



THE CONSTITUTION

OF THE CATHEDRAL CHURCH OF THE HOLY TRINITY

AND OF SAINT PETER AND SAINT PAUL AND OF

SAINT SWITHUN IN WINCHESTER



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1 PREAMBLE

THE CATHEDRAL CHURCH OF THE HOLY TRINITY AND OF SAINT PETER AND SAINT PAUL AND OF SAINT SWITHUN IN WINCHESTER

Winchester Cathedral, as dedicated to the Holy Trinity, seeks in its life to reflect the dynamic love of God revealed in Christ, through being both a servant of others in their journey of faith and of the world in its search for meaning and inspiration, reconciliation and wholeness. (The Cathedral’s Strategic Plan)

The Cathedral’s further dedication to the Apostles Peter and Paul stresses its role within the Diocese as ‘a centre of worship and mission’ (Cathedrals Measure 1999). The Cathedral is home to the Bishop of Winchester’s *cathedra* (chair), the symbol of the Bishop’s teaching and pastoral ministry to the Diocese and all who live in it, coming with the summons to ‘live the mission of Jesus’.

In daily prayers for the Diocese and its parishes and in services which support and extend Christian ministry, lay and ordained, within the Diocese, the Cathedral supports the ministry of the Bishop. The Constitution clarifies the relationships between the Bishop, Dean and Chapter and the other two members of the body corporate, the Council and the College of Canons.

The final element of its dedication, to St Swithun, speaks of the Cathedral’s ministry to the people of the City, County and Diocese, and the wider community, to which they come in times of celebration and sorrow, aspiration and recommitment. At all times and in generous partnership with others, the Cathedral seeks to fulfill its vision ‘to discover and live out the beauty of holiness’, offering to all a Benedictine welcome.

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In the reign of Cenwalh, King of the West Saxons (d.672), the Church of Winchester, later known as Old Minster, was built and dedicated in honour of the Holy Trinity and in the name of St Peter and St Paul. About three hundred years later, in the reign of Edgar, King of England, the name of St Swithun, a former Bishop of Winchester, was joined with the names of the two Apostles in the dedication, and the Church was reformed by Bishop Aethelwold, with the encouragement of St Dunstan, ordered according to the Rule of St Benedict, and thereafter enlarged. In the year 1079 in the episcopate of Bishop Walkelin, cousin to the Conqueror, a new Cathedral Church was founded, in the precinct of Old Minster, into which the monks moved upon its consecration in 1093. The Cathedral Church, still under the Benedictine rule, was completed, extended and remodelled successively in the episcopates of Bishops Giffard, de Lucy, Woodlock, Edington, Wykeham, Beaufort and Fox. King Henry VIII dissolved the constitution of the Priory of St Swithun, and by Letters Patent given in the thirty-second year of his reign established in their stead a New Foundation of a Dean and twelve Canons to be a body corporate known by the name of *The Dean and Chapter of the Cathedral Church of the Holy Trinity of Winchester*. The Cathedral was governed according to the Statutes shortly afterwards put forth by the same King Henry, subject to Royal or Episcopal injunctions, according to the varying religious allegiance of successive monarchs, which were revised by King Charles I at the hand of William Laud, Archbishop of Canterbury, and promulgated by Letters Patent in 1638.

Between the years of 1645 and 1660, during the time of the Civil War, Commonwealth and Protectorate, the Dean and Chapter was abolished, the Cathedral Church suffered much neglect and damage and was saved from demolition only by petition of the citizens of Winchester.

The Cathedral Church and its Constitution and Statutes were reinstated after the Restoration of Charles II in 1660, since when the Dean and Chapter has continued without a break until the present day. In 1942, in the reign of King George VI, the Statutes given by King Charles I were revised in accordance with the provisions of the Cathedrals Measure 1931 and 1934. In 1967, in the reign of Queen Elizabeth II, the Statutes were further revised in accordance with the Cathedrals Measure 1963, and a new Constitution and new Statutes framed for the Cathedral Church of Winchester; retaining from the former Statutes whatever provisions were still useful, omitting others and new ordinances provided, more apt to the conditions of the time. This Constitution and accompanying Statutes were drawn up by a Transitional Council established in accordance with the Cathedrals Measure 1999 and came into effect on 19 April 2000. They have since been amended on 17 February 2009.

