

STATUTORY INSTRUMENTS

2017 No.

ECCLESIASTICAL LAW, ENGLAND

The Ecclesiastical Offices (Terms of Service) (Amendment)
Regulations 2017

Made (sealed by the Archbishops' Council) ***

Laid before Parliament ***

Coming into force ***

The Archbishops' Council, in exercise of the power conferred by section 2 of the Ecclesiastical Offices (Terms of Service) Measure 2009(a), makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Ecclesiastical Offices (Terms of Service) (Amendment) Regulations 2017.

(2) These Regulations come into force on 1st July 2017.

Holding office beyond the age of 70

2.—(1) After regulation 29 of the Ecclesiastical Offices (Terms of Service) Regulations 2009(b) (“the 2009 Regulations”) insert—

“Holding office beyond the age of 70

29A.—(1) A person who holds or is to hold office under Common Tenure and has attained the age of 70 years may be appointed, or may have his or her appointment continued, for a fixed term or under terms which provide for the appointment to be terminated on the occurrence of a specified event if the person occupies a post by virtue of a direction given under this regulation.

(2) An archbishop may give a direction for a person holding the office of diocesan bishop in the archbishop's province who has attained the age of 70 years to continue to hold that office for the period specified in the direction.

(3) A diocesan bishop may, with the concurrence of the archbishop in whose province the diocese is situated, give a direction for a person holding the office of suffragan bishop or dean in the diocese who has attained the age of 70 years to continue to hold that office for the period specified in the direction.

(4) A diocesan bishop may give a direction for a person holding the office of residentiary canon or archdeacon in the diocese who has attained the age of 70 years to continue to hold that office for the period specified in the direction.

(a) 2009 No.1.
(b) S.I. 2009/2108.

(5) A diocesan bishop may give a direction for a person who has attained the age of 70 years to hold or to continue to hold the office of incumbent of a benefice in the diocese, or to hold or to continue to hold an office in the diocese under a licence granted by the bishop, for the period specified in the direction (including in a case where the person was holding the office immediately before attaining that age).

(6) The power to give a direction under a paragraph of this regulation includes, in the case of a person holding office by virtue of a previous direction under that paragraph, a power to give one or more further directions under that paragraph.

(7) The period specified in a direction given under paragraph (2), (3) or (4)—

(a) must begin with the day on which the person attains the age of 70 years or, where the person is holding the office by virtue of a previous direction given under that paragraph, immediately after the end of the period specified in that previous direction, and

(b) must end on the date, or on the occurrence of an event, specified in the direction but must not extend beyond the day on which the person attains the age of 75 years.

(8) The period specified in a direction given under paragraph (5)—

(a) must begin on or after the day on which the person attains the age of 70 years or, where the person is holding the office by virtue of a previous direction given under that paragraph, immediately after the end of the period specified in that previous direction, and

(b) must end on the date, or on the occurrence of an event, specified in the direction (and may extend beyond the day on which the person attains the age of 75 years),

(9) An archbishop or diocesan bishop may not give a direction under this regulation unless he or she considers that the person in question will be capable of performing the duties of the office throughout the period for which the person is to hold the office.

(10) In deciding whether to give a direction under this regulation, an archbishop or diocesan bishop shall have regard to any guidance issued by the Archbishops' Council.

(11) A direction given under this regulation must be in writing.”

(2) A person, who immediately before the commencement of these Regulations, is holding office under a licence granted in reliance on regulation 29(1)(b) of the 2009 Regulations is to continue to hold that office as if the person had been appointed by virtue of a direction given under paragraph (5) of the regulation 29A inserted in the 2009 Regulations by paragraph (1) above.

(3) In regulation 29 of the 2009 Regulations(a), in paragraph (1)—

(a) omit paragraph (b), and

(b) omit the words from “, and section 1(1)” to the end.

(4) In section 1 of the Ecclesiastical Offices (Age Limits) Measure 1975(b) (age limit for appointment to certain ecclesiastical offices), after subsection (3) insert—

“(3A) Neither subsection (1) nor subsection (3) shall apply to an appointment made or continued in reliance on regulation 29A of the Ecclesiastical Offices (Terms of Service) Regulations 2009 (cases where person may hold office after attaining the age of 70).”

(5) In section 3 of that Measure (continuance in office after retirement age), before subsection (1) insert—

“(A1) This section applies only in the case of a person who is holding office otherwise than under Common Tenure.”

(a) Regulation 29 has been amended by S.I. 2010/2407 and S.I. 2015/1654.

(b) 1975 No. 2.

The draft of these Regulations was approved by the General Synod on [] 2017.

Church House, London SW1P 3AZ

Dr. J Philips
Clerk to the Synod

The Common Seal of the Archbishops' Council was affixed on [] 2017.



EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for enabling a person to hold ecclesiastical office beyond the age of 70. Given the terms of the enabling power in section 2 of the Ecclesiastical Offices (Terms of Service) Measure 2009, the Regulations apply only to offices held under Common Tenure.

Regulation 2(1) inserts a new regulation 29A in the Ecclesiastical Offices (Terms of Service) Regulations 2009. The new regulation enables a diocesan bishop, suffragan bishop, dean, residentiary canon or archdeacon to continue in office beyond the age of 70 for one or more terms, but not beyond the age of 75. It also enables a person to be appointed, or to continue in office, as the incumbent of a benefice beyond the age of 70 for one or more terms, but with no maximum age. And it restates the provision currently in regulation 29(1)(b) of those Regulations, enabling a person to hold office beyond the age of 70 under a licence from the diocesan bishop. In each case under the new regulation 29A, the term of office must be for a fixed period or subject to termination on the occurrence of a specified event.

Regulation 2(2) makes consequential amendments to regulation 29 of those Regulations.

Regulation 2(3) and (4) make consequential amendments to the Ecclesiastical Offices (Age Limits) Measure 1975 so as to disapply the general provision for ecclesiastical office to come to an end when the holder of the office reaches the age of 70 and to confine the provision enabling service beyond the age of 70 to persons who do not hold office subject to Common Tenure.