

2010 No. 2407

ECCLESIASTICAL LAW, ENGLAND

**The Ecclesiastical Offices (Terms of Service) (Amendment)
Regulations 2010**

Made (sealed by the Archbishops' Council)-30th September 2010

Laid before Parliament

6th October 2010

Coming into force - -

1st January 2011

In pursuance of section 2 of the Ecclesiastical Offices (Terms of Service) Measure 2009(a), the Archbishops' Council makes the following Regulations:

Citation, coming into force and interpretation

1.—(1) These Regulations may be cited as the Ecclesiastical Offices (Terms of Service) (Amendment) Regulations 2010 and shall come into force on 1st January 2011.

(2) In these Regulations any reference to a Regulation is a reference to a Regulation of the Ecclesiastical Offices (Terms of Service) Regulations 2009(b).

Statement of initial particulars of office

2. In Regulation 3(5)(g)(iv), after the words “adoption leave”, there shall be inserted the words “and time off work to care for dependants”.

Right to object to regulated transactions

3. In Regulation 16(6), for the words “section 9” there shall be substituted the words “section 7”.

Sickness

4. In Regulation 27—

(a) in paragraph (1), for the words “regulation 3 above”, there shall be substituted the words “this regulation”; and

(b) after paragraph (1), there shall be inserted the following paragraph—

“(1A) The person nominated under paragraph (1) above shall be nominated—

(a) in the case of an office holder other than the diocesan bishop, by the diocesan bishop, and

(b) in the case of an office holder who is a diocesan bishop, by the registrar of the province in which the diocese is situated.”.

(a) 2009 No.1.

(b) S.I. 2009/2108.

Medical Examination

5. In Regulation 28—

(a) after paragraph (1), there shall be inserted the following paragraph—

“(1A) The archbishop of either province may, if he has reasonable grounds for concern about the physical or mental health of the archbishop of the other province, direct that that archbishop shall undergo a medical examination by a medical practitioner selected by agreement between both archbishops or, in default of agreement, by medical practitioners consisting of a practitioner chosen by each archbishop.”; and

(b) in paragraph (2), after the words “paragraph (1)” there shall be inserted the words “or (1A)”.

Fixed and other limited term appointments

6.—(1) In Regulation 29(1), the word “or” after sub-paragraph (f) shall be omitted and, after sub-paragraph (g), there shall be inserted the following words—

“(h) the office holder does not have the right of abode, or unlimited leave to enter or remain, in the United Kingdom; or

(i) the office holder occupies a post which is designated as a Locally Supported Ministry Post.”.

(2) After paragraph (7) of Regulation 29 there shall be inserted the following paragraph—

“(7A) An office may be designated as a Locally Supported Ministry Post if—

(a) the post is held by an assistant curate who is not in sole or principal charge of the parish in which he or she serves,

(b) the parochial church council of that parish has entered into a legally binding agreement with the diocesan board of finance of the diocese in which the parish is situated to pay the whole cost of the office holder’s stipend or other remuneration and expenses, including any pension and housing accommodation and other expenses, and

(c) the designation is in writing, signed by the bishop of the diocese, acting with the consent of the office holder and the parochial church council.”.

Posts subject to potential pastoral reorganisation and priests-in-charge

7. In Regulation 30(1)(a), the words after “team ministry” shall be omitted.

Capability procedures to be conducted in accordance with Codes of Practice

8. In Regulation 31, after paragraph (1), there shall be inserted the following paragraph—

“(1A) Where the office holder is a diocesan bishop or an archbishop an inquiry may be instigated under paragraph (1) above—

(a) in the case of an office holder who is a diocesan bishop, by the archbishop of the province in which the diocese is situated, and

(b) in the case of an office holder who is an archbishop, by the archbishop of the other province.”.

The draft of these Regulations was approved by the General Synod of the Church of England on 11th July 2010

Church House, London SW1P 3AZ

David Williams
Clerk to the Synod

THE COMMON SEAL of the Archbishops' Council was hereunto affixed on 30th September 2010



Church House, London SW1P 3AZ

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Ecclesiastical Offices (Terms of Service) Regulations 2009 (the 2009 Regulations).

Regulation 2 amends Regulation 3(5)(g)(iv) of the 2009 Regulations so as to require the statement of initial particulars of office given to office holders to include particulars of time off work to care for dependants which is permitted.

Regulation 4 amends Regulation 27 of the 2009 Regulation so that the person nominated to receive a report of the absence of an office holder because of illness or a medical certificate need not (as at present) be the person nominated under Regulation 3 of the 2009 Regulations to give office holders statements of particulars of office.

Regulation 5 enables either archbishop to direct that the other archbishop shall undergo a medical examination if he has reasonable grounds for concern about that archbishop's physical or mental health.

Regulation 6 enables an appointment of an office holder to be limited to a fixed term or on the occurrence of a specified event if he or she does not have the right of abode, or unlimited leave to enter or remain, in the United Kingdom; or if the post is held by an assistant curate and designated as a Locally Supported Ministry Post.

Regulation 8 enables a capability procedure to be instigated where the office holder is a diocesan bishop or an archbishop.

Regulations 3 and 7 make minor corrections to the 2009 Regulations.

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STATUTORY INSTRUMENTS

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