2 INTERPRETATION AND PROVISIONS APPLICABLE

2.1 In the Constitution and in the Statutes –

‘actual communicant’ means a person who has received communion according to the use of the Church of England or of a Church in communion with the Church of England at least three times within the preceding twelve months;

‘Cathedral Church’ means the Cathedral Church of the Holy Trinity and of Saint Peter and Saint Paul and of Saint Swithun in Winchester;

‘Cathedral duties’ means duties, whether in the Cathedral or the Diocese, which should, in the opinion of the Chapter after consultation with the Bishop, be discharged in or from the Cathedral;

‘Diocese’ means Diocese of Winchester and ‘diocesan’ shall be construed accordingly;

‘the Measure’ means the Cathedrals Measure 1999.

2.2 No repeal or amendment of, nor any additions to, this Constitution or the Statutes shall be made except in accordance with the provisions of the Measure.

2.3 Nothing in the Constitution or Statutes shall affect any right of patronage or other right or interest of the Crown.

2.4 References to the masculine include the feminine.

2.5 References to any Measure include that Measure as amended and any Measure which may be passed in enlargement of or in substitution for that Measure.

3 OVERRIDING DUTY

Every person or body having functions under the Constitution or Statutes shall, in exercising those functions, have due regard to the fact that the Cathedral is the seat of the Bishop and a centre of worship and mission.

4 THE CORPORATION

The members for the time being of the Council, the Chapter and the College of Canons of the Cathedral Church of the Holy Trinity and of Saint Peter and Saint Paul and of Saint Swithun in Winchester shall be a body corporate with perpetual succession and a common seal.

5 THE BISHOP

- 5.1 The Bishop shall have the principal seat and dignity in the Cathedral. After consultation with the Chapter and subject to any provision in the statutes, he may officiate in the Cathedral and use it in his work of teaching and mission, for ordinations and synods and for other diocesan occasions and purposes.
- 5.2 The Chapter shall from time to time consult with the Bishop in respect of the general direction and mission of the Cathedral, and the Bishop may at any time seek the advice of the Chapter on any matter.
- 5.3 The Bishop shall be Visitor of the Cathedral Church and shall have all the powers that belong as of right to the office of Visitor.
- 5.4 The Bishop shall as Visitor hear and determine any question as to the construction of the Constitution and Statutes.
- 5.5 The Bishop may hold a visitation of the Cathedral when he considers it desirable or necessary to do so or when requested by the Council or the Chapter.
- 5.6 In the course of a visitation, the Bishop may give such directions to the Chapter, to the holder of any office in the Cathedral or to any person employed by the Cathedral as will, in the opinion of the Bishop, better serve the due observance of the Constitution and Statutes.
- 5.7 It shall be the duty of any person or body on whom functions are conferred by or under this Measure to act in accordance with any determination under subsection 5.4 above and any direction under subsection 5.6 above.
- 5.8 The provisions of subsections 5.4 to 5.7 above are without prejudice to the powers of the Bishop under the Care of Cathedrals Measure 2011 and his powers as Visitor generally.
- 5.9 The Bishop may at any time propose for consideration by the Council amendments to the Constitution and Statutes.

6 THE DEAN

- 6.1 The principal dignitary of the Cathedral, next after the Bishop, shall be the Dean of Winchester, known as the Dean.
- 6.2 The Dean, being a person having the qualifications prescribed by law, is appointed by the Crown.
- 6.3 It shall be the duty of the Dean as Chairman of the Chapter to govern and direct on its behalf the life and work of the Cathedral and in particular, without prejudice to the generality of the foregoing, to:
 - 6.3.1 Ensure that Divine Service is duly performed in the Cathedral;
 - 6.3.2 Ensure that the Constitution and Statutes are faithfully observed;
 - 6.3.3 Maintain good order and proper reverence in the Cathedral;
 - 6.3.4 Secure the pastoral care of all members of the Cathedral Community;

6.3.5 Take all decisions necessary to deal with any emergency affecting the Cathedral, pending consideration of the matter by the Chapter.

