

DIOCESE OF NOTTINGHAM

The Governance of the Diocese *Sede vacante*

Until Bishop Malcom takes possession of the Diocese of Liverpool as Archbishop:

Although he is now also Archbishop-Elect of Liverpool, Bishop Malcolm remains Bishop of Nottingham until noon on Thursday 1st May, and his name is still to be included in the Eucharistic Prayer. However, he has the power of a Diocesan Administrator rather than of a diocesan Bishop. This means that there are certain decisions which he can no longer take (e.g., the appointment of parish priests and granting incardination into the Diocese), and others for which he would need the consent of the College of Consultors.

The offices of Vicar General and of Episcopal Vicar ceased on Friday 21st March, and, in consequence, the Bishop's Council ceased to exist. However, Bishop Malcolm has delegated the two former Vicars General and the five former Episcopal Vicars to take on the same roles and responsibilities as they held as Vicar General or Episcopal Vicar.

All other office holders and employees of the Diocese remain in their posts with the same (or similar) responsibilities as previously. In particular, the Moderator of the Curia, the Chancellor, the Judicial Vicar, the Bishop's Private Secretary, the Financial Secretary, and all the financial and property administrators remain in post; all employees and volunteers working for the various diocesan commissions and offices also remain in post, as do all officials, volunteers and employees of Bishop's House, the Tribunal and the Chancery. All the deans remain in office.

When Bishop Malcolm takes possession of the Archdiocese of Liverpool as Archbishop (noon on Thursday 1st May 2014 during Mass celebrated at the Metropolitan Cathedral of Christ the King):

On Thursday 1st May, Bishop Malcolm will become Archbishop of Liverpool and cease to be Bishop of Nottingham. This will be symbolised by the removal of his coat of arms from the Cathedra in Saint Barnabas' Cathedral and from all official letterheads. From noon on 1st May, his name will no longer be included in the Eucharistic Prayer in the Diocese of Nottingham.

Provided that the Apostolic See has not made other provision, the governance of the Diocese of Nottingham will devolve upon the College of Consultors, which enjoys the powers of a vicar general. Membership of the College of Consultors (freely chosen by Bishop Malcolm from among members of the Council of Priests) comprises the two former VGs, the five former EVs and the Chancellor. The Bishop's Private Secretary, Fr Andrew Cole, attends meetings as clerk.

The Council of Priests will cease to exist and its functions fulfilled by the College of Consultors.

All other office holders and employees of the Diocese, and volunteers working for the Diocese (and for its various commissions and offices) will remain in their posts with the same (or similar) responsibilities as previously, as they did in the period up to 1st May, and the Board of Directors will continue to exercise its responsibilities.

Shortly after, probably on Thursday 6th May, the College of Consultors will meet in Bishop's House to elect a Diocesan Administrator. Monsignor Tom McGovern will chair this meeting. After this election has been completed, and the elected priest has accepted, he will inform the Apostolic Nuncio and Cardinal Nichols of his appointment, and Fr Andrew will notify the clergy and people of our Diocese.

Following the Election of the Diocesan Administrator:

While there is no Bishop, the governance of the Diocese continues, but it is more overtly collegial. Unlike the Bishop, the Diocesan Administrator is essentially *primus inter pares* among his fellow members of the College of Consultors. The model of the Diocesan Administrator governing the Diocese *Sede vacante*, seeking the counsel and, where necessary, the consent of the College to act, with the members of the College expressing their opinions so as to help the Diocesan Administrator and share responsibility for his actions, is an exercise of 'cabinet responsibility' or a 'synodical' model of government. The obligation to consult or obtain the consent of the College of Consultors is binding, and failure to do so has serious consequences.

Furthermore, those who have been delegated to perform the offices previously undertaken by the Vicars General and Episcopal Vicars must report regularly to the College of Consultors; although meetings of the Bishop's Council & College of Consultors already make provision for reporting by the Episcopal Vicars concerning their role and functions, such reporting is more explicit *Sede vacante*.

These delegates can take their own decisions within their areas of competence. However, the temporary nature of their office indicates the wisdom of consulting all the other members of the College, either formally at one of the regular meetings of the College which will be held as often as the College sees fit, or informally, e.g., by email, so that all members of the College are informed of the actions of each of them, and the College as a whole takes responsibility for the activities of each member.

Role of the Diocesan Administrator:

As a rule, the Diocesan Administrator is bound by the obligations and enjoys the power of a diocesan Bishop, other than in those areas where the law makes alternative provision (see below) or by the nature of things (e.g., if he is not a Bishop, he cannot celebrate the Sacrament of Holy Orders). He:

- Is a local Ordinary. The delegates fulfilling the functions of the former vicars general and episcopal are no longer local ordinaries (as they were until Bishop Malcolm's appointment as Archbishop of Liverpool was announced).
- Presides over the College of Consultors.
- Is or should be, in accordance with their own statutes, chairman of the Nottingham Roman Catholic Diocesan Trustees (NRCDT), Nottingham Roman Catholic Diocesan Education Service (NRCDES) and Nottingham Roman Catholic Diocesan Youth Service (NRCDYS), these bodies continuing to function *Sede vacante*.
- Cannot make any innovations, since during the period *Sede vacante* nothing can be done 'which could in any way prejudice the Diocese or the rights of the Bishop'. This provision is explained in more detail below.
- Can only open the secret archive in a case of true necessity and cannot alter, remove or destroy any documents of the diocesan Curia; the curial archive can be opened by the Chancellor and Moderator of the Curia acting together, and documents may be removed briefly with their permission.
- Must reside in the Diocese (he can continue to hold office as parish priest, if he is one), and apply the *Missa pro populo* for the intention of the people of the Diocese.

