Pennod VI

PENODI AC ENWEBU

APPOINTMENTS AND NOMINATIONS

Chapter VI

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Pennod VI

PENODI AC ENWEBU

Rhan I: Penodi

Deon, Archddiacon, Canon a Phrebendari

1.

(1) Yn ddarostyngedig i'r Cyfansoddiad, Esgob yr Esgobaeth fydd yn penodi i swydd Deon, Archddiacon, Canon a Phrebendari.

(2) Ni phenodir neb yn Ddeon nac yn Archddiacon oni bu am o leiaf chwe blynedd mewn urddau offeiriad.

(3) Ni phenodir neb yn Ganon na Phrebendari onid yw'n glerig.

Deon Bro

2.

(1) Yn ddarostyngedig i ddarpariaethau isadran (2), Esgob yr Esgobaeth fydd yn penodi i swydd Deon Bro.

(2) Pan fo swydd Deon Bro yn wag, bydd clerigion y Ddeoniaeth sydd mewn bywoliaeth neu'n dal trwydded oddi wrth Esgob yr Esgobaeth i weinyddu, mewn cyfarfod a elwir i'r diben hwnnw trwy rybudd o saith niwrnod clir gan Archddiacon yr Archddiaconiaeth lle mae'r ddeoniaeth, yn dewis tri o'u nifer sy'n gwasanaethu yn y weinidogaeth blwyf yn yr Eglwys yng Nghymru, i'w henwebu i Esgob yr Esgobaeth a bydd yntau'n penodi un o'r rhai a enwebwyd felly i'r swydd wag.

Canoniaid Mygedol

3.

Bydd gan Esgob yr Esgobaeth hawl i benodi Canoniaid Mygedol. Ni bydd mwy na thri Chanon o'r fath mewn unrhyw gadeirlan, ac ni fydd y canoniaid hynny yn aelodau o Gabidwl y Gadeirlan.

Chapter VI

APPOINTMENTS AND NOMINATIONS

Part I: Appointments

Dean, Archdeacon, Canon and Prebendary

1.

(1) Subject to the provisions of the Constitution, the appointment to the office of Dean, Archdeacon, Canon or Prebendary shall be vested in the Diocesan Bishop.

(2) No person shall be appointed Dean or Archdeacon unless he or she has been at least six years in priest's orders.

(3) No person shall be appointed a Canon or Prebendary unless he or she is a cleric.

Area Dean

2.

(1) Subject to the provisions of subsection (2), the appointment to the office of Area Dean shall be vested in the Diocesan Bishop.

(2) In the event of a vacancy occurring in the office of Area Dean, the clerics of the Deanery, who are beneficed or hold a licence from the Diocesan Bishop to officiate shall, at a meeting to be held for that purpose and of which seven clear days' notice shall be given by the Archdeacon of the Archdeaconry in which the Deanery is situate, select three of their number serving in the parochial ministry of the Church in Wales for nomination to the Diocesan Bishop, and the Diocesan Bishop shall appoint one of those so nominated to the vacant office.

Honorary Canons

3.

The Diocesan Bishop shall be entitled to appoint Honorary Canons. There shall not be more than three such Canons for any cathedral, and they shall not be members of the Cathedral Chapter.

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Swyddogion Eglwysi Cadeiriol

4.

Cabidwl Cadeirlan pob esgobaeth fydd yn penodi swyddogion clerigol a lleyg y gadeirlan.

Rhan II: Enwebu

Plwyfi a gysylltwyd ag Eglwys Gadeiriol

5.

Lle cysylltir Plwyf ag eglwys gadeiriol, y Deon fydd Periglor y Plwyf hwnnw ac ni chymhwysir at y Plwyf hwnnw y darpariaethau a gynhwysir yma rhag llaw ynglŷn ag enwebu.

Troeon Enwebu

6.

(1) Yn ddarostyngedig i is-adrannau (2) a (3), gan y rhai hyn ym mhob Esgobaeth y bydd ac y gweithredir, i'r graddau a draethir yma rhag llaw, yr hawl i goladu neu enwebu clerigion i'w sefydlu mewn gofalaethau gweigion, sef

(*a*) Esgob yr Esgobaeth;

(*b*) Bwrdd Enwebu'r Esgobaeth;

(*c*) Bwrdd Enwebu'r Dalaith.

(2) Pan elo unrhyw berigloriaeth yn wag, gall yr Esgob, gyda chytundeb Bwrdd Enwebu'r Esgobaeth, ac ar ôl rhoi cyfle llawn i'r Cyngor Plwyf Eglwysig gyflwyno achos y Plwyf, atal y berigloriaeth twy ddedfryd a arwyddir ganddo a'i gosod yng Nghofrestrfa'r Esgobaeth. Ar derfyn yr atal hwnnw, oni orchmynnir yn wahanol yn ôl darpariaethau Pennod IV D, adferir y berigloriaeth.

