganisation scheme; and where, in any case, more than one body is the responsible body under these Rules, each of those bodies shall be equally so concerned but shall discharge their obligations under section 4 of the Pensions Measure 1997 in the same proportions as compensation is payable by them to the person concerned.

(5) The Commission may, with the agreement of the Church of England Pensions Board and the person to whom this rule is applicable or (if he or she is dead) his or her surviving spouse or civil partner or dependant, make such modification of the provisions of this rule or substitute such other provisions as may appear to the Commission to be more appropriate to the circumstances of the

(a) 33 & 34 Vict. c. 91.

(b) 1963 No. 1; 1974 No. 2.

(c) 2003 No. 3.

case and not less advantageous to him or her or his or her surviving spouse or surviving civil partner or dependant.

(6) Compensation shall not be payable for any loss which a person might suffer by reason of the provision in paragraph (3) that he or she is to begin to receive his or her pension on attaining the retiring age .

(7) In determining the amount of the compensation, if any, to which a person is entitled under a reorganisation scheme in respect of any period before he or she attains the retiring age, any benefit which may accrue to him or her by virtue of paragraph (1) shall be disregarded.

Cessation of compensation under this Part

16. Compensation in respect of which this Part applies shall, if otherwise still in payment at that date, cease to be payable when a person in receipt of such compensation attains the retiring age

PART 4

COMPENSATION OF CHANCELLORS, REGISTRARS AND DEPUTIES

Application of Part 4

17. This Part applies for the purpose of conferring rights to compensation on chancellors, registrars of dioceses, and their respective deputies.

Chancellors

18.—(1) A chancellor who has suffered loss as a consequence of his or her office being abolished by a reorganisation scheme shall be entitled to compensation in accordance with this rule.

(2) Subject to the provisions of this rule, the compensation payable to a chancellor shall be such as appears to the Commission to be just and reasonable in all the circumstances of the case.

(3) In determining the compensation payable to a chancellor the Commission shall have particular regard to—

- (a) the emoluments of office received by the Chancellor while in office, including any informal retainer paid to him or her in lieu of fees;
- (b) the proportion of the chancellor's total income represented by those emoluments of office and the effect that not receiving those emoluments is likely to have on the chancellor in view of his or her total remaining income (other than any compensation that might be payable under this rule);
- (c) the ability of the chancellor to undertake other remunerative work of a legal nature and the availability to him or her of such other work;
- (d) the period during which the chancellor would have continued to hold office had he or she remained in office until attaining the age at which his or her appointment would have ended by virtue of the provisions of section 2(4) of the Ecclesiastical Jurisdiction Measure 1963.

(4) Rule 11 (which, in certain circumstances, limits entitlement to compensation so that it is based on not more than one year's loss of service) shall apply for the purposes of determining the compensation payable to a chancellor under this rule as it applies to the determination of the compensation payable to an ecclesiastical office holder, subject to the necessary modifications.

(5) Rule 21 applies for the purpose of determining compensation under this rule.

Registrars

19.—(1) A registrar of a diocese who has suffered loss as a consequence of his or her office being abolished by a reorganisation scheme shall be entitled to compensation in accordance with this rule.

(2) Subject to the provisions of this rule, the compensation payable to a registrar shall be such as appears to the Commission to be just and reasonable in all the circumstances of the case.

(3) Any entitlement to compensation under this rule shall be based on not more than one year's loss of service.

(4) A registrar shall not be entitled to compensation in relation to any loss suffered by him or her in respect of any period after the date on which—

- (a) he or she would have been required to vacate office by virtue of section 5(3) of the Ecclesiastical Judges and Legal Officers Measure 1976(a);
- (b) his or her office would have terminated by virtue of an instrument served on him or her under section 5(6) of that Measure.

(5) In determining the compensation payable to a registrar the Commission shall have particular regard to—

- (a) the emoluments of office received by the registrar while in office;
- (b) the proportion of the registrar's total income represented by those emoluments of office and the effect that not receiving those emoluments is likely to have on the registrar in view of his or her total remaining income (other than any compensation that might be payable under this rule);
- (c) the ability of the registrar to undertake other remunerative work of a legal nature and the availability to him or her of such other work.

(6) Rule 21 applies for the purpose of determining compensation under this rule.

Deputies

20.—(1) A deputy chancellor or deputy registrar shall be entitled to compensation to the extent that appears to the Commission to be just and reasonable in all the circumstances of the case.

