



# Ecclesiastical Offices (Terms of Service) Measure 2009

2009 No. 1

## 3 Duration of appointments

- (1) Subject to subsection (2) below, an office holder other than an archbishop or a bishop may resign his or her office by giving written notice not less than three months before the resignation is to take place to the bishop of the diocese in which the post is held.
- (2) Any notice required to be given under subsection (1) above may be waived by agreement between the office holder and the diocesan bishop.
- (3) The term of office of a person who holds office under Common Tenure shall be terminated only—
  - (a) on the death of the office holder;
  - [<sup>F1</sup>(aa) in the case of an archbishop or a bishop, on his resignation under section 1 or 4 of the Bishops (Retirement) Measure 1986;]
  - (b) on attaining the retirement age specified in relation to that office in section 1 of the Ecclesiastical Offices (Age Limit) Measure 1975 (1975 No. 2) or on the expiration for any period which the office holder is permitted to continue in office after the retirement age under section 2 or 3 of that Measure [<sup>F2</sup>or in provision made by regulations under section 2 of this Measure];
  - (c) where the office ceases to exist in consequence of a pastoral scheme or order made under the Pastoral Measure 1983 (1983 No. 1) or reorganisation scheme made under Part II of the Dioceses, Pastoral and Mission Measure 2007 (2007 No. 1);
  - (d) 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);
  - (e) where the term is fixed or is otherwise limited, on the expiry of the term or the occurrence of the event in question, as the case may be; or
  - (f) under subsection (4), (5) or (6) below or subsection (1) above [<sup>F3</sup>or section 3A of this Measure].

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*Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Offices (Terms of Service) Measure 2009, Section 3. (See end of Document for details)*

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- (4) The bishop of the diocese in which an office holder referred to in section 1(1)(g)<sup>F4</sup>... of this Measure holds office may revoke the office holder's licence to exercise the office only in accordance with the capability procedures or in accordance with the Ecclesiastical Jurisdiction Measure 1963 (1963 No. 1) or the Clergy Discipline Measure 2003 (2003 No. 3) or, in the case of a priest-in-charge appointed to a benefice during a vacancy, when the vacancy comes to an end.
- [<sup>F5</sup>(4A) The bishop of the diocese in which an office holder referred to in section 1(1)(h) of this Measure holds office may revoke the office holder's licence to exercise the office only on grounds of misconduct, including any act or omission relating to matters involving ritual, doctrine or ceremonial or in accordance with the capability procedures.]
- (5) Where a licence has been granted by a 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 the bishop may revoke the licence if that contract is terminated and the term of office of the office holder shall, thereupon, be terminated.
- (6) Where there has been an adjudication on a matter relating to the performance of an office holder under the 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 or, in the case of an office holder who is a diocesan bishop, the archbishop of the province concerned, or, in the case of an archbishop, the archbishop of the other province, 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.
- (7) The Church Dignitaries (Retirement) Measure 1949 (12, 13 & 14 Geo. 6 No. 1) shall have effect only in relation to holders of offices who are not subject to Common Tenure and section 6, or so much of section 7, of the Bishops (Retirement) Measure 1986 (1986 No. 1) (“the 1986 Measure”) as relates thereto shall cease to have effect, but, where an appointment of an archbishop is terminated under subsection (6) above, the archbishop of the other province shall petition Her Majesty to declare the archbishopric vacant and Her Majesty may by Order in Council declare the archbishopric vacant as from a date specified in the Order.
- (8) Section 3, and so far as it relates thereto, section 7 of the 1986 Measure shall not have effect in relation to a bishop who is subject to Common Tenure, but, where the appointment of a bishop is terminated under subsection (6) above, the archbishop of the province in which the bishopric is situated shall, by written notice, declare the bishopric vacant as from a date specified in the notice.
- (9) Section 8 of the 1986 Measure shall apply where an office is declared vacant under subsection (7) or (8) above as it applies where an office is declared vacant under that Measure.
- (10) In the Schedule to the Ecclesiastical Offices (Age Limit) Measure 1975 (1975 No. 2) there shall be added at the end “Any other holder of an ecclesiastical office who is subject to Common Tenure”.

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**Changes to legislation:** There are currently no known outstanding effects for the Ecclesiastical Offices (Terms of Service) Measure 2009, Section 3. (See end of Document for details)

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### Textual Amendments

- F1** S. 3(3)(aa) inserted (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), **Sch. 2 para. 17(1)(a)**; S.I. 2014/1369, art. 2
- F2** Words in s. 3(3)(b) inserted (retrospectively) by Church of England (Miscellaneous Provisions) Measure 2018 (No. 7), **ss. 68**(12), 17(2)(b)
- F3** Words in s. 3(3)(f) inserted (coming into force in accordance with s. 53(6)(7) of the amending Measure) by Cathedrals Measure 2021 (No. 2), **s. 42(2)** (with ss. 42(4)(5), 48, 52(1))
- F4** Words in s. 3(4) omitted (19.5.2014) by virtue of Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), **Sch. 2 para. 17(1)(b)**; S.I. 2014/1369, art. 2
- F5** S. 3(4A) inserted (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), **Sch. 2 para. 17(1)(c)**; S.I. 2014/1369, art. 2

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### Commencement Information

- I1** S. 3 in force at 31.1.2011 by S.I. 2010/8, **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Ecclesiastical Offices (Terms of Service) Measure 2009, Section 3.