6.4 The following steps shall not be taken without the consent of the Dean:

6.4.1 Any alteration of the ordering of services in the Cathedral;

6.4.2 The settlement of the Cathedral's budget;

6.4.3 The implementation of any decision taken by the Chapter in the Dean's absence.

Provided that, in the case of a decision taken by the Chapter as to any matter other than one mentioned in paragraph 6.4.1 or 6.4.2 above, the Dean's consent shall be deemed to have been given for the purposes of paragraph 6.4.3 above after the expiry of one month following the date on which the decision was taken unless, within that period, the Dean requests the Chapter to reconsider the decision at the next meeting of the Chapter, in which case the matter shall be decided by a majority vote of those present and voting at the meeting, the Dean having a second or casting vote.

6.5 If the office of Dean is vacant, or the Bishop considers that the Dean will be unable to discharge any or all of his functions under this Measure by reason of illness or absence or any other cause, the Bishop shall, after consultation with the Chapter, appoint a Residentiary Canon as acting Dean, to carry out such functions as the Dean is unable to discharge during the period in question; and references in this constitution to the Dean shall be construed accordingly.

6.6 If any question arises whether an appointment under subsection 6.5 above is justified, that question shall be determined by the Archbishop of the Province.

6.7 The Dean shall vacate office automatically and without the execution of any instrument of resignation in accordance with the provisions of the Ecclesiastical Offices (Age Limit) Measure 1975.

7 RESIDENTIARY CANONS

7.1 The number of Residentiary Canons shall not exceed four at any one time.

7.2 The Residentiary Canons, being persons having the qualifications prescribed by law, shall be appointed by the Bishop with the agreement of the Dean in consultation with the Chapter.

7.3 The holders of at least two residentiary canonries shall, subject to the provisions of section 8 of the Measure, be engaged exclusively on Cathedral duties.

7.4 Appointments to residentiary canonries shall be made in accordance with the Ecclesiastical Offices (Terms of Service) Measure 2009.

7.5 Residentiary Canons shall vacate their canonries automatically and without the execution of any instrument of resignation in accordance with the provisions of the Ecclesiastical Offices (Age Limit) Measure 1975 and Regulations made under it.

7.6 Subject to paragraphs 7.4 and 7.5 above and Regulation 29(1)(g) of the Ecclesiastical Offices (Terms of Service) Regulations 2009, if a Residentiary Canon was at the date of his appointment an Archdeacon or the holder of a diocesan office, or was appointed to an Archdeaconry or other diocesan office at the same time as he was appointed to a residentiary canonry and was appointed to that canonry on the understanding that he would hold that canonry only so long as he held that Archdeaconry or other diocesan office, he shall on ceasing to do so vacate office as a Residentiary Canon unless the Bishop with the agreement of the Dean in consultation with the Chapter otherwise determines.

- 7.7 The Bishop may for financial or other reasons and with the agreement of the Chapter suspend and refrain from filling a residentiary canonry which has fallen vacant, and may with the like consent revive and appoint to such residentiary canonry.

8 OTHER CANONS

Ordained Honorary Canons

- 8.1 Subject to the following provisions of this section there shall be not more than twenty Honorary Canons who shall be appointed by the Bishop from among persons in Holy Orders who are beneficed or licensed in the Diocese.
- 8.2 Any Bishop Suffragan or full-time stipendiary Assistant Bishop, the Dean of Guernsey, the Dean of Jersey, any Archdeacon and any person declared by the Bishop to be the Honorary Archdeacon for Mission Development in the Diocese (in each case who is not also a Residentiary Canon), shall be a supernumerary Honorary Canon.
- 8.3 An Honorary Canon other than the Canon Theologian (see paragraph 8.10 below) shall vacate office automatically and without the execution of any instrument of resignation upon ceasing to be beneficed or licensed in the Diocese. An Honorary Canon who has been appointed in connection with some office held or function performed shall, so long as holding such office or performing such function, continue in the honorary canonry, but on ceasing to hold such office shall vacate it unless the Bishop otherwise determines.