(3) Pan elo'n wag berigloriaeth Plwyf a osodwyd ar restr diffygdalwyr yn unol â Phennod IV A adran 25, gall yr Esgob, yn gweithredu gyda chytundeb Bwrdd Enwebu'r Esgobaeth, naill ai goladu offeiriad yn Beriglor y Plwyf, neu atal y berigloriaeth yn y modd a ddarparwyd yma eisoes, am y cyfnod a benderfyno, a gwneud y cyfryw ddarpariaeth arall ar gyfer anghenion ysbrydol y Plwyf ag a farno'n gymwys. Pan fo'r Periglor a goladwyd gan yr Esgob yn gadael y Berigloriaeth, adferir yr hawl i enwebu i'r person neu'r Bwrdd a fyddai â'r hawl i enwebu oni bai i'r esgob weithredu dan y cymal hwn. Pan fo perigloriaeth wedi'i hatal yn unol â darpariaethau'r is-adran hon, adferir y berigloriaeth ar derfyn y cyfnod atal, a bydd gan y person neu'r Bwrdd a oedd â'r hawl i enwebu ar ddyddiad yr atal yr hawl i enwebu cyn pen pedwar mis wedi terfynu'r atal; ac i ddibenion yr adrannau nesaf cyfrifir adeg terfynu'r atal fel y dyddiad yr aeth y berigloriaeth yn wag.

Cathedral Officials

4.

The Cathedral Chapter in each diocese shall appoint the clerical and lay officials of the cathedral.

Part II: Nominations

Parishes annexed to a Cathedral

5.

Where a Parish is annexed to a cathedral, the Dean shall be the Incumbent of such Parish and the provisions hereinafter contained relating to nomination shall not apply to such Parish.

Turns of Nomination

6.

(1) Subject to subsections (2) and (3), the right in each Diocese to collate or nominate for institution to vacant cures clerics in priest's orders shall, to the extent hereinafter provided, be vested in and may be exercised by the following:

(*a*) the Diocesan Bishop;

(*b*) the Diocesan Nomination Board;

(*c*) the Provincial Nomination Board.

(2) When a vacancy occurs in any incumbency the Bishop may, with the concurrence of the Diocesan Nomination Board, and after giving full opportunity to the Parochial Church Council to state the case for the Parish, by a decree signed by him and deposited in the Diocesan Registry suspend the incumbency. At the termination of such suspension the incumbency, unless otherwise ordered under the provisions of Chapter IV D, shall be revived.

(3) When a vacancy occurs in the case of an incumbency of a Parish which has been placed on a defaulters' list in pursuance of Chapter IV A section 25, the Bishop acting with the concurrence of the Diocesan Nomination Board, may either collate a priest to be Incumbent of the Parish, or suspend the incumbency in the manner hereinbefore provided, for such period as he may determine, and make such other provision for the spiritual needs of the Parish as he thinks fit. When the Incumbent whom the Bishop has collated vacates the Benefice, the person or Board who would have the right to nominate if no action had been taken under this sub-section, shall resume the right of nomination. When an incumbency has been suspended in accordance with the provisions of this subsection, at the termination of such period of suspension the incumbency shall be revived and the person or the Board who had the right of nominating at the date of suspension shall have the right of nominating within four months from the end of the suspension, and the end of the suspension period shall for the purposes of the following sections be deemed to be the date of the vacancy.

7.

(1) Bydd yr hawl i goladu neu enwebu i ofalaeth wag ym mhob Bywoliaeth gan yr Esgob un tro mewn pedwar, gan Fwrdd Enwebu'r Esgobaeth ddau dro, a chan Fwrdd Enwebu'r Dalaith y tro arall.

(2) Pan fo esgobaeth yn wag, gan yr Archesgob y bydd yr hawl a berthyn i Esgob yr Esgobaeth i goladu i fywoliaeth wag ac i benodi i unrhyw swydd eglwysig wag, ar yr amod bob amser y trosglwyddir yr hawl honno, onid arferwyd hi gan yr Archesgob pan oedd y swyddi hyn yn wag, i'w harfer gan Esgob newydd yr esgobaeth, ac os trosglwyddir hi felly fe gyfrifir i'r cyfryw ofalaeth neu swydd eglwysig ddod yn wag ar ddyddiad cadarnhau ethol yr Esgob newydd.

(3) Bydd trefn neu gylch y troeon y bydd yr Esgob a'r Byrddau Enwebu yn arfer eu hawl i goladu neu enwi i bob bywoliaeth fel a ganlyn:

Esgob
Bwrdd Enwebu'r Esgobaeth
Bwrdd Enwebu'r Dalaith
Bwrdd Enwebu'r Esgobaeth

ac felly yn y blaen yn olynol.

(4) Yn achos:

(*a*) grwpio neu uno dau neu fwy o Blwyfi dan un Periglor; neu

(*b*) derfynu'r ataliad ar berigloriaeth yn unol â darpariaethau adran 6(2), ac eithrio i grwpio plwyfi; neu

(*c*) greu Plwyf newydd; neu

(*d*) Plwyf a grwpiwyd â Phlwyf arall neu Blwyfi eraill yn dod yn blwyf ar wahân

tro'r Esgob fydd y tro yn y cylch enwebu a gyfrifir ar gyfer yr achlysur hwnnw, a hwnnw'n dro cyntaf mewn cylch newydd o bedwar tro ar gyfer y fywoliaeth honno; a bydd trefn y gweddill o'r cylch enwebu yn dilyn yn olynol megis y darparwyd yn is-adran (3).

(5) Pan fo'r periglor yn cyfnewid Bywiolaethau gyda chydsyniad yr Esgob a'r Bwrdd Enwebu, ni chyfrifir hynny'n un o'r troeon a enwyd yma.

7.

(1) The right to collate or nominate to vacant cures shall in the case of each Benefice be vested in the Bishop once in four vacancies, in the Diocesan Nomination Board twice in such four vacancies and in the Provincial Nomination Board on the remaining occasion.