(2) In determining the extent to which a deputy chancellor or deputy registrar shall be entitled to compensation the Commission shall have regard to the provisions of rule 18 or 19, as the case may be.

(3) The Commission shall also have regard to the statutory provisions under which the office of a deputy chancellor or deputy registrar, as the case may be, is to come to an end in so far as those provisions differ from the provisions concerned with the coming to an end of the office of a chancellor or registrar.

(4) Rule 21 applies for the purpose of determining compensation under this rule.

Further provisions as to compensation under this Part

21.—(1) In determining whether a claimant in respect of whom this Part applies has suffered loss giving a right to compensation and, if so, the amount of that compensation, the Commission—

- (a) shall take into account the emoluments of any office to which the claimant has been or is to be appointed which in the opinion of the Commission is comparable to the office in respect of which compensation is claimed; and
- (b) if he or she refuses without good and sufficient reason to accept any such office, may take into account the emoluments of the office so refused.

(a) 1976 No. 1.

(2) If any person who is claiming or receiving or has received compensation in respect of which this Part applies becomes a member of a religious body which is not in communion with the Church of England the Commission may refuse the claim or, as the case may be, may direct, subject to a right of an appeal to the Appeal Tribunal, that no further payment of compensation shall be made to him or her under the reorganisation scheme.

PART 5

PROVISIONS RELATING TO APPEALS

Parties to appeals

22.—(1) An appeal for which provision is made by these Rules may be brought at the instance of the claimant or of the responsible body (or bodies), each of whom shall be parties to the appeal.

(2) The Appeal Tribunal may direct that any other body which, in the opinion of the Tribunal, might, following the determination or other decision of the Appeal Tribunal, become a responsible body shall be a party to an appeal.

Powers etc. of Appeal Tribunal

23.—(1) The Appeal Tribunal shall either allow or dismiss an appeal.

(2) In this rule, a reference to allowing an appeal includes allowing it in part.

(3) If the Appeal Tribunal allows an appeal it may—

(a) substitute for the decision of the Commission (or such part of it in respect of which it has allowed the appeal) such other decision as it thinks just by making any determination or direction which, under these Rules, may have been made by the Commission; or

(b) remit any matter in respect of which it has allowed the appeal to the Commission for reconsideration, subject to such directions as the Appeal Tribunal may think fit.

(4) The Appeal Tribunal may, if it thinks fit, take into account evidence that was not available to the Commission.

(5) The appeal Tribunal may make a direction as to the making of payments on account pending appeal.

Expenses

24. The expenses of an Appeal Tribunal in connection with any appeal shall be met by the Archbishops' Council.

PART 6

MISCELLANEOUS PROVISIONS

Other offices

25.—(1) Where the office of an office holder in respect of whom provision is not otherwise made by these Rules is abolished, the Commission shall make provision in the reorganisation scheme which provides for the abolition of that office for conferring rights to compensation on a holder of that office who has suffered loss in consequence thereof.

(2) The rights to compensation conferred by such provision shall be such as in the opinion of the Commission are just and reasonable having regard to the provision made by these Rules in respect of other office holders and to the similarities and differences between the nature of the office in respect of which the provision is to be made and the nature of the offices that are the subject of specific provision in these Rules.

Reduction in status of office

26.—(1) An office holder who suffers loss in consequence of his or her office being reduced in status (but not abolished) under a reorganisation scheme shall be entitled to compensation under these Rules.

(2) Where the Commission is concerned with determining any entitlement to compensation of such an office holder it shall apply the provisions of these Rules subject to such modifications as may be prescribed by the reorganisation scheme or such other modifications as appear to the Commission to be necessary to meet the circumstances of the case.

Right of attendance of claimants and responsible bodies at proceedings

27.—(1) Any hearing or other meeting of the Commission at which an application for a determination or other decision under these Rules is to be considered may be attended by the claimant (who may be represented by solicitor, counsel or some other suitable person) and such persons who, in the opinion of the Commission, represent a body which might, following the determination or other decision of the Commission, become a responsible body.

(2) Any hearing of the Appeal Tribunal may be attended by any party to the appeal.

(3) Notwithstanding paragraphs (1) and (2), the Commission or the Appeal Tribunal may retire to consider its determination or decision but any determination or other decision shall be communicated to all of the persons entitled to attend under the applicable paragraph.

Reimbursement of costs

28.—(1) The Commission, or in the case of an appeal to the Appeal Tribunal, the Dean of the Arches and Auditor or other person who presided over the appeal, may, on application by the claimant, direct the responsible body (or bodies) to reimburse a claimant for costs reasonably incurred by him or her in proceedings under these Rules before the Commission or the Appeal Tribunal, as the case may be.