Extra-Diocesan Honorary Canon

- 8.4 One of the twenty Honorary Canons, referred to in 8.1 above, may at the discretion of the Bishop be a person who is not beneficed or licensed in the Diocese who is appointed in recognition of that person holding some office or position in the Church of England or in a Church in communion therewith or of their being a person of distinction.
- 8.5 An Extra-Diocesan Canon appointed under 8.4 above shall hold office for a period of five years, but the appointment may be renewed by the Bishop after consultation with the Dean for a further term or terms not exceeding three years in the case of each renewal.

Lay Canons

- 8.6 Subject to the following provisions there shall be not more than ten Lay Canons who shall be appointed by the Bishop from among lay persons who are members of the Chapter or who have given distinguished service to the Diocese or the Cathedral and who are actual communicants.
- 8.7 A Lay Canon shall seek to contribute to the corporate life of the Cathedral and to promote its mission and service in the Diocese.
- 8.8 A Lay Canon shall hold office for an initial period of three years but shall be eligible for re-appointment for further periods of three years. A Lay Canon shall not exceed seventy years of age at the time of any such appointment or reappointment.
- 8.9 A Lay Canon shall vacate office automatically and without execution of any instrument of resignation on ceasing to reside in the Diocese or to have their name on the church electoral roll of a parish in the Diocese or on the Community Roll of the Cathedral.

Canon Theologian

- 8.10 The Bishop may appoint one additional Honorary Canon or Lay Canon with the title of Canon Theologian who need not be beneficed or licensed or resident in the Diocese; such appointment shall be for an initial term of five years, but the appointment may be renewed by the Bishop after consultation with the Dean for a further term or terms not exceeding three years in the case of each renewal.

Abbot of Alton Abbey

- 8.11 The Abbot of Alton Abbey shall, ex officio and for so long as he holds office, be an additional Honorary Canon or Lay Canon (depending on whether he is in holy orders).

Diocesan Secretary and Chief Executive

- 8.12 The Diocesan Secretary and Chief Executive shall, ex officio and for so long as he holds office, be an additional Honorary Canon or Lay Canon (depending on whether he is in holy orders).

Canon Principal

- 8.13 When there is no Residentiary Canon appointed as Canon Principal, the Bishop may, with the agreement of the Dean after consultation with the Chapter, appoint an additional Lay Canon (who need not be a member of the Chapter or have given distinguished service to the Diocese or the Cathedral) with the title Canon Principal on such terms and conditions as the Bishop may determine. The Canon Principal must be an actual communicant and live close enough to the Cathedral to fulfill their duties. The Canon Principal shall undertake such duties in the Cathedral as the Chapter shall determine after consultation with the Canon Principal and the Bishop. The Canon Principal shall endeavour to strengthen the whole corporate life, worship and work of the Cathedral and to promote the engagement of the Cathedral in the Diocese and the wider community.

9 RECEIVER GENERAL

There shall be an Administrator of the Cathedral, known as the Receiver General, who shall be appointed by the Chapter on such terms and conditions as the Chapter may determine.

10 THE CHAPTER

- 10.1 There shall be a Chapter which shall, subject to the provisions of section 4 of the Measure, consist of:
- 10.1.1 The Dean, who shall be the chairman and shall have a second or casting vote;
 - 10.1.2 All the Residentiary Canons;
 - 10.1.3 The Receiver General;
 - 10.1.4 Three other persons, at least two of whom must be lay (the third may be either lay or in Holy Orders), appointed by the Bishop and with the agreement of the Dean after consultation with the Chapter.
- 10.2 All lay members must be actual communicants and shall either be resident in the Diocese or have their names on the church electoral roll of a parish in the Diocese or on the Community Roll of the Cathedral.
- 10.3 The members in category 10.1.4 shall hold office for three years but shall be eligible for membership for further terms of office.