(2) During the vacancy of a see, the right to collate to a vacant cure and the right to appoint to any vacant ecclesiastical office which would have belonged to the Diocesan Bishop, shall be exercised by the Archbishop, provided always that if the Archbishop shall not have exercised such right during the vacancy, it shall pass to and be exercised by the new Bishop, and, if it so passes, the vacancy in such cure or in such ecclesiastical office shall be deemed to have occurred on the day upon which the election of the new Bishop was confirmed.

(3) The order or cycle of turns in which in each Benefice the Diocesan Bishop and the Nomination Boards respectively shall exercise their rights of collation or nomination shall be as follows:

Bishop
Diocesan Nomination Board
Provincial Nomination Board
Diocesan Nomination Board

and so on in succession.

(4) In a case where:

(*a*) two or more Parishes are grouped or united together under one Incumbent; or

(*b*) the suspension of an incumbency in accordance with the provisions of section 6(2) is terminated, other than upon a grouping; or

(*c*) a new Parish is created; or

(*d*) any Parish which is grouped with any other Parish or Parishes becomes a separate Parish

the turn of nomination attributable to and for the purpose of such occasion shall be that of the Diocesan Bishop, as the first of a new cycle of four turns for the benefice concerned, and the order of the remaining turns of nomination shall follow successively as provided in subsection (3).

(5) An occasion upon which an exchange of the Benefice is made by the Incumbent with the consent of the Bishop and of the Diocesan Nomination Board, shall not count as one of the vacancies hereinbefore mentioned.

8.

Bywoliaethau Rheithorol

(1) Bydd gan Beriglor bywoliaeth Reithorol y teitl Rheithor; ef fydd â gofal eneidiau ledled y Fywoliaeth Reithorol ac ef fydd yn gyfrifol am reoli a chydlynu holl waith y weinidogaeth ynddi. Bydd ganddo'r hawl i gymorth un neu ragor o Glerigion, a drwyddedir gan yr Esgob gyda'r teitl Ficer ac, onid yw yn y weinidogaeth ddi-dâl, ni thelir i'r ficer ddim llai na lleiafswm y cyflog a osodwyd i Beriglorion Plwyfi cyffredin ynghyd â thŷ neu lwfans tŷ. Gall Bywoliaeth Reithorol hefyd gael un neu ragor o guradiaid cynorthwyol.

(2) Bydd yr hawl i goladu neu enwebu periglor i'w sefydlu mewn Bywoliaeth Reithorol a ddaw'n wag yn unol â'r Bennod hon a Rheoliadau'r Corff Llywodraethol yn ymwneud â Phenodi ac Enwebu.

(3) Ar yr amod, yn achos ffurfio Bywoliaeth Reithorol, mai tro'r Esgob fydd hi i enwebu am y tro cyntaf (a fydd yn cynnwys penodi'r cyn-beriglor yn Rheithor y Fywoliaeth Reithorol newydd) ond bydd y troeon canlynol ynglŷn â'r fywoliaeth yn unol a'r Bennod hon ac â'r Rheoliadau.

(4) Penodir Ficer mewn Bywoliaeth Reithorol i'w swydd gan yr Esgob trwy trwydded dan sêl ar ôl ymgynghori â'r Rheithor. Cyn gwneud penodiad o'r fath, bydd yr Esgob, neu'r Archddiacon ar ei ran, yn ymgynghori â'r Ficer neu'r Ficeriaid (os oes rhai) yn y Fywoliaeth Reithorol ac â dau gynrychiolydd y plwyf ar Fwrdd Enwebu'r Esgobaeth.

(5) Gellir derbyn yn gyhoeddus mewn eglwys yn y Fywoliaeth Reithorol Ficer a benodwyd felly.

9.

Yn ddarostyngedig i ddarpariaethau'r Cyfansoddiad:

(*a*) penodir i bob swydd yn yr Eglwys yng Nghymru na ddarperir yn benodol ar ei chyfer yma gan y sawl a oedd â'r hawl i benodi iddi ar ddyddiad pasio Deddf yr Eglwys yng Nghymru 1914 neu, os bu rhyw newid, gan y sawl a'i holynodd yn swyddogol;

(*b*) Llys y Dalaith fydd yn torri pob dadl ynglŷn â chan bwy y mae'r hawl i wneud penodiad o'r fath.

8.

Rectorial Benefices

(1) The Incumbent of a Rectorial Benefice shall have the title of Rector and shall have the cure of souls and be responsible for the control and co-ordinating of the work of the ministry throughout the Rectorial Benefice. He or she shall be entitled to the assistance of one or more other Clerics, who shall be licensed by the Bishop with the title of Vicar and who, unless in the non-stipendiary ministry, shall have a stipend not less than the minimum stipend laid down for Incumbents of ordinary Parishes and a house or house allowance. A Rectorial Benefice may also have one or more assistant curates.

(2) The right to collate or nominate for institution to the incumbency of the Rectorial Benefice becoming vacant shall be in accordance with this Chapter and the Governing Body Regulations relating to Appointments and Nominations.

(3) Provided that on the occasion of the forming of a Rectorial Benefice the first turn of nomination (which shall include the appointment of the previous Incumbent as Rector of the new Rectorial Benefice) shall be that of the Bishop but the remaining turns for the benefice shall be in accordance with this Chapter and the Regulations.

(4) A Vicar in a Rectorial Benefice shall be appointed to the office by the Bishop by licence under seal after consultation with the Rector. Prior to such appointment the Bishop or the Archdeacon on his behalf shall consult with the other Vicar or Vicars (if any) in the Rectorial Benefice and the two parochial representatives who serve on the Diocesan Nomination Board.

(5) A Vicar so appointed may be publicly admitted in a church in the Rectorial Benefice.

