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STATUTORY INSTRUMENTS

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**2009 No. 2108**

**The Ecclesiastical Offices (Terms of Service) Regulations 2009**

**PART VI**

**DURATION AND TERMINATION OF APPOINTMENTS AND COMPENSATION**

*Limited appointments and termination of appointments*

**Fixed and other limited term appointments**

**29.**—(1) A person who holds or is to hold office under Common Tenure may be appointed for a fixed term or under terms which provide for the appointment 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 holder has attained the age of seventy years and is occupying a post under a licence granted by the diocesan bishop,
- (c) the office is designated as a training post,
- (d) the office is designated as a post subject to sponsorship funding,
- (e) the office is designated as a probationary office,
- (f) the office is created by a bishop's mission order made under section 47 or 50 of the Dioceses, Pastoral and Mission Measure 2007<sup>(1)</sup>, or
- (g) the office holder holds a post which is designated as a post which is held in connection or conjunction with another office or employment,

and section 1(1) of the Ecclesiastical Offices (Age Limit) Measure 1975<sup>(2)</sup> shall have effect subject to sub-paragraph (b) above.

(2) Where a person holds office in any circumstances mentioned in paragraph (1) above the statement of particulars of office required to be given to the office holder under regulation 3 above shall, in addition, contain particulars of any relevant term mentioned in that paragraph.

(3) An office may be designated as a training post if the office holder is required by the diocesan bishop to undertake initial ministerial education.

(4) An office may be designated as a post subject to sponsorship funding if—

- (a) the holder of the post is a person referred to in section 1(1)(g) or (h) of the Measure (other than a vicar in a team ministry), and
- (b) any part of the cost of the holder's stipend or other remuneration, pension, housing accommodation or other expenses is defrayed by a person or body other than a diocesan board of finance, parsonages board, parochial church council or the Commissioners.

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(1) 2007 No.1.  
(2) 1975 No.2.

(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 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<sup>(3)</sup> 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<sup>(4)</sup> 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) 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.

#### *Compensation for loss of certain offices*

### **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 to which section 20(3A) of the Pastoral Measure 1983<sup>(5)</sup> applies, 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 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 subsub-paragraph (c) and sub-paragraphs (2) to (6) of that paragraph shall not apply.

(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

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(3) 1963 No.1.  
(4) 2003 No.3.  
(5) 1983 No.1.

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 shall apply to the office holder instead of paragraph (2) above.

(5) Paragraph (2) 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.

(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) above.