



Ecclesiastical Offices (Terms of Service) Measure 2009

2009 No. 1

2 Regulations

- (1) The Archbishops' Council shall, in accordance with the following provisions of this section, by Regulations make provision for the terms of service of persons holding office under Common Tenure (in this Measure referred to as “office holders”).
- (2) Without prejudice to the generality of subsection (1) above Regulations may—
 - (a) provide, in such circumstances as may be specified in the Regulations, for appointments of limited duration;
 - (b) confer rights and obligations on office holders and other persons and bodies, including protection for office holders against unfair dismissal;
 - (c) provide for the terms on which housing is provided for office holders and for the respective rights, powers and obligations of office holders and the providers of housing to them;
 - (d) provide for procedures to assess the performance of office holders, including remedies for inadequate performance;
 - (e) provide for rights of review or appeal and the use of employment tribunals to adjudicate on disputes;
 - (f) provide for specified persons or bodies to be responsible for bringing or defending proceedings and for the payment of costs, expenses and compensation; and
 - (g) provide for different cases and circumstances and contain transitional, incidental and consequential provisions.

[^{F1}(2A) Regulations may provide for the exercise of a discretion.]

- (3) Regulations may apply, amend or adapt any enactment or instrument.
- (4) If Regulations make provision, in accordance with subsection (2)(e) above, for the use of employment tribunals, the tribunals shall have jurisdiction in respect of proceedings for which the Regulations make provision and section 2 of the Employment Tribunals

Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Offices (Terms of Service) Measure 2009, Section 2. (See end of Document for details)

Act 1996 (c. 17) shall have effect as if the jurisdiction conferred thereby included jurisdiction conferred by or under a Measure.

- (5) A draft of any Regulations proposed to be made shall be laid before the General Synod and, if they are approved by the General Synod, whether with or without amendment, the draft Regulations as so approved shall be referred to the Archbishops' Council.
- (6) Where draft Regulations are referred to the Archbishops' Council under subsection (5) above then—
- (a) if they have been approved by the General Synod without any amendment, the Archbishops' Council shall, by applying its seal, make the Regulations;
 - (b) if they have been approved by the General Synod with amendment, the Archbishops' Council may either—
 - (i) by applying its seal make the Regulations as so amended, or
 - (ii) withdraw the draft Regulations for further consideration in view of any amendment by the General Synod;
 and the Regulations shall not come in to force until they have been sealed by the Archbishops' Council.
- (7) Where the Business Committee of the General Synod determines that draft Regulations do not need to be debated by the General Synod, then, unless—
- (a) notice is given by a member of the General Synod in accordance with its Standing Orders that he or she wishes the draft Regulations to be debated, or
 - (b) notice is so given by any such member that he or she wishes to move an amendment to the draft Regulations,
- the draft Regulations shall, for the purposes of subsections (5) and (6) above, be deemed to have been approved by the General Synod without amendment.
- (8) The Statutory Instruments Act 1946 (c. 36) shall apply to any Regulations sealed by the Archbishops' Council under subsection (6) above as if they were a statutory instrument and were made when sealed by the Archbishops' Council, and as if this Measure were an Act providing that any such Regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** S. 2(2A) inserted (retrospectively) by [Church of England \(Miscellaneous Provisions\) Measure 2018 \(No. 7\)](#), **ss. 6(7)(12)**, 17(2)(b)
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Commencement Information

- II** S. 2 in force at 11.6.2009 by [S.I. 2009/1](#), Instrument made by Archbishops

Changes to legislation:

There are currently no known outstanding effects for the Ecclesiastical Offices (Terms of Service) Measure 2009, Section 2.