9.

Subject to the provisions of the Constitution:

(*a*) any appointment to an office in the Church in Wales not herein specifically provided for shall be made by the person or persons entitled to make it at the date of the passing of the Welsh Church Act 1914, or if there has been any change, by his or her or their official successor or successors;

(*b*) any dispute as to the person or persons entitled to make such an appointment shall be decided by the Provincial Court.

Rhan III: Datganiadau

10.

Bydd pawb a dderbynnir i Urddau Sanctaidd diacon neu offeiriad, neu a sefydlir neu a goledir i ofal eneidiau neu a drwyddedir yn Gurad Cynorthwyol neu yn Ddiacones, a phob Clerig a benodir i unrhyw swydd eglwysig yn yr Eglwys yng Nghymru, cyn y cyfryw ordeinio, sefydlu, coladu, trwyddedu neu benodi, yn gwneud ac yn arwyddo, yn ogystal â'r datganiad o ufudd-dod canonaidd i'r Esgob, neu ei Gomisari a benodwyd mewn ysgrifen, y datganiad a'r ymrwymiad a ganlyn, a hwnnw'n unig:

Yr wyf f i, J ... S..., yn difrifol ddatgan fy nghred yn y Ffydd a ddatguddir yn yr Ysgrythur Lân ac a draethir yn y Credoau Catholig ac y tystiolaethir iddi yn y ffurfiaduron hanesyddol, sef: y Namyn Un Deugain Erthyglau Crefydd, y Llyfr Gweddi Gyffredin a Threfn Ordeinio Esgobion, Offeiriaid a Diaconiaid, a gyhoeddwyd yn 1664; ac mewn gweddi gyhoeddus a gweinyddu'r sacramentau defnyddiaf y ffurf wasanaethau a ganiateir gan awdurdod cyfreithlon a'r rheini'n unig.

Ac yr wyf drwy hyn yn cytuno i'm rhwymo gan Gyfansoddiad yr Eglwys yng Nghymru, ac i dderbyn a chyflawni ac ymostwng i unrhyw ddedfryd neu ddyfarniad a roddir arnaf ar unrhyw adeg gan yr Archesgob, Esgob Cadeiriol neu unrhyw un o Lysoedd yr Eglwys neu'r Tribiwnlys yng Nghymru.

Rhan IV: Darpariaethau Eraill

Gwrthod Sefydlu

11.

(1) Os bydd yr Esgob yn gwrthod sefydlu Clerig a enwebwyd gan Fwrdd Enwebu, bydd yn anfon hysbysiad ysgrifenedig am y gwrthod hwnnw, ynghyd â'r rhesymau drosto, at y Clerig dan sylw ac at Ysgrifennydd y Bwrdd, a fydd ar hynny yn cynnull cyfarfod arbennig o'r Bwrdd.

(2) Gall Clerig y gwrthododd yr Esgob ei sefydlu neu, gyda chaniatâd y Clerig, naill ai Fwrdd Enwebu'r Dalaith neu Fwrdd Enwebu'r Esgobaeth, trwy benderfyniad mewn cyfarfod arbennig, apelio at Lys y Dalaith o fewn un mis yn erbyn y gwrthod hwnnw.

(3) Os bydd Llys y Dalaith yn penderfynu bod y Clerig a enwebwyd yn berson cymwys a phriodol i'w sefydlu, bydd yr Esgob, neu ryw Gomisari a benodwyd ganddo mewn ysgrifen, yn sefydlu'r Clerig hwnnw.

(4) Os bydd Llys y Dalaith yn penderfynu nad yw'r Clerig yn berson cymwys a phriodol, arferir eilwaith yr hawl i enwebu i'r fywoliaeth wag, cyn pen mis o ddyddiad dyfarniad y Llys, gan y Bwrdd y gwrthodwyd ei enwebiad cyntaf. Os bydd yr Esgob eilwaith yn gwrthod sefydlu, a'r Llys ar yr apêl yn penderfynu nad yw'r Clerig a enwebwyd yn berson cymwys a phriodol, yna fe â'r hawl i benodi i'r ofalaeth wag honno i'r Esgob.

Part III: Declarations

10.

All persons admitted to Holy Orders of deacons or priests, or instituted or collated to the cure of souls, or licensed as Assistant Curates or Deaconesses, and all Clerics appointed to any ecclesiastical office in the Church in Wales, shall, in addition to the declaration of canonical obedience to the Bishop, make and subscribe before such ordination, institution, collation, licence or appointment, in the presence of the Bishop or his Commissary appointed in writing, the following declaration and undertaking and none other:

> *I, J…S…, do solemnly declare my belief in the Faith which is revealed in the Holy Scriptures and set forth in the Catholic Creeds and to which the historic formularies, namely: the Thirty-nine Articles of Religion, the Book of Common Prayer and the Ordering of Bishops, Priests and Deacons, as published in 1662, bear witness; and in public prayer and administration of the sacraments, I will use only the forms of service which are allowed by lawful authority, and none other.*
>
> *And I hereby undertake to be bound by the Constitution of the Church in Wales, and to accept, submit to, and carry out any sentence or judgement which may at any time be passed upon me by the Archbishop, a Diocesan Bishop or any Court or the Tribunal of the Church in Wales.*

Part IV: Other provisions

Refusal to Institute

11.

(1) If the Bishop refuses to institute a Cleric nominated by a Nomination Board he shall send notice in writing of such refusal, together with the reasons therefore, to such Cleric, and to the Secretary of the Board, who shall thereupon convene a special meeting of the Board.

