STATUTORY INSTRUMENTS

2017 No. 316

ECCLESIASTICAL LAW, ENGLAND

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

Made (sealed by the Archbishops' Council)	*7th March 2017*
Laid before Parliament	*14th March 2017*
Coming into force - -	*1st July 2017*

The Archbishops' Council, in exercise of the power conferred by section 2 of the Ecclesiastical Offices (Terms of Service) Measure 2009(**1**), 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(**2**) ("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

(**1**) 2009 No.1.
(**2**) S.I. 2009/2108.

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.

(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) A diocesan bishop may not give a direction under paragraph (5) in the case of a person holding the office of incumbent or priest in charge of, or vicar in a team ministry for, a benefice in the diocese or the office of assistant curate in the diocese unless the bishop—

(a) considers that the pastoral needs of the parish or parishes concerned or of the diocese make it desirable to give the direction, and

(b) has obtained the consent of the parochial church council of the parish or each of the parishes concerned.

(11) 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.

(12) 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(**3**), in paragraph (1)—

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