- Cannot grant incardination, excardination or permission to transfer to another particular Church unless the See has been vacant for twelve months and the College of Consultors has given its consent.
- Cannot appoint parish priests unless the See has been vacant for twelve months, although he can appoint and remove parochial administrators and assistant priests.
- Needs the consent of the College of Consultors to issue dimissorial letters.
- Cannot approve diocesan associations of the faithful, call a diocesan Synod, remove the Judicial Vicar or Adjunct Judicial Vicar, remove the Chancellor or other notaries without the consent of the College of Consultors, appoint canons, or entrust a parish to an institute of consecrated life or society of apostolic life.
- Holds office, barring his death, resignation to the College of Consultors or removal by the Apostolic See, until the newly-appointed Bishop takes possession of the See of Nottingham.

Office space and accommodation will be available for the Diocesan Administrator in Bishop's House, and he will have the administrative assistance and support of the Bishop's Private Office. Unless he decides otherwise, all correspondence to him, including emails, will be addressed to him at Bishop's House and handled in the usual way.

Sede vacante nihil innovetur:

During the period *Sede vacante*, the Diocesan Administrator can do nothing 'which could in any way prejudice the Diocese or the rights of the Bishop'.

The various matters, mentioned above, for which the Diocesan Administrator needs the consent of the College of Consultors (whereas the Diocesan Bishop would not need their consent), emphasises the temporary nature of this appointment. Together with the College of Consultors, the Diocesan Administrator essentially 'holds the fort' until the new Bishop takes possession of the Diocese.

The prohibition on introducing innovations also includes anything which would affect the patrimony of the Diocese. For example, alienation (that is, sale or grant of property) or other transactions which would affect the property or the material or spiritual resources of the Diocese: the Diocesan Administrator requires the consent of the College of Consultors, the Board of Directors and interested persons to alienate diocesan property over the minimum limit established by the Bishops' Conference of England & Wales; if the College felt that to alienate such property would 'prejudice the Diocese or the rights of the Bishop', it could, and should, refuse consent. The Diocesan Administrator must also consult the College of Consultors and the Board of Directors in carrying out acts of administration of major importance, and needs their consent for acts of extraordinary administration. For example, the Diocesan Administrator would have to consult before approving the demolition or sale of a presbytery or church hall, as well as of a Church, or the purchase of property which would put the Diocese into debt for a number of years, or committing the Diocese to a contract which would impose a financial burden for many years. He would also have to consult before making major changes to the structure of diocesan commissions and offices.

This principle also applies to the College of Consultors itself, all others working in the Curia and such bodies as the Board of Directors of NRCDT, the Board of Directors of NRCDES and the Youth Service Trustees; the chairmanship of the bodies by the Diocesan Administrator means that any decision which undermines this principle can be vetoed and the presence of members of the College of Consultors on these bodies should mean that matters can be referred to the College in an appropriate way, since it is ultimately the College's

decision as to whether an intended or purported decision or action would prejudice the Diocese or the rights of the Bishop and therefore be prohibited by this canon.

In effect, the Diocesan Administrator and the College of Consultors must govern the Diocese, and ensure that all appropriate decisions and actions are taken for the maintenance of the Diocese, for the welfare of the People of God entrusted temporarily to their care, and above all for the salvation of souls. But major policy decisions which do not have to be taken before the appointment of a new Bishop should be left for his decision, unless such appointment is delayed for more than a year, in which case some such decisions can and should be taken.

Appointment of a new Diocesan Bishop:

The Apostolic Nuncio has informed us that the process leading to the appointment of a new Bishop will begin immediately, and he hopes that it will be completed within a relatively short period of time. He is bound to consult some members of the College of Consultors and the Cathedral Chapter, and may consult others, ordained or lay, as he sees fit. The College of Consultors can, if it so wishes, submit its own list of names for consideration by the Apostolic See, which the Apostolic Nuncio would have to take seriously.

We will probably be given just a couple of days' notice of the announcement of the appointment of a new Bishop:

- If he is a priest, he will have to be ordained to the Sacred Order of the Episcopate within three months of his receipt of the apostolic letter.
- If he is already a Bishop, he must take possession of the Diocese within two months of his appointment; this will be done by his showing the apostolic letter to the College of Consultors, in the presence of the Chancellor, during a suitably-arranged celebration of Mass in St Barnabas' Cathedral.

Although the new Bishop will have no say in the affairs of the Diocese until he has taken possession, it is only natural that he should be consulted about the governance of the Diocese from the day of his appointment to the See of Nottingham.

Once the new Bishop has taken possession of the See:

The new Bishop will have to constitute a new Council of Priests within a year of taking office, and will then also reconstitute the College of Consultors, the existing College of Consultors continuing until the new Bishop reconstitutes it. He will also decide on the structure of governance of the Diocese (e.g., the number, role and function of VGs and EVs) and make those appointments.

Mgr John Hadley & Fr Andrew Cole
31st March 2014