
STATUTORY INSTRUMENTS

2009 No. 2108

The Ecclesiastical Offices (Terms of Service) Regulations 2009

PART II

PARTICULARS OF OFFICE

Right to statement of particulars of office

Statement of initial particulars of office

- 3.—(1) An office holder shall be given a written statement of particulars of office by—
- (a) an officer of the diocese nominated for that purpose by the diocesan bishop, or
 - (b) in the case of an office holder who is an archbishop or a diocesan bishop, by an officer of the province nominated by the registrar of the province in which the diocese is situated.
- (2) The statement may be given in instalments and (whether or not given in instalments) shall be given not later than the relevant date.
- (3) The relevant date for the purposes of paragraph (2) above shall be the expiry of the period of one month from the date on which the office holder took up the office.
- (4) The statement shall contain particulars of—
- (a) the name of the office holder and the title or description of the officer nominated by the bishop or registrar under paragraph (1) above and the body which is to be treated, for the purpose of these Regulations, as the respondent in any proceedings brought by the office holder before an employment tribunal,
 - (b) the title of the office to which the office holder has been appointed, and
 - (c) the date when the appointment took effect.
- (5) The statement shall also contain particulars, as at a specified date not more than seven days before the statement (or the instalment containing them) is given, of—
- (a) whether the office holder is entitled to a stipend and, if so, the amount of the stipend or the method of calculating it,
 - (b) the person or body responsible for the payment of the stipend,
 - (c) the intervals at which any stipend is payable (that is, weekly, monthly or other specified intervals),
 - (d) whether the office holder is entitled to receive parochial fees and the relationship, if any, of the receipt of such fees to any stipend,
 - (e) any terms and conditions relating to the reimbursement of expenses incurred in connection with the exercise of the office,
 - (f) whether the office is full-time or part-time and, in the case of part-time posts, and of posts for which special provision has been made for hours of work, any terms and conditions

relating to hours of work (including any terms and conditions relating to normal working hours),

- (g) any terms and conditions relating to any of the following—
 - (i) entitlement to rest periods and holidays, including public holidays,
 - (ii) incapacity for work due to sickness or injury, including any provision for sick pay,
 - (iii) pensions and pensions schemes, including, where the office holder comes within either the Church of England Pensions Scheme or the Church of England Funded Pensions Scheme, or both, a statement to that effect, and
 - (iv) entitlements to maternity, paternity, parental and adoption leave in accordance with regulation 23 below,
- (h) where the office holder is required, for the better performance of his or her duties, to occupy any particular residence, details of the address of the property concerned, the person or body to whom or which it belongs, the terms of occupation and any contents to be provided by the relevant housing provider,
- (i) the length of notice which the office holder is required to give and, if applicable, receive to terminate the appointment, and
- (j) where the appointment is not intended to be permanent, the circumstances in which it may be terminated or, if it is for a fixed term, the date when it is to end.

Statement of initial particulars: supplementary

4.—(1) If, in the case of a statement under regulation 3 above, there are no particulars to be entered under any of the paragraphs of that regulation or any of the heads of any such paragraph, that fact shall be stated.

(2) A statement under regulation 3 above may refer the office holder for particulars of any of the matters mentioned in it to these Regulations, to any Measure or Canon, to other regulations of the General Synod or specified provisions thereof or to the provisions of some other document which is reasonably accessible to the office holder.

(3) A statement shall be given to an office holder even if his or her appointment ends before the end of the period within which the statement is required to be given.

Note about disciplinary, capability and grievance procedures and pensions

5.—(1) A statement under regulation 3 above shall include a note—

- (a) in the case of office holders to whom the provisions of the Ecclesiastical Jurisdiction Measure 1963(1) relating to offences or of the Clergy Discipline Measure 2003(2) relating to misconduct apply specifying those provisions,
- (b) in the case of office holders other than those referred to in paragraph (a) above, specifying any disciplinary rules or procedures applicable to the office held by the office holder, and
- (c) in the case of all office holders, specifying any capability or grievance procedures relating to office holders.

(2) A note included in a statement under paragraph (1) above may comply with that paragraph by referring the office holder to any such laws or documents as are referred to in regulation 4(2) above.

(1) 1963 No.1.

(2) 2003 No.3.

(3) The note shall also state whether there is in force a contracting-out certificate (issued in accordance with Chapter I of Part III of the Pensions Schemes Act 1993(3)) stating that the office held by the office holder is contracted-out employment for the purposes of that Part of that Act.

Statement of changes

6.—(1) If, after the material date, there is a change in any of the matters particulars of which are required by regulations 3 to 5 above to be included or referred to in a statement under regulation 3, the officer nominated by the bishop or registrar under regulation 3(1) shall give to the office holder a written statement containing particulars of the change.

(2) For the purposes of paragraph (1) above—

- (a) in relation to a matter particulars of which are included or referred to in a statement given under regulation 3 other than in instalments, the material date is the date to which the statement relates,
- (b) in relation to a matter particulars of which are included or referred to in an instalment of a statement given under regulation 3, the material date is the date to which the instalment relates, and
- (c) in relation to any other matter, the material date is the date by which a statement under regulation 3 is required to be given.

(3) A statement under paragraph (1) above shall be given at the earliest opportunity and, in any event, not later than one month after the change in question.

(4) A statement under paragraph (1) may refer the office holder to any such laws or documents as are referred to in regulation 4(2) above.

Reasonably accessible document

7. In regulation 4 above the reference to a document which is reasonably accessible to an office holder is a reference to a document which—

- (a) the office holder has reasonable opportunities of reading in the course of the exercise of his or her office, or
- (b) where details of a website have been provided to the office holder, the office holder can gain access to without incurring unreasonable expense, or
- (c) is made reasonably accessible to the office holder in some other way.

Right to itemised statement of stipend

8.—(1) An office holder to whom a stipend is payable has the right to receive from the person or body who or which is responsible for the payment of the stipend, at or before the time at which any payment of stipend is made to him or her, a written itemised statement of stipend.

(2) The statement shall contain particulars of—

- (a) the gross amount of the stipend,
- (b) the amounts of any deductions from that gross amount and the purposes for which they are made, and
- (c) the net amount of stipend payable.