(2) Any Cleric whom the Bishop has refused to institute, or, with the consent of such Cleric, either the Provincial Nomination Board or the Diocesan Nomination Board, by decision made at such special meeting, respectively may within one month appeal to the Provincial Court against such refusal.

(3) In the event of the Provincial Court deciding that the Cleric so nominated is a fit and proper person to be instituted, the Bishop, or some Commissary appointed by him in writing, shall institute such Cleric.

(4) In the event of the Provincial Court deciding that the Cleric is not a fit and proper person, then the right of nomination to such vacancy shall once more be exercised within one month from the date of the decision of the Court by the Board whose first nomination has been rejected. If the Bishop again refuses to institute, and the Court on appeal decides that the Cleric so nominated is not a fit and proper person, then the appointment to such vacancy shall pass to the Bishop.

Canlyniad Sefydlu

12.

Pryd bynnag y bo Clerig a enwebir i ofalaeth eisoes yn Beriglor rhyw ofalaeth arall yng Nghymru, yna bydd sefydlu'r Clerig yn yr ofalaeth newydd yn gweithredu'n ymddiswyddiad o'r ofalaeth a ddaliai o'r blaen, oni fydd yr Esgob gyda chydsyniad yr Archesgob yn rhoi caniatâd i ddal y ddwy ofalaeth gyda'i gilydd.

Yr angen i ymddiswyddo o'r penodiad presennol

13.

(1) Pan fo Clerig a enwebir i ofalaeth yn dal swydd heb fod yng Nghymru sydd, ym marn Esgob yr esgobaeth, yn anghyson â'i benodiad i'r ofalaeth neu y mae'n annymunol iddo ei dal, gohirir sefydlu'r Clerig yn yr ofalaeth nes ei fod wedi ymddiswyddo o'r swydd honno a dangos i'r Esgob dystiolaeth ddigonol i'w fodloni ei fod wedi ymddiswyddo.

(2) Oni ddangosir y dystiolaeth honno i'r Esgob cyn pen deufis wedi'r enwebu, bydd yr enwebu ar hynny'n mynd yn ddi-rym, a bydd y Bwrdd Enwebu yn symud i enwebu rhyw Glerig arall i'r fywoliaeth fel petai'r fywoliaeth wedi mynd yn wag drannoeth terfyn y cyfnod hwnnw o ddeufis.

14.

Pryd bynnag y bo Clerig sy'n dal swydd eglwysig neu ofalaeth yng Nghymru yn derbyn swydd eglwysig neu ofalaeth y tu allan i Gymru, bydd ei waith yn ei derbyn, oni bydd yr Esgob yn penderfynu i'r gwrthwyneb, yn gweithredu'n ymddiswyddiad o'i swydd eglwysig neu ofalaeth yng Nghymru, ac â ei swydd neu ofalaeth gan hynny yn wag.

Llys y Dalaith

15.

(1) Bydd gan Lys y Dalaith awdurdod i benderfynu pob cwestiwn a gyfyd ynglŷn ag enwebu Clerig i unrhyw ofalaeth, ar gais Esgob yr esgobaeth, neu ar ddeiseb neu gyngaws y Clerig hwnnw neu unrhyw ddau aelod o Fwrdd Enwebu'r esgobaeth lle y mae'r ofalaeth.

(2) Bydd y ddeiseb neu'r gyngaws honno'n ddarostyngedig i reolau a rheoliadau'r Llys, ond ni cheir cyflwyno deiseb na chyngaws wedi terfyn cyfnod o fis ar ôl sefydlu'r Clerig hwnnw.

(3) Os bydd y Llys yn barnu nad oedd yr enwebu'n briodol, bydd yn cyhoeddi'r ofalaeth yn wag megis er dyddiad ei ddyfarniad, a hefyd yn rhoi'r gorchmynion ychwanegol a ymddangoso'n gyfiawn yn yr amgylchiadau.

Consequence of Institution

12.

Whenever a Cleric nominated to a cure is already an Incumbent of any other cure in Wales, then and in such case the institution of the Cleric to the new cure shall operate as a resignation of the cure he or she previously held, unless the Bishop with the consent of the Archbishop gives consent for the cures to be held together.

Requirement to resign existing appointment

13.

(1) When a Cleric nominated to a cure is holding any office elsewhere than in Wales which, in the opinion of the Bishop of the diocese, is inconsistent with his appointment to or undesirable for him to hold the said cure, the institution of the Cleric to the cure shall be postponed until he or she shall have resigned such office and have produced to the Bishop evidence to satisfy him of such resignation.

(2) If such evidence is not produced to the Bishop within two months of the nomination, the nomination shall thereupon become null and void, and the Nomination Board shall proceed to nominate some other Cleric to the cure as if a vacancy in the same had taken place on the day after the expiration of the said period of two months.

14.

Whenever a Cleric holding an ecclesiastical office or cure in Wales shall accept an ecclesiastical office or cure outside Wales, unless the Bishop decides to the contrary, such acceptance shall operate as a resignation of his ecclesiastical office or cure in Wales, and the same shall become vacant accordingly.

The Provincial Court

15.

(1) The Provincial Court shall have authority to determine all questions that shall arise respecting the nomination of a Cleric to any cure, at the request of the Bishop of the diocese, or upon the petition or suit of such Cleric, or of any two members of the Nomination Board of the diocese in which the cure is situated.

(2) The said petition or suit shall be subject to the rules and regulations of the Court, but no petition or suit shall be brought after a period of one month from the date of institution of such Cleric.