(2) The claimant and any responsible body may appeal to the Dean of the Arches and Auditor against the determination by the Commission of an application for a direction under paragraph (1).

(3) No appeal shall lie from a direction made under paragraph (1) by the Appeal Tribunal.

PART 7

PROCEDURE

Applications to the Commission

Claims for compensation

29.—(1) A claim for compensation under these Rules shall be in writing and sent or delivered to the secretary.

(2) A claim may be made before the date on which the relevant provision of the reorganisation scheme comes into operation and, subject to paragraph (3), shall be made not later than thirteen weeks after that date.

(3) The Commission may extend the time for making a claim.

(4) The making of a claim shall not preclude the giving of supplementary information in writing or the making of any addition to or amendment of the claim.

(5) But an addition to or amendment of a claim may be made only with the permission of the Commission.

Particulars of claim: ecclesiastical office holders

30.—(1) This rule applies to claims by ecclesiastical office holders.

(2) The claim shall give particulars of—

- (a) the loss suffered by the claimant;
- (b) any ecclesiastical office to which he or she has been appointed or which has been offered to him or her;
- (c) any other remunerated work in which he or she is, or is to be, engaged; and
- (d) the happening of any of the events mentioned in rule 14.

(3) The claim shall state the amount of compensation claimed, whether by way of periodical payments or a lump sum payment, or a by a combination of the two.

Particulars of claim: ecclesiastical judges and legal officers

31.—(1) This rule applies to claims by chancellors, registrars of dioceses, and their respective deputies.

(2) The claim shall give particulars of—

- (a) the claimant's emoluments of office for the previous three years;
- (b) his or her total income for those three years;
- (c) any office to which he or she has been appointed or which has been offered to him or her;
- (d) the claimant's date of birth and the date on which he or she was appointed to the office in respect of which compensation is claimed;
- (e) any happening of the event mentioned in rule 21(2); and
- (f) in the case of a deputy chancellor or deputy registrar, the happening of any event relevant for the purposes of rule 20(3).

(3) The claim shall also contain a statement as to the ability of the claimant to undertake other remunerative work of a legal nature and the availability to him or her of such other work.

Further information etc.

32. The secretary may by notice in writing request the claimant to give such further information, and to verify any information in such manner, as the Commission may reasonably require.

Hearings

33.—(1) The claimant shall have a right to a hearing before the Commission, and shall inform the secretary in writing, either in his or her claim or otherwise, whether he or she wishes to exercise that right.

(2) If the claimant does not exercise his or her right to a hearing, the Commission—

- (a) shall inform any body which, in the opinion of the Commission, might, following the determination or other decision of the Commission, become a responsible body that that body may request a hearing; and
- (b) may, whether pursuant to such request or of its own motion, if it thinks fit, hold a hearing.

(3) If the Commission decides under paragraph (2)(b) to hold a hearing it shall notify the claimant and may require the claimant to attend before the Commission to give evidence in connection with his or her claim.

(4) The secretary shall give reasonable notice of the time and place of a hearing to the claimant and to any body or bodies mentioned in paragraph (2)(a).

(5) Prior to, or at, any hearing the Commission may give such directions as it thinks fit to facilitate the efficient conduct of any proceedings.

The Commission's decision

34.—(1) The Commission shall give its decision in writing within 56 days of the making of the claim, or, if a hearing takes place, within 28 days of the hearing (or, where more than one hearing is held, the last such hearing).

(2) The Commission shall state the reasons for its decision and explain how the amount of compensation has been determined.

(3) The Commission shall not, in determining the compensation, be limited to the amount claimed or be bound to award compensation in the form claimed.

(4) In the case of periodical payments, the Commission may date them back to such date not earlier than the date when the relevant provision of the reorganisation scheme came into operation.

(5) A copy of the Commission's decision shall be sent to the claimant and the responsible body (or bodies) and any other person who was entitled to attend a hearing in accordance with rule 26(1) by the secretary as soon as reasonably practicable.

Form of undertaking etc.

35.—(1) If compensation (or any part of it) is awarded in the form of periodical payments, the recipient shall give an undertaking in the form contained in the Schedule to these Rules to furnish information to the secretary as to the matters set out in that form.

(2) The Commission may direct that payments of compensation be suspended until the undertaking is given.

(3) The secretary may at any time require a person who is in receipt of such compensation to furnish or verify information as to any of the matters set out in the form but without prejudice to the obligation of the recipient to furnish such information in pursuance of his or her undertaking without any such requirement.