- 10.4 It shall be the duty of the Chapter to direct and oversee the administration of the affairs of the Cathedral, including in particular, to:
- 10.4.1 Order the worship and promote the mission of the Cathedral;
 - 10.4.2 Formulate, after consultation with the Bishop, proposals in connection with the general direction and mission of the Cathedral and submit them to the Council for its advice;
 - 10.4.3 Manage all property vested in the Cathedral and income accruing from it and, in particular, ensure that necessary repairs and maintenance in respect of the Cathedral and its contents and other buildings and monuments are carried out;
 - 10.4.4 Prepare an annual budget for the Cathedral and submit it to the Council;
 - 10.4.5 Prepare in accordance with section 27 of the Measure an annual report and audited accounts, and submit them to the Council and the College of Canons;
 - 10.4.6 Submit to the Council such other reports as may be requested by the Council on any matter concerning the Cathedral;
 - 10.4.7 Keep under review the Constitution and Statutes of the Cathedral and submit any proposals for their revision to the Council;
 - 10.4.8 Hold the common seal of the Cathedral and affix it when required;
 - 10.4.9 Ensure a management structure in support of the Cathedral's Mission which establishes clarity of purpose, responsibility, authority and accountability for all those who contribute to the running of the Cathedral, be they clergy or lay staff, paid or voluntary;
 - 10.4.10 Build relationships between the Cathedral and other organizations that share common beliefs, values and aspirations which support the Cathedral's Mission or share similar aspirations for the wellbeing of the wider community.
- 10.5 The Chapter shall meet on at least nine occasions in each calendar year. The Chapter shall have power, subject to the provisions of the Measure and of the Care of Cathedrals Measure 2011, to acquire and dispose of property on behalf of the corporate body of the Cathedral established by this Constitution.

11 FINANCE COMMITTEE

- 11.1 There shall be a finance committee of the Chapter with the function of advising the Chapter in connection with its responsibilities in the field of financial and investment management and the management of property belonging to the Cathedral.
- 11.2 The committee shall consist of:
- 11.2.1 The Dean;
 - 11.2.2 The Receiver General, and the following, appointed by the Chapter;
 - 11.2.3 One Residentiary Canon;
 - 11.2.4 One other member of the Chapter;
 - 11.2.5 Between four and six persons, not being members of the Chapter, appointed for their expertise and experience in the field of financial and investment management.
- 11.3 The members in categories 11.2.3 to 11.2.5 shall hold office for a term of three years but shall be eligible for membership for further terms of office.

12 OTHER COMMITTEES

The Chapter may establish such other committees as it may determine, and may delegate functions, powers and duties to any committee and define its responsibilities to the Chapter. The Dean shall be a member of each such committee and the Chapter shall appoint the Chairman of each such committee. If the Chapter so determines, persons who are not members of the Chapter may be members of a committee.

13 THE COUNCIL

13.1 There shall be a Council of:

- 13.1.1 A Chairman appointed in accordance with paragraph 13.2 below;
- 13.1.2 The Dean;
- 13.1.3 Two other members of the Chapter chosen by the Chapter;
- 13.1.4 Two members of the College of Canons chosen by the College of Canons;
- 13.1.5 Two lay persons, not being members of the Chapter, representing the interests of the Cathedral Community elected by a meeting of members of the Cathedral Community from amongst those on the roll of such members;
- 13.1.6 Six other persons, being persons having experience in connection with the work of the Cathedral or the ability to reflect local, diocesan, ecumenical or national interest in that connection. Such persons shall be appointed by the Bishop with the agreement of the Chairman after consultation with the Dean, and others as appropriate.

13.2 The Chairman shall be a lay person, not being a member of the Chapter, appointed by the Bishop. Before making an appointment the Bishop shall afford the Chapter an opportunity to express views both in general as to the appointment and as to any specific person proposed by the Bishop for appointment, and in deciding whom to appoint the Bishop shall have regard to those views.

13.3 The Chairman and other members of the Council (other than the Dean) shall hold office for a term of three years but shall be eligible for membership for further terms of three years.

13.4 The Bishop has the right to be present and to speak at any meeting of the Council.

13.5 The Council shall meet on at least two occasions in each calendar year.

13.6 It shall be the duty of the Council to further and support the work of the Cathedral, spiritual, pastoral, evangelistic, social and ecumenical, reviewing and advising upon the direction and oversight of that work by the Chapter and in particular, without prejudice to the generality of the foregoing, to:

- 13.6.1 Consider proposals submitted by the Chapter in connection with the general direction and mission of the Cathedral and to give advice on them to the Chapter;
- 13.6.2 Receive and consider the annual budget of the Cathedral;
- 13.6.3 Receive and consider the annual report and audited accounts; and
- 13.6.4 Consider proposals submitted by the Chapter in connection with the Constitution and Statutes of the Cathedral with a view to their revision under Part II of the Measure.