(3) If the Court shall be of the opinion that the nomination has been improperly made, it shall declare the cure vacant as from the date of its judgment, and make such further order as may seem just under the circumstances.

Swyddi heb fod mewn plwyf

16.

Bydd pob Clerig a benodir gan Esgob Cadeiriol, trwy drwydded dan sêl, i swydd amhlwyfol yng ngweinidogaeth yr Eglwys yng Nghymru a fernir yn angenrheidiol gan yr Esgob yn derbyn braint Ficer.

Symud Periglor

17.

(1) Cyfrifir Clerig a sefydlwyd yn ddyladwy mewn gofalaeth yn Beriglor y Fywoliaeth, ac ni ellir ei symud heb ei gydsyniad ond fel y darperir yma rhag llaw, sef:

(*a*) gall yr Esgob symud Periglor i Fywoliaeth arall neu i swydd eglwysig arall yn yr Eglwys yng Nghymru pan fo'r Esgob, ar ôl ymgynghori â Bwrdd Enwebu'r Esgobaeth, a chyda chydsyniad y Bwrdd, yn barnu fod y newid hwnnw'n angenrheidiol, ar yr amod, wrth newid, yr ychwanegir at gyflog y Fywoliaeth neu'r swydd eglwysig arall y symudir y Periglor iddi fel y penderfyno Bwrdd Cyllid yr Esgobaeth mewn ymgynghoriad â'r Esgob;

(*b*) gall yr Esgob ddiswyddo Periglor am unrhyw reswm sydd, ym marn y Tribiwnlys, yn peri y byddai i'r periglor barhau yn ei swydd yn ddifrifol niweidiol i les yr Eglwys, ar yr amod, onis cyflogir mewn modd arall, y caiff y gynhaliaeth, os bydd y cyfryw, a argymhella'r Llys i Fwrdd Cyllid yr Esgobaeth;

(*c*) gall yr Esgob beri i Beriglor ymddeol o wasanaeth amser-llawn yng ngweinidogaeth yr Eglwys yng Nghymru mewn unrhyw achos lle y mae'r fath ymddeol yn angenrheidiol ym marn yr Esgob, ar yr amod, wrth ymddeol felly, y bydd gan y Periglor hawl i bensiwn yn unol â'r Cynllun Pensiwn a Buddgedau Clerigion;

(*d*) mewn unrhyw achos a drafodir gan yr Esgob dan adrannau 21 a 22 neu yn rhinwedd ei awdurdod cynhenid.

(2) Ni bydd yr Esgob yn arfer yr hawliau a roddir ym mharagraffau (a) ac (c) uchod heb roi o leiaf chwe mis o rybudd mewn ysgrifen i'r Periglor; a bydd gan y Periglor, os dymuna, hawl i apelio at Lys y Dalaith cyn pen chwech wythnos ar ôl derbyn y rhybudd.

Extra-parochial Offices

16.

A Cleric appointed by the Diocesan Bishop, by licence under seal, to an extra-parochial office in the ministry of the Church in Wales deemed necessary by the Bishop shall have the precedence of Vicar.

Removal of an Incumbent

17.

(1) A Cleric duly instituted to a cure shall be deemed the Incumbent of the Benefice, and shall not be removable without his or her consent, except as hereinafter provided, that is to say:

(*a*) an Incumbent may be removed by the Bishop to another Benefice or other ecclesiastical office in the Church in Wales in those cases where in the opinion of the Bishop, after consultation with and with the consent of the Diocesan Nomination Board, such a change is necessary and provided that upon a change such augmentation may be made to the stipend of the Benefice or other ecclesiastical office to which the Incumbent is removed as may be decided upon by the Diocesan Board of Finance in consultation with the Bishop;

(*b*) the Bishop may remove an Incumbent for any reason which, in the judgment of the Tribunal, renders his or her continuance in office grievously prejudicial to the welfare of the Church, provided that, failing other employment, he or she shall receive such maintenance, if any, as the Court shall recommend to the Diocesan Board of Finance;

(*c*) the Bishop may require an Incumbent to retire from full-time service in the ministry of the Church in Wales in any case in which in the opinion of the Bishop such retirement is necessary, provided that upon such retirement the Incumbent shall be entitled to a pension in accordance with the Clergy Pension and Gratuities Scheme;

(*d*) in any case dealt with by the Bishop under sections 21 and 22 or by virtue of his inherent jurisdiction.

(2) The powers conferred on the Bishop by the preceding paragraphs (a) and (c) shall be exercised by him only on his giving not less than six months' previous notice in writing to the Incumbent, provided that the Incumbent if he or she so desires shall have a right of appeal to the Provincial Court within a period of six weeks after the receipt of the notice by him or her.

Symud Ficer mewn Bywoliaeth Reithorol

18.

(1) Ni ellir symud Ficer mewn Bywoliaeth Reithorol na therfynu ei benodiad heb ei gydsyniad, ond fel y darperir yma rhag llaw, sef:

(*a*) gall yr Esgob symud Ficer mewn Bywoliaeth Reithorol i Fywoliaeth Reithorol arall neu i fywoliaeth neu swydd eglwysig arall yn yr Eglwys yng Nghymru mewn achos lle y mae hynny'n angenrheidiol ym marn yr Esgob;

(*b*) gall yr Esgob ddiswyddo Ficer mewn Bywoliaeth Reithorol am unrhyw reswm sydd ym marn y Tribiwnlys yn peri y byddai iddo barhau yn ei swydd yn ddifrifol niweidiol i les yr Eglwys, ar yr amod, onis cyflogir mewn modd arall, y caiff y gynhaliaeth, os bydd y cyfryw, a argymhella'r Llys i Fwrdd Cyllid yr Esgobaeth;

(*c*) gall yr Esgob beri i Ficer mewn Bywoliaeth Reithorol ymddeol o wasanaeth amser-llawn yng ngweinidogaeth yr Eglwys yng Nghymru mewn unrhyw achos lle y mae'r fath ymddeol yn angenrheidiol ym marn yr Esgob, ar yr amod, wrth ymddeol felly, y bydd gan y Ficer hawl i bensiwn yn unol â'r Cynllun Pensiwn a Buddgedau Clerigion.

