

GENERAL SYNOD

**DRAFT ECCLESIASTICAL OFFICES (TERMS OF SERVICE)
(AMENDMENT) REGULATIONS 2014**

EXPLANATORY MEMORANDUM

1. These draft Regulations amend the Ecclesiastical Offices (Terms of Service) Regulations 2009 (SI 2009/2108) ('the 2009 Regulations') for the purpose of clarifying the provisions relating to compensation for loss of office contained in Regulation 30.

BACKGROUND

2. Regulation 30 of the 2009 Regulations provides (inter alia) that certain office holders under Common Tenure should be entitled to limited compensation for loss of office in prescribed circumstances.
3. The office holders in question are:
 - (a) an incumbent appointed to a post designated under Regulation 30(1) as being subject to pastoral reorganisation, provided that the office ceases to exist in consequence of such reorganisation within a stipulated period not exceeding five years;
 - (b) any office holder who is not otherwise entitled to compensation under the Mission and Pastoral Measure 2011 (in practice, this applies to a priest-in-charge, assistant curate or stipendiary reader/lay worker) whose office ceases to exist in consequence of a pastoral scheme or order; and
 - (c) a priest in charge whose licence is terminated under section 3(4) of the Ecclesiastical Offices (Terms of Service) Measure 2009 on the appointment of another person as incumbent of the benefice.
4. In each of these cases, compensation is calculated in accordance with Schedule 4 to the Mission and Pastoral Measure 2011, but is capped at a maximum of one year's loss of service.

THE DRAFT REGULATIONS

5. It has been drawn to our attention that Regulation 30(2) may not be effective to limit compensation, in the way described above, in relation to deemed pensionable service. The draft Regulations, therefore, amend Regulation 30(2) in order to put this matter beyond doubt.
6. At the same time, the opportunity has been taken to update the references in Regulation 30 to the Pastoral Measure 1986, so that they now refer to the equivalent provisions in the Pastoral and Mission Measure 2011.
7. For reference purposes, a copy of Regulation 30 showing the proposed amendments in context is provided in the Annex to this Memorandum.

NOTES ON REGULATIONS

Regulation 1 (Citation and coming into force)

8. This paragraph makes provision for the title and commencement date of the Regulations.

Regulation 2 (Posts subject to potential pastoral reorganisation and priests-in-charge)

9. This Regulation amends Regulation 30 of the 2009 Regulations.
10. The substance of the amendment is in Regulation 2(3), which substitutes two new paragraphs for the existing Regulation 30(2) in order to make it clear that compensation awarded under Regulation 30, including entitlement to deemed pensionable service, shall be calculated on the basis of one year's loss of service.
11. Paragraphs (2), (4)(a) and (5)(b) of Regulation 2 update references to the Pastoral Measure 1986 to refer to the equivalent provisions in the Mission and Pastoral Measure 2011.
12. Paragraphs (4)(b), (5)(a) and (6) of Regulation 2 make necessary consequential amendments.

**The Legal Office
Church House, Westminster
June 2014**

ANNEX

Regulation 30 of the 2009 Regulations, showing the proposed amendments in context (deletions indicated by strike-through marking; substitutions and additions in italics)

Posts subject to potential pastoral reorganisation and priests-in-charge

30.—(1) Where—

(a) an office holder is appointed to hold office as an archdeacon or incumbent or a vicar in a team ministry or a deacon in a team ministry, and

(b) at the time when the appointment is made, the mission and pastoral committee of the diocese in which the office is situated has invited the views of the interested parties before submitting proposals to the diocesan bishop in accordance with ~~section 3 of that Measure~~ *section 6 of the Mission and Pastoral Measure 2011* for inclusion in a draft pastoral scheme or order which might affect the office,

the diocesan bishop may designate the office as an office which is subject to potential pastoral reorganisation and the statement of particulars required to be given to the office holder under regulation 3 above shall contain a declaration of that designation.

~~(2) If an office designated under paragraph (1) above ceases to exist in consequence of a pastoral scheme or order the office holder shall, provided that he is in receipt of a stipend or other emoluments, be entitled to compensation calculated in accordance with Schedule 4 to the Pastoral Measure 1983, except that any periodical payments or lump sum payable under paragraph 7(1) of that Schedule shall be based on the loss of one year's service in his or her post and paragraph 13(1)(b) and (c), all the words following sub-sub paragraph (c) and sub paragraphs (2) to (6) of that paragraph shall not apply.~~

(2) If an office designated under paragraph (1) above ceases to exist in consequence of a pastoral scheme or order and the office holder is in receipt of a stipend or other emoluments, the office holder shall be entitled to compensation under Schedule 4 to the Mission and Pastoral Measure 2011.

(2A) For that purpose, any periodical payments or lump sum payable under paragraph 5(1) of Schedule 4 to that Measure, and any entitlement in respect of a period of service deemed by paragraph 11(1)(a) of that Schedule to be a period of pensionable service for the purposes of that Measure, shall be calculated on the basis of the loss of one year's service.

(3) If, following the designation of an office under paragraph (1) above, no pastoral scheme or order is made affecting the office within such period not exceeding five years immediately following the appointment of the office holder as may be specified by the bishop, the bishop shall notify the office holder that the office is no longer designated under that paragraph.

(4) Where notification is given to the office holder under paragraph (3) above, ~~section 26 of and Schedule 4 to the Pastoral Measure 1983~~ *section 40 of and Schedule 4 to the Mission and Pastoral Measure 2011* shall apply to the office holder ~~instead of paragraph (2) above~~ (and *paragraph (2A) above shall not*).

(5) ~~Paragraph (2)~~ *Paragraphs (2) and (2A)* above shall also apply to any other office holder whose office ceases to exist in consequence of a pastoral scheme or order and who is not otherwise entitled to compensation under ~~section 26 of and Schedule 4 to the Pastoral Measure 1983~~ *section 40 of and Schedule 4 to the Mission and Pastoral Measure 2011*.

(6) Where the licence of a priest-in-charge appointed to a benefice during a vacancy is revoked, in accordance with section 3(4) of the Measure, the priest-in-charge shall be entitled to compensation calculated on the same basis as that on which compensation is calculated under ~~paragraph (2)~~ *paragraphs (2) and (2A)* above.