

2010 No. 2847

ECCLESIASTICAL LAW, ENGLAND

**The Ecclesiastical Offices (Terms of Service) (Consequential
and Transitional Provisions) Order 2010**

Made (sealed by the Archbishops' Council) -29th November 2010

Laid before Parliament

3rd December 2010

Coming into force - -

31st January 2011

In pursuance of section 11(1) of the Ecclesiastical Offices (Terms of Service) Measure 2009(a), the Archbishops' Council makes the following Order:

Citation coming into force and interpretation

1.—(1) This Order contains amendments and repeals of enactments and transitional provisions which appear to the Archbishops' Council to be necessary or expedient in consequence of provisions of the Ecclesiastical Offices (Terms of Service) Measure 2009(a).

(2) In this Order “the Measure” means the Ecclesiastical Offices (Terms of Service) Measure 2009(a).

(3) This Order may be cited as the Ecclesiastical Offices (Terms of Service) (Consequential and Transitional Provisions) Order 2010 and shall come into force on 31st January 2011.

Transitional provisions

2. The transitional provisions set out in Schedule 1 shall have effect.

Consequential amendments and repeals

3. The consequential amendments and repeals set out in Schedule 2 shall have effect.

The draft of this Order was approved by the General Synod of the Church of England on 24th November 2010

Church House, London SW1P 3AZ

David Williams
Clerk to the Synod

The COMMON SEAL of the Archbishops' Council was hereunto affixed on 29th November 2010.



Church House, London SW1P 3AZ

SCHEDULES

SCHEDULE 1

Article 2

TRANSITIONAL PROVISIONS

1.—(1) Subject to sub-paragraph (2), the holder of any freehold ecclesiastical office who is appointed after the date of the coming into force of section 1 of the Measure by virtue of a pastoral scheme or order to a new office which would, but for the Measure, have been a freehold office and who is not subject to Common Tenure shall not, thereby, be subject to Common Tenure unless he or she agrees to the application of the Measure to him or her.

(2) Any rector who holds office in a team ministry on that date, who is not subject to Common Tenure and who is appointed after that date by virtue of a pastoral scheme or order to a new office which would have been a freehold office but for the Measure shall hold the office for the unexpired portion of his or her term of office on the date on which the appointment takes effect and, at the expiry of that term, shall, unless he or she has agreed to the application of the Measure prior to that expiry, thereupon become subject to Common Tenure.

2. Any holder of an ecclesiastical office whose office has been terminated by notice given before the date mentioned in paragraph 1(1), taking effect on or after that date, shall not be subject to Common Tenure.

3. Notwithstanding the repeal of section 4 of the Church of England (Miscellaneous Provisions) Measure 1995(a) by Schedule 3 to the Measure, that section shall continue to have effect in relation to the holder of an ecclesiastical office referred to in that section who is not subject to Common Tenure.

SCHEDULE 2

Article 3

AMENDMENTS AND REPEALS

Pluralities Act 1838

(1 & 2 Vict. c. 106)

1. In section 32, after the words “holding any benefice” there shall be inserted the words “other than a person who is subject to Common Tenure” and after the words “without any such licence or exemption as is in this Act allowed for the purpose” there shall be inserted the words “or without the permission of the bishop of the diocese under any Canon of the Church of England”.

2. Section 33 is repealed.

3. In section 37, after the words “spiritual person” there shall be inserted the words “who is not subject to Common Tenure”.

4. Section 38, shall become subsection (1) of that section and at the end there shall be added the following subsection—

(a) 1995 No.2.

“(2) This section does not apply to any person who is subject to Common Tenure.”.

5. Section 39 shall become subsection (1) of that section and at the end there shall be added the following subsection–

“(2) This section does not apply to any person who is subject to Common Tenure.”.

6. In section 42, after the words “Every spiritual person” there shall be inserted the words “who is not subject to Common Tenure”.

7. Section 43 shall become subsection (1) of that section and at the end there shall be added the following subsection–

“(2) This section does not apply to any person who is subject to Common Tenure.”.

8. In section 44, after the words “within his diocese” there shall be inserted the words “who is not subject to Common Tenure”.

9. In section 54, after the words “within his diocese” there shall be inserted the words “who is not subject to Common Tenure”.

10. In section 75, after the words “holding any benefice” there shall be inserted the words “who is not subject to Common Tenure”.

11. Section 76 shall become subsection (1) of that section and at the end there shall be added the following subsection–

“(2) This section does not apply where the incumbent is subject to Common Tenure.”.

City of London (Guild Churches) Act 1952
(15 & 16 Geo. 6 & 1 Eliz. 2 c. xxxviii)

12. Section 12(6), (7) and (8) are repealed.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order contains transitional provisions and amendments of enactments which are consequential on the provisions of the Ecclesiastical Offices (Terms of Service) Measure 2009 and of Amending Canon No. 29 and of the Ecclesiastical Offices (Terms of Service) Regulations 2009 (S.I.2009/2108), as amended by the Ecclesiastical Offices (Terms of Service) (Amendment) Regulations 2010 (S.I. 2010/2407).

The provisions of the Order disapply the application of Common Tenure to certain statutory provisions and, in particular, those of the Pluralities Act 1838 which relate to the residence of incumbents in their benefices and, in respect of other provisions, ensure the smooth transition to the new Common Tenure regime.

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STATUTORY INSTRUMENTS

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£4.00