(2) Ni bydd yr Esgob yn arfer yr hawliau a roddir ym mharagraffau (a) ac (c) uchod heb roi o leiaf chwe mis o rybudd mewn ysgrifen i'r Ficer mewn Bywoliaeth Reithorol a bydd gan y Ficer, os dymuna, hawl i apelio at Lys y Dalaith cyn pen chwech wythnos ar ôl derbyn y rhybudd.

Gofynion Trigiannol

19.

Bydd pob Periglor, Ficer mewn Bywoliaeth Reithorol, curad cynorthwyol trwyddedig a diacones yn byw o fewn terfynau'r Plwyf neu'r Grŵp o Blwyfi oni roddwyd trwydded ddibreswyl gan yr Esgob am reswm digonol.

Absenoldeb Periglor

20.

Ni bydd yr un Periglor yn absennol o'i Fywoliaeth heb ofalu am ddirprwy cymwys a phriodol, oni chafodd ganiatâd arbennig mewn ysgrifen gan yr Esgob ei hun.

Removal of a Vicar in a Rectorial Benefice

18.

(1) A Vicar in a Rectorial Benefice shall not be removable without his or her consent nor shall the appointment be terminated without his or her consent, except as hereinafter provided, that is to say:

(*a*) a Vicar in a Rectorial Benefice may be removed by the Bishop to another Rectorial benefice or to a benefice or other ecclesiastical office in the Church in Wales in any case in which in the opinion of the Bishop such a change is necessary;

(*b*) the Bishop may remove a Vicar in a Rectorial Benefice for any reason which, in the judgment of the Tribunal, renders the continuance of such Vicar in office grievously prejudicial to the welfare of the Church, provided that, failing other employment, he or she shall receive such maintenance, if any, as the Court shall recommend to the Diocesan Board of Finance;

(*c*) the Bishop may require a Vicar in a Rectorial Benefice to retire from full-time service in the ministry of the Church in Wales in any case in which in the opinion of the Bishop such retirement is necessary, provided that upon such retirement the Vicar shall be entitled to a pension in accordance with the Clergy Pensions and Gratuities Scheme.

(2) The powers conferred on the Bishop by the preceding paragraphs (a) and (c) shall be exercised by him only on his giving not less than six months' previous notice in writing to the Vicar in a Rectorial Benefice, provided that the Vicar if he or she so desires shall have a right of appeal to the Provincial Court within a period of six weeks after receipt of the notice.

Requirement of Residence

19.

Every Incumbent, Vicar in a Rectorial Benefice, licensed assistant curate and deaconess shall reside within the limits of the Parish or Grouped Parishes, unless the Bishop, on sufficient cause, has granted a licence of non-residence.

Absence of Incumbent

20.

No Incumbent shall be absent from his or her Benefice without providing a fit and proper substitute, unless with special leave in writing from the Bishop himself.

21.

Os bydd Periglor yn absennol o'i Fywoliaeth heb ganiatâd yr Esgob am gyfnod di-fwlch o ddau fis, bydd gan yr Esgob y gallu i alw arno i ddychwelyd. Os bydd yn parhau'n absennol ar derfyn mis wedyn, bydd gan yr Esgob y gallu i gyhoeddi'r Fywoliaeth yn wag.

22.

Os bydd Periglor yn absennol o'i Fywoliaeth heb ganiatâd yr Esgob am gyfnodau bylchog yn gwneud cyfanswm o wyth wythnos mewn unrhyw gyfnod o chwe mis, bydd gan yr Esgob y gallu i alw arno i breswylio'n fwy cyson, ac os bydd yn anufudd, i gyhoeddi'r Fywoliaeth yn wag.

Curadiaid Cynorthwyol

23.

(1) Pan fo amgylchiadau'n gofyn hynny, a'r Esgob yn barnu y gellir gwarantu cynhaliaeth ddigonol, bydd gan y Periglor hawl i enwi, i'w gymeradwyo gan yr Esgob, glerig (i weithredu'n gurad cynorthwyol trwyddedig) neu ddiacones. Ni ellir symud y cyfryw gurad neu ddiacones o'i swydd heb ei gydsyniad ef neu hi ond ar benderfyniad yr Esgob neu pan elo'r Fywoliaeth yn wag.

(2) Bydd Cofrestrydd yr Esgobaeth yn hysbysu Ysgrifennydd Corff y Cynrychiolwyr ac Ysgrifennydd Bwrdd Cyllid yr Esgobaeth o bob trwydded a roddwyd i guradiaid cynorthwyol.

24.

Gall yr Esgob, yn ystod y pedair blynedd yn dilyn ordeinio diacon, orchymyn o bryd i'w gilydd ym mha Fywoliaeth y mae'r diacon i wasanaethu fel curad cynorthwyol trwyddedig.

21.

If any Incumbent shall be absent from his or her Benefice for a period of two consecutive months without the permission of the Bishop, the Bishop shall have power to call upon him or her to return. If at the expiration of one month he or she shall still be absent, the Bishop shall have power to declare the Benefice vacant.