Exercise of powers under rules 8, 13 or 14

36.—(1) Before the Commission exercises any of its powers under rules 8 (Duty of disclosure), 13 (Suspension or reduction of periodical payments in certain cases) or 14 (Refusal or discontinuance of compensation), the secretary shall give notice in writing to the person concerned, the Church of England Pensions Board and the responsible body (or bodies) that the Commission is considering the exercise of the powers in question on grounds specified in the notice.

(2) A recipient of the notice may, within 14 days of receipt of the notice, send written representations to the secretary with respect to any matters relevant to the exercise of the power in question and rules 32 and 33 shall apply for the purpose of the proceedings as they apply for the purpose of a claim for compensation.

(3) The Commission shall give their decision in writing and shall include a statement of the reasons for the decision.

(4) The secretary shall send a copy of the decision to every person and body to whom the notice under paragraph (1) was sent.

Applications for grant, increase or renewal of compensation

37.—(1) An application under rule 6 for a grant, renewal or increase of compensation on the ground that the circumstances of which account was taken by the Commission in making its earlier determination have materially altered to the applicant's disadvantage shall be in writing and sent or delivered to the secretary.

(2) The application shall give particulars of the change of circumstances, and, if it is for the grant of compensation or an increase in compensation, shall state the amount claimed, whether by way of periodical payments or a lump sum payment or a combination of the two.

(3) Rules 30 to 33 shall apply for the purposes of the application as they apply for the purposes of an original claim for compensation.

Applications for reimbursement of costs

38.—(1) An application for a direction by the Commission under rule 28 that the responsible body reimburse a claimant for costs reasonably incurred by him or her in proceedings before the Commission shall—

- (a) be made in writing to the secretary; and
- (b) give particulars of the costs incurred and be accompanied by vouchers and other relevant documents.

(2) A copy of the application shall be sent by the secretary to the responsible body (or bodies).

(3) If the applicant or a responsible body wishes, the secretary shall arrange a hearing.

(4) The secretary may by notice in writing request the applicant or responsible body to give such further information and supply such further documents as the secretary may reasonably require.

(5) The Commission shall determine whether any of the costs in respect of which a direction for reimbursement is sought have been reasonably incurred and, if so, the amount in which they are to be reimbursed by the responsible body.

(6) The Commission shall give its decision in writing and send it to the applicant and the responsible body (or bodies) and shall state the reasons for its decision.

Appeals

Appeal to Appeal Tribunal

39. Any appeal which may be brought under any provision of these Rules shall be to the Appeal Tribunal constituted for the relevant province.

Notice of appeal

40.—(1) An appeal shall be brought by sending or delivering a notice of appeal to the secretary to the Appeal Tribunal.

(2) Notice of appeal must be given within 28 days of the appellant receiving the decision of the Commission which is to be the subject of the appeal, or such longer period as the chairman or deputy chairman of the Appeal Tribunal, or the person nominated to preside over the appeal, may allow.

(3) A copy of the notice shall be sent to every other person who is a party to the appeal under rule 22 and to the secretary to the Commission.

(4) The notice of appeal shall set out the grounds of appeal.

(5) On receipt of the copy of the notice of appeal, the secretary to the Commission shall send to the secretary of the Appeal Tribunal and to each of the parties to the appeal—

- (a) the claim in writing required by rule 29(1);
- (b) any further information or verification of information given pursuant to a request under rule 32;
- (c) the written decision of the Commission under rule 34(1);
- (d) any note of evidence taken at a hearing by the Commission; and
- (e) any other material that was taken into account by the Commission in reaching its decision.

Hearing of appeal

41.—(1) The secretary to the Appeal Tribunal shall fix a time and place for the hearing of the appeal and shall give not less than 14 days' notice of the time and place so fixed to every party to the appeal.

(2) The Appeal Tribunal may—

- (a) prior to, or at, any hearing give such directions as it thinks fit to facilitate the efficient hearing of the appeal;
- (b) if it thinks fit, receive oral or written evidence, and shall not be bound to observe the strict rules as to the admissibility of evidence;
- (c) require evidence to be given on oath, but need not do so;
- (d) at any time, on the application of a party or of its own motion, adjourn the hearing of the appeal.

Decision on appeal

42.—(1) The decision of the Appeal Tribunal on an appeal shall be given in writing and shall include the Tribunal's reasons for reaching its decision.