13.7 The Council may:

- 13.7.1 Request reports from the Chapter on any matter concerning the Cathedral;
- 13.7.2 Discuss and declare its opinion on any such matter; and
- 13.7.3 Draw any matter to the attention of the Visitor or the Church Commissioners.

14 THE COLLEGE OF CANONS

14.1 There shall be a College of Canons consisting of:

- 14.1.1 The Dean
- 14.1.2 Every Bishop Suffragan in the Diocese
- 14.1.3 Every full-time stipendiary Assistant Bishop in the Diocese
- 14.1.4 Every Canon (ordained or lay) except Ecumenical Canons
- 14.1.5 Every Archdeacon in the Diocese
- 14.1.6 The Deans of Guernsey and of Jersey

14.2 In the event of a vacancy in the See, the College of Canons shall be summoned by the Dean to meet and, on receiving from the Crown a licence under the Great Seal with a letter missive as provided by the Appointment of Bishops Act 1533, shall proceed to the election of a Bishop in the manner laid down by that Act.

14.3 The role of the College of Canons is to promote and support the Mission and Ministry of the Cathedral in the Diocese by drawing on the experience of its members in their ministry and reflecting the views of the Diocese. In furtherance of this role it shall:

- 14.3.1 Discuss current issues relevant to its role;
- 14.3.2 Receive and consider the annual report and audited accounts of the Cathedral;
- 14.3.3 Discuss such matters concerning the Cathedral as may be raised by any of its members;
- 14.3.4 Perform such other functions as may be specified in the Constitution and Statutes.

15 AUDITOR

There shall be an Auditor, who shall be a person who may under section 43 of the Charities Act 1993 audit the accounts of a charity. The Auditor shall be appointed by the Chapter on such terms in respect of tenure and remuneration as the Chapter may determine, and shall audit the accounts of the Cathedral in accordance with section 27 of the Measure.

16 ARCHITECT

There shall be an Architect of the Cathedral, who shall be a person registered under the Architects Act 1997 or any Act amending or extending the same. The Architect shall be appointed by the Chapter (after consulting the Cathedrals Fabric Commission for England) on such terms in respect of tenure, remuneration and duties as the Chapter may determine.

17 ARCHEOLOGICAL CONSULTANT

There shall be an Archaeological Consultant who shall be a person possessing appropriate qualifications and expertise in archaeological matters (as recognized by the Cathedrals Fabric Commission for England or other relevant body). The Archaeological Consultant shall be appointed by the Chapter, on such conditions of engagement as the Chapter may determine.

18 ORGANIST AND DIRECTOR OF MUSIC

There shall be an Organist and Director of Music for the Cathedral who shall be appointed by the Chapter on such terms and conditions as the Chapter may determine.

19 THE FOUNDATION

The Chapter shall appoint such other officers, staff and voluntary helpers as necessary to assist it in the Mission and Ministry of the Cathedral Church. Such persons shall be members of the Foundation of the Cathedral Church and membership of the Foundation only shall confer no vested rights. The Chapter shall consult with the heads of staff and volunteer sections from time to time as representatives of the Cathedral Foundation.

20 THE COMMUNITY ROLL

- 20.1 The Chapter shall maintain a roll containing the names of persons who are members of the Cathedral Community.
- 20.2 Members of the Cathedral Community shall be persons over the age of sixteen years who apply to be enrolled as such and:
- 20.2.1 worship regularly in the Cathedral; or
 - 20.2.2 are engaged in work or service connected with the Cathedral in a regular capacity.
- 20.3 If any question arises as to membership of the Cathedral Community, that question shall be determined by the Dean.
- 20.4 There will be an annual meeting of the Cathedral Community.
- 20.5 The meeting will receive the annual report and audited accounts as approved by the Chapter and received and considered by the Council. Those attending will be able to ask questions on any matter concerning the Cathedral.
- 20.6 Those entitled to vote, defined by inclusion on the Community Roll, and present at the meeting, will, when vacancies occur, elect two representatives to serve terms on the Council of the Cathedral as set out in clauses 13.1.5 and 13.3 of this Constitution.