22.

If any Incumbent, without the permission of the Bishop, shall be absent from his or her Benefice for non-consecutive periods amounting to eight weeks in any six months, the Bishop shall have power to call upon him or her to reside more regularly, and in case of disobedience to declare the Benefice vacant.

Assistant Curates

23.

(1) When circumstances require it and, in the judgment of the Bishop, sufficient maintenance can be guaranteed, the Incumbent of a Benefice shall be entitled to nominate to the Bishop for his approval a cleric (to act as licensed assistant curate) or a deaconess. Such curate or deaconess shall not be removed from office without his or her consent unless upon the decision of the Bishop or the avoidance of the Benefice.

(2) The Diocesan Registrar shall inform the Secretary of the Representative Body and the Diocesan Board of Finance of all licences to assistant curates.

24.

The Bishop may during the period of four years from the ordaining of a deacon prescribe from time to time the Benefice in which he or she shall serve as a licensed assistant curate.

Ymddiswyddo

25.

(1) Gall Periglor neu Ficer mewn Bywoliaeth Reithorol, gyda chaniatâd yr Esgob, ymddiswyddo o'i Fywoliaeth neu ei benodiad fel y digwydd trwy roi i'r Esgob rybudd ysgrifenedig yn pennu amser pendant heb fod yn gynharach na dau fis nac yn ddiweddarach na chwe mis i'r ymddiswyddiad ddod i rym.

(2) Gall yr Esgob ganiatáu tynnu'r rhybudd hwnnw'n ôl cyn pen mis ar ôl ei dderbyn; ond os bydd y rhybudd heb ei dynnu'n ôl yn ystod y cyfnod hwnnw, a'r Esgob wedi derbyn yr ymddiswyddiad, bydd y Fywoliaeth yn mynd yn wag neu'r penodiad yn terfynu ar yr amser a bennwyd yn y rhybudd.

(3) Ar yr amod bob amser mewn amgylchiadau arbennig, y bydd yr Esgob yn unig yn eu barnu, y gall yr Esgob, ar gais Periglor neu Ficer mewn Bywoliaeth Reithorol, ganiatáu iddo neu iddi ymddiswyddo o'r Fywoliaeth neu'r penodiad ar unwaith neu ar ddyddiad cyn pen deufis wedi'r cais hwnnw; ac os digwydd hyn, daw'r ymddiswyddiad i rym trwy weithred gyfreithiol a wnaed yn briodol, a bydd y Fywoliaeth yn mynd yn wag neu'r penodiad yn terfynu ar y dyddiad a bennir yn y weithred i'r ymddiswyddiad ddod i rym.

26.

Offeiriad mewn gofal

(1) Pan fo gofalaeth wedi'i hatal bydd gan yr Esgob hawl i benodi Clerig mewn urddau offeiriad i gyflawni dyletswyddau yn yr ofalaeth, neu i benodi Clerig, darllenydd neu ddiacones i gymryd gwasanaethau. Bydd yr esgob yn penderfynu pa gyflog, os bydd cyflog, a delir i Glerig sy'n cyflawni dyletswyddau yn yr ofalaeth.

(2) Pa bryd bynnag yr atelir Clerig o'i swydd neu y bo'n absennol heb drwydded fel y nodwyd yn adrannau 21 a 22, bydd gan yr Esgob hawl i benodi Clerig mewn urddau offeiriad i gyflawni dyletswyddau yn yr ofalaeth neu'r swydd am gyflog, os bydd cyflog, y penderfynir arno gan yr Esgob.

27.

Bydd Wardeniaid neu ymddiriedolwyr pob eglwys yn caniatáu i unrhyw Glerig a benodwyd gan yr Esgob yn unol ag adran 26 i'w defnyddio'n ddirwystr i wasanaethu ynddi.

Resignations

25.

(1) An Incumbent or a Vicar in a Rectorial Benefice may, with the leave of the Bishop, resign his or her Benefice or appointment as the case may be by giving notice in writing to the Bishop fixing a definite time not earlier than two months nor later than six months at which the resignation shall take effect.

(2) A Bishop may within one month from the receipt of the said notice allow it to be withdrawn; but, in the event of its not being withdrawn within such period, and the Bishop accepting the resignation, the Benefice shall become vacant or the appointment shall terminate at the time specified in the notice.

(3) Provided always that at the request of an Incumbent or a Vicar in a Rectorial Benefice the Bishop may in special circumstances of which the Bishop shall be the sole judge allow him or her to resign his or her Benefice or his or her appointment forthwith or at a date earlier than two months from the date of such request, in which case the resignation shall be effected by a deed duly executed and the Benefice shall become vacant or the appointment shall terminate at the date specified in the deed as the date upon which the resignation takes effect.

26.

Priest in Charge

(1) During the vacancy of a cure the Bishop shall be entitled to appoint a Cleric in priest's orders to discharge the duties of the cure, or to appoint a Cleric, reader or deaconess to take services. The Bishop shall determine the salary, if any, of a Cleric discharging the duties of the cure.

(2) Whenever a Cleric shall be suspended from his or her office, or shall be absent without licence as specified in sections 21 and 22, the Bishop shall be entitled to appoint a Cleric in priest's orders to discharge the duties of the cure or office, at such salary, if any, as the Bishop shall decide.

27.

The Churchwardens or trustees of any church shall allow the free use thereof to any Cleric appointed by the Bishop in pursuance of section 26 to officiate therein.