(2) A copy of the decision shall be delivered or sent by the secretary to the Appeal Tribunal to every party to the appeal and to the secretary of the Commission.

Reimbursement of costs of appeal

43. An application for a direction under rule 28(1) by the Dean of the Arches and Auditor or other person who presided over the appeal that the responsible body reimburse a claimant for costs reasonably incurred by him or her in proceedings before the Appeal Tribunal shall—

- (a) be made in writing to the secretary to the Appeal Tribunal within 28 days of the applicant receiving the Appeal Tribunal's decision under rule 42 (or within such longer period as the person to whom the application is made may allow); and
- (b) give particulars of the costs incurred and be accompanied by vouchers and other relevant documents.

(2) A copy of the application shall be sent by the secretary to the Appeal Tribunal to the responsible body (or bodies).

(3) If the applicant or a responsible body wishes, the secretary to the Appeal Tribunal shall arrange a hearing.

(4) The secretary to the Appeal Tribunal may by notice in writing request the applicant or responsible body to give such further information and supply such further documents as the secretary may reasonably require.

(5) The Dean of the Arches and Auditor or other person who presided over the appeal shall determine whether any of the costs in respect of which a direction for reimbursement is sought have been reasonably incurred and, if so, the amount in which they are to be reimbursed by the responsible body.

(6) The Dean of the Arches and Auditor or other person who presided shall give his or her decision in writing and send it to the applicant and the responsible body (or bodies) and shall state the reasons for the decision.

Appeals concerning reimbursement

44.—(1) Any appeal pursuant to rule 28(2) against the decision of the Commission made under rule 38 as to reimbursement of costs shall be brought by sending or delivering notice of appeal to the secretary to the Appeal Tribunal within 14 days, or such longer period as the as the Dean of the Arches and Auditor may allow, of the receipt by the appellant of that decision.

(2) A copy of the notice shall be sent to the secretary to the Commission and to every other party to the appeal under rule 22.

(3) On receipt of the copy of the notice of appeal the secretary to the Commission shall send to the secretary of the Appeal Tribunal and each of the parties to the appeal—

- (a) the application for reimbursement of costs and all other documents relating to it; and
- (b) a note of what took place at any hearing before the Commission.

(4) If the appellant so wishes, the secretary of the Appeal Tribunal shall arrange a hearing before the Dean of the Arches and Auditor and give every party to the appeal not less than 14 days' notice of the time and place of the hearing.

(5) The costs of the proceedings under this rule shall be dealt with in those proceedings.

(6) The Dean of the Arches and Auditor shall give his or her decision in writing and it shall be sent by the secretary to the Appeal Tribunal to every party to the appeal.

Made by the Dioceses Commission

Church House, Westminster
6th April 2011

C.J. Podmore
Secretary to the Dioceses Commission

Approved by the General Synod

York
9th July 2011

C.J. Podmore
Clerk to the Synod

SCHEDULE

UNDERTAKING UNDER RULE 35

I, *name*, of *address*, having been awarded compensation under a reorganisation scheme made and confirmed under sections 7 and 8 of the Dioceses, Pastoral and Mission Measure 2007, undertake to give the secretary to the Dioceses Commission (“the secretary”) the information specified below—

- (a) If at any time I am appointed to an ecclesiastical office or other office in a diocese or cathedral or become engaged in any other regular remunerated work, I will forthwith inform the secretary and give him or her full particulars of the office or work (including details of any official or other residence made available to me in connection with the office or work).
- (b) If at any time I am offered an ecclesiastical office or other office in a diocese or cathedral which I intend to refuse or have refused, I will forthwith inform the secretary and give him or her full particulars of the office (including details of any official or other residence made available to me in connection with the office) and my reasons for refusing.
- (c) If I am a member of the Church of England Funded Pensions Scheme and at any time I am accruing benefits under another occupational pension scheme, or under any other pension scheme in respect of which my employer is paying contributions, I will forthwith inform the secretary and give him or her full particulars of the benefits being accrued.
- (d) If at any time—
 - (i) I execute a deed of relinquishment under the Clerical Disabilities Act 1870; or
 - (ii) I become a member of a religious body which is not in communion with the Church of England; or
 - (iii) I become disqualified under the Ecclesiastical Jurisdiction Measures 1963 to 1974 from holding preferment in the Church of England or I have had imposed on me, under the Clergy Discipline Measure 2003, a penalty of removal from office, prohibition for life or for a limited period or revocation of my licence;

I will inform the secretary and give him or her full particulars of the circumstances.

Signed

Dated