



# Ecclesiastical Offices (Age Limit) Measure 1975

1975 No. 2

## **1 Age limit for appointment, etc. to certain ecclesiastical offices.**

- (1) Subject to subsection (2) of this section, no person shall be capable of being appointed or presented to an office listed in the Schedule to this Measure if at the time of his appointment or presentation he has attained the age of seventy years.
- (2) Subsection (1) of this section shall not apply to an office in a Royal Peculiar nor to the office of residentiary canon in a cathedral church if the canonry is annexed to a professorship in a university nor to the office of dean of the Cathedral Church of Christ in Oxford.
- (3) Subject to the following provisions of this Measure, a person who holds an office listed in the Schedule to this Measure shall vacate that office on the day on which he attains the age of seventy years.

[<sup>F1</sup>(3A) Neither subsection (1) nor subsection (3) shall apply to an appointment made or continued in reliance on regulation 29A of the Ecclesiastical Offices (Terms of Service) Regulations 2009 (cases where person may hold office after attaining the age of 70).]

[<sup>F2</sup>(3B) Neither subsection (1) nor subsection (3) shall apply to an office held under a contract of employment.]

- (4) Subsection (3) of this section shall not apply to—
  - (a) any person who holds an office in a Royal Peculiar; or
  - (b) any person who holds a residentiary canonry which is annexed to a professorship in a university; or
  - (c) any person who holds the office of dean of the Cathedral Church of Christ in Oxford; or
  - (d) any person who at the commencement of this Measure holds any office listed in the said Schedule unless and until he vacates the office held by him at the said commencement.

*Changes to legislation: Ecclesiastical Offices (Age Limit) Measure 1975 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (5) The foregoing provisions shall have effect notwithstanding anything in any Measure passed before the date of the passing of this Measure, or in any instrument made under such a Measure or in the constitution and statutes of a cathedral church.

#### Textual Amendments

- F1** S. 1(3A) inserted (1.7.2017) by [The Ecclesiastical Offices \(Terms of Service\) \(Amendment\) Regulations 2017 \(S.I. 2017/316\)](#), regs. 1(2), **2(4)**
- F2** S. 1(3B) inserted (1.3.2019) by [Church of England \(Miscellaneous Provisions\) Measure 2018 \(No. 7\)](#), ss. **6(1)**, 17(3); S.I. 2019/67, art. 2(1)(e)

#### Modifications etc. (not altering text)

- C1** S. 1 amended by [Church of England \(Miscellaneous Provisions\) Measure 1978 \(No. 3, SIF 21:8\)](#), s. 2

## 2 Archbishop may continue in office for certain period after attaining retiring age at discretion of Her Majesty.

Where Her Majesty considers that there are special circumstances which make it desirable that a person holding the office of archbishop should continue in that office after the date on which he would otherwise retire in accordance with the foregoing section, She may authorise the continuance in office of that person after that date for such period, not exceeding one year, as She may in her discretion determine.

## 3 Provisions with respect to continuance in office of other office holders after attainment of retiring age.

[<sup>F3</sup>(A1) This section applies only in the case of a person who is holding office otherwise than under Common Tenure.]

(1) Where—

- (a) an archbishop considers that there are special circumstances which make it desirable that a person holding the office of diocesan bishop in his province should continue in that office after the date on which he would otherwise retire in accordance with section 1 of this Measure, or
- (b) a diocesan bishop considers that there are special circumstances which make it desirable that a person holding the office of suffragan bishop, dean, <sup>F4</sup>... residentiary canon or archdeacon in his diocese should continue in that office after the date on which he would otherwise retire in accordance with that section,

the archbishop or bishop, as the case may be, may from time to time authorise the continuance in that office of that person after that date for such period or further period, not exceeding one year in all, as he may specify [<sup>F5</sup>except that a diocesan bishop may exercise his powers under this subsection in relation to a suffragan bishop only after consultation with the archbishop of the province].

