

THE SCHEDULE

Scheme amending the Diocese in Europe Constitution 1995

The Constitution of the Diocese shall be amended as follows –

After paragraph 17 there shall be inserted the following new paragraphs 17A, 17B and 17C

“Duration of appointments

17A (1) Subject to sub-paragraph (2) below, an office holder other than a bishop may resign his or her office by giving written notice to the diocesan bishop not less than three months before the resignation is to take effect.

(2) Any notice required to be given under sub-paragraph (1) above may be waived by agreement between the office holder and the diocesan bishop.

(3) A licence issued by the diocesan bishop shall be terminated only –

(a) on the death of the office holder;

(b) on the office holder attaining the age of seventy or on the expiration of any period for which the office holder is permitted to continue in office beyond that age in accordance with paragraph 17C of this Constitution

(c) where the office holder is removed from office following a finding of guilt for an offence under Part VI of the Ecclesiastical Jurisdiction Measure 1963 (1963 No. 1) or under any provision of the Clergy Discipline Measure 2003 (2003 No. 3);

(d) where the term is fixed or is otherwise limited pursuant to the provisions of paragraph 17B of this Constitution, on the expiry of the term or the occurrence of the event in question, as the case may be;

(e) where a licence has been granted by the diocesan bishop to a person to exercise an office which is held by the office holder in connection with employment under a contract of employment, on the termination of the contract; or

(f) under sub-paragraph (4) below or sub-paragraph (1) above.

(4) Where there has been an adjudication on a matter relating to the performance of an office holder under the Diocesan capability procedures and a determination that the office holder should be removed from office, then, if any appeal against the determination has been unsuccessful or the time within which an appeal may be brought has expired without such an appeal being brought, the bishop shall serve notice in writing on the office holder terminating his or her appointment with effect from the date of the expiry of three months after the date of the notice and stating in the notice the reason or principal reason for the termination.

(5) In this Constitution, a reference to an office holder shall, where the context so admits, include any clerk in Holy Orders who holds a licence granted by the diocesan bishop and a reference to an office shall be construed accordingly

Fixed and other limited term appointments

17B (1) Any person in holy orders who exercises his or her ministry in accordance with a licence from the diocesan bishop issued under any Canon of the Church of England may be granted such a licence for a fixed term or under terms which provide for the licence to be terminated on the occurrence of a specified event if—

- (a) the office holder occupies a post which is designated as a post created in order to cover an office holder's authorised absence from work;
- (b) the office is designated as a training post;
- (c) the office is designated as a post subject to sponsorship funding;
- (d) the office is designated as a probationary office;
- (e) the office holder holds a post which is designated as a post which is held in connection or conjunction with another office or employment;
- (f) the office holder does not have the right of abode, or unlimited leave to enter or remain, in the state or states in which the office holder is to exercise his or her ministry pursuant to the relevant licence;
- (g) the office holder may not exercise his or her ministry without the written permission of the Archbishop of Canterbury;
- (h) the office is designated as an interim post; or
- (i) the diocesan bishop considers the grant of a fixed or otherwise limited term licence to be necessary in order to avoid significant prejudice to the interests of the office holder or of the Diocese and is acting with the consent of the Bishop's Council.

(2) Where a person is to hold office in any circumstances mentioned in sub-paragraph (1) above he or she will be provided, prior to the grant of the licence, with a written statement of particulars which shall include the following information –

- (a) particulars of the relevant circumstances on the basis of which the diocesan bishop intends to grant a fixed or otherwise limited term licence
- (b) a statement of the appropriate designation of the office, where applicable
- (c) details of the fixed term or of the specified event which would give rise to the termination of the licence.

- (3) (a) An office may be designated as a training post if the office holder is required by the diocesan bishop to undertake initial ministerial education.
- (b) An office designated as a training post may continue to be designated as such for a period of no more than one year following the completion by the office holder of the initial ministerial education.
- (4) An office may be designated as a post subject to sponsorship funding if any part of the cost of the office holder's stipend or other remuneration, pension, housing accommodation or other expenses is defrayed by a person or body other than the Church Commissioners, the Diocesan Board of Finance or the entity by means of which a chaplaincy or congregation has incorporated or otherwise established itself legally.
- (5) An office may be designated as a probationary office if, on the date of the appointment of the office holder to the office, the office holder has not held any ecclesiastical office in any place during the period of twelve months immediately preceding that date.
- (6) An office may be designated as a probationary office if the office holder has been removed from a previous office by a final adjudication under the capability procedures of the Diocese or of the Church of England and the office designated as a probationary office under this paragraph is the first office occupied by the office holder after his or her removal from office.
- (7) An office may be designated as a probationary office if—
- (a) the office holder has been the subject of a complaint under the Ecclesiastical Jurisdiction Measure 1963 and has had a censure of prohibition, inhibition or suspension imposed on him or her or he or she has resigned, or
- (b) the office holder has had imposed on him or her a penalty of removal from office, prohibition for a limited term or revocation of his or her licence under the Clergy Discipline Measure 2003 or he or she has resigned in accordance with that Measure,

and appointment to the office is made on the recommendation of the diocesan bishop with a view to facilitating his or her return to the ministry.

- (8) (a) An office may be designated as an interim post if the designation is in writing, signed by the diocesan bishop acting with the consent of—
- (i) the office holder, and
- (ii) the interim ministry committee of the Diocese.
- (b) An office in the cathedral or a pro-cathedral may be designated as an interim post only if, in addition to the requirements of sub-paragraph (8)(a), the bishop is acting with the consent of the dean of the cathedral or the chancellor of the pro-cathedral (as the case may be).

- (c) In deciding whether to designate an office as an interim post, the bishop shall have regard to any guidance issued by the Archbishops' Council.
 - (d) The term of an office designated as an interim post may not exceed three years.
 - (e) An office designated as an interim post may be designated as such again for a further period of up to three years; but an office may not be designated as an interim post if it was designated as such on the two immediately preceding appointments.
- (9) The term of office of any office holder appointed for a fixed term or until the occurrence of a specified event shall terminate on the expiry of the fixed term (unless that term is extended for a further period or periods) or on the occurrence of the event, as the case may be.

Holding office beyond the age of 70

17C.—(1) A person who holds or is to hold office in the Diocese 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 paragraph.

(2) The Archbishop of Canterbury may give a direction for a person holding the office of diocesan bishop who has attained the age of 70 years to continue to hold that office for the period specified in the direction.

(3) The diocesan bishop may, with the concurrence of the Archbishop of Canterbury, 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) The diocesan bishop may give a direction for a person holding the office of chancellor of a pro-cathedral 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.

(5) Except as otherwise specifically provided in this paragraph, the diocesan bishop may give a direction for a person who has attained the age of 70 years 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 any of the foregoing sub-paragraphs includes, in the case of a person holding office by virtue of a previous direction under the relevant sub-paragraph, a power to give one or more further directions under that sub-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 sub-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 sub-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 sub-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) Neither the Archbishop of Canterbury nor the diocesan bishop may give a direction under this paragraph 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) The diocesan bishop may not give a direction under sub-paragraph (5) unless the bishop—

- (a) considers that the pastoral needs of the chaplaincy or congregation concerned or of the diocese make it desirable to give the direction, and
- (b) has obtained the consent of the chaplaincy church council concerned.

(11) In deciding whether to give a direction under this paragraph, the Archbishop of Canterbury and the diocesan bishop shall have regard to any guidance issued by the Archbishops' Council in respect of holding office beyond the age of 70 years.

(12) A direction given under this paragraph must be in writing.”