(2) Where a diocesan bishop considers that the pastoral needs of a parish in his diocese or of his diocese make it desirable that a person holding—

- (a) the office of incumbent of a benefice in his diocese, or
- (b) the office of vicar in a team ministry established for the area of any benefice in his diocese,

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should continue in that office after the date on which he would otherwise retire in accordance with section 1 of this Measure, the bishop may, with the consent of the parochial church council of the parish, or, as the case may be, of each of the parishes, belonging to the benefice, from time to time authorise the continuance in that office of that person after that date for such period or further period, not exceeding two years in all, as he may specify.

- (3) Where the Bishop of London considers it to be desirable on pastoral grounds that a person holding the office of vicar of a guild church should continue in that office after the date on which he would otherwise retire in accordance with section 1 of this Measure, he may, with the consent of the guild church council, from time to time authorise the continuance in that office of that person after that date for such period or further period, not exceeding two years in all, as he may specify.

**Textual Amendments**

- F3** S. 3(A1) inserted (1.7.2017) by [The Ecclesiastical Offices \(Terms of Service\) \(Amendment\) Regulations 2017 \(S.I. 2017/316\)](#), regs. 1(2), **2(5)**
- F4** Word in s. 3(1)(b) omitted (coming into force in accordance with s. 53(3) of the amending Measure) by virtue of [Cathedrals Measure 2021 \(No. 2\)](#), **Sch. 4 para. 15** (with ss. 42(4), 48, 52(1))
- F5** Words added by [Bishops \(Retirement\) Measure 1986 \(No. 1, SIF 21:3\)](#), **s. 11(1)**

**4** ..... **F6**

**Textual Amendments**

- F6** S. 4 repealed by [Bishops \(Retirement\) Measure 1986 \(No. 1, SIF 21:3\)](#), s. 12(2), **Sch.**

**5 Exercise of powers of bishop or archbishop during absence abroad, etc.**

- (1) ..... **F7**
- (2) The powers exercisable by an archbishop under this Measure shall during the absence abroad or incapacity through illness of the archbishop or a vacancy in the see be exercisable by the other archbishop.

**Textual Amendments**

- F7** S. 5(1) repealed by [Church of England \(Miscellaneous Provisions\) Measure 1983 \(No. 2, SIF 21:3\)](#), **s. 8(11)**

**6 Interpretation.**

In this Measure—

“benefice” means a benefice with cure of souls and includes all rectories and vicarages with cure of souls;

“incumbent”, in relation to a benefice, means a rector or vicar with cure of souls but does not include the dean <sup>F8</sup>... of a cathedral church.

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### Textual Amendments

**F8** Words in s. 6 omitted (coming into force in accordance with s. 53(3) of the amending Measure) by virtue of [Cathedrals Measure 2021 \(No. 2\)](#), **Sch. 4 para. 16** (with ss. 42(4), 48, 52(1))

## 7 Short title, extent and commencement.

- (1) This Measure may be cited as the Ecclesiastical Offices (Age Limit) Measure 1975.
- (2) This Measure shall extend to the whole of the province of Canterbury except the Channel Islands, but may be applied to the Channel Islands as defined in the <sup>M1</sup>Channel Islands (Church Legislation) Measures 1931 and <sup>M2</sup>1957, or either of them, in accordance with those Measures.
- (3) This Measure shall extend to the whole of the province of York except the Isle of Man, but notwithstanding that exception this Measure shall, subject to section 1(4)(d) thereof, apply to the Bishop of Sodor and Man.
- (4) This Measure shall come into operation on such day as the Archbishops of Canterbury and York may jointly appoint and the day so appointed shall be notified in the London Gazette.

### Modifications etc. (not altering text)

**C2** 1.1.1976 appointed under s. 7(4)

### Marginal Citations

**M1** 1931 No. 4.

**M2** 1957 No. 1.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 1(1) words substituted by [2018 No. 4 s. 13\(1\)](#)

**Changes and effects yet to be applied to the whole Measure associated Parts and Chapters:**

Whole provisions yet to be inserted into this Measure (including any effects on those provisions):

- s. 1(2A) inserted by [2018 No. 4 s. 13\(2\)](#)