

**CHURCH OF ENGLAND: DRAFT ECCLESIASTICAL OFFICES
(AGE LIMIT) (CHANNEL ISLANDS) ORDER 200-**

**Lodged au Greffe on 16th May 2000
by the Legislation Committee**



STATES OF JERSEY

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion -

to request the Bailiff to inform the Secretary of State that it is the wish of the Assembly that the draft Ecclesiastical Offices (Age Limit) (Channel Islands) Order 2000, which would have the effect of applying to Jersey the Ecclesiastical Offices (Age Limit) Measure, 1975, be applied to Jersey.

LEGISLATION COMMITTEE

Report

The Ecclesiastical Offices (Age Limit) Measure, 1975 was passed by the General Synod of the Church of England to make provision with respect to the age limit for the holding of certain ecclesiastical offices. That measure provided that no person should be capable of being appointed or presented to an office listed in the Schedule to the Measure if at the time of his appointment or presentation he has attained the age of 70 years. Subject to the exceptions contained in the Measure, the offices included the incumbents of all rectories and vicarages.

The Measure also made provision requiring a person who held office to vacate that office on the day on which he attained the age of 70 years, subject to the authority of the Diocesan Bishop, with the consent of the Parochial Church Council of the parish in question, to extend the continuance in office of the incumbent for a period not exceeding two years after he had attained the age of 70.

The 1975 Measure contained a provision by which it might be extended to the Channel Islands in accordance with the Channel Islands (Church Legislation) Measures 1931 and 1957. If not extended to the Channel Islands, there is no church legislation in place which prevents the appointment of a person over the age of 70 to a rectory or vicarage, nor any provision which requires as a matter of course the term of office to come to an end at the age of 70, subject to the exercise of any authority by the Bishop to extend it.

The Bishop of Winchester considers that it is appropriate that the terms of the 1975 Measure should be extended to the Channel Islands, and a scheme has been prepared to carry the English measure into effect in each Bailiwick subject to the modifications contained in the scheme which is attached.

The amendments made by the proposed scheme would -

- (1) remove those parts of the 1975 Measure which clearly have no application to Jersey;
- (2) make special provision for the Deans of Jersey and Guernsey at Section 3(1);

- (3) provide for the Bishop of Winchester to consult with the Church Wardens and Almoners, if any, of the parish in question before the term of office of an incumbent is extended, there being no Parochial Church Councils in the Channel Islands as is a legal requirement in the United Kingdom;
- (4) make consequential amendments.

The draft scheme was considered by the Jersey Deanery Synod on 7th December 1999 and was approved in principle then.

The Dean has also indicated that he agrees that the 1975 Measure should be extended to Jersey in accordance with the modifications contained in the scheme.

If approved by the States, the Secretary of State will be advised that the scheme is agreeable to the Insular Authorities, and in due course the scheme will be presented before the General Synod of the Church of England for approval. The General Synod has no power to amend the scheme and in theory may approve it or reject it. However there seems no basis upon which, if agreeable to the Insular Authorities, the scheme should not receive approval of General Synod.

APPENDIX

**THE ECCLESIASTICAL OFFICES (AGE LIMIT)
(CHANNEL ISLANDS) ORDER 2000**

Made	2000
Coming into operation	2000

At the Court at Buckingham Palace

the day of 2000

PRESENT

The Queen's Most Excellent Majesty in Council

WHEREAS the Bishop of Winchester has, in accordance with the Schedule to the Channel Islands (Church Legislation) Measure 1931, as amended by section 2 of the Channel Islands (Church Legislation) Measure 1931 (Amendment) Measure 1957, settled the Scheme set out in the Schedule to this Order for applying the Ecclesiastical Offices (Age Limit) Measure 1975 to the Channel Islands, and the procedure set out in the Schedule to the first-mentioned Measure has been followed.

NOW, THEREFORE, HER MAJESTY, in pursuance of section 2 of the Channel Islands (Church Legislation) Measure 1931, as amended by section 1 of the Channel Islands (Church Legislation) Measure 1931 (Amendment) Measure 1957, and of section 7(2) of the Ecclesiastical Offices (Age Limit) Measure 1975, is pleased, by and with the advice of Her Privy Council, to order and direct as follows -

1. This Order may be cited as the Ecclesiastical Offices (Age Limit) (Channel Islands) Order 2000 and shall come into operation on the day of 2000.

2. The Scheme set out in the Schedule to this Order is hereby confirmed.

3. The Ecclesiastical Offices (Age Limit) Measure 1975 shall apply to the Channel Islands in accordance with the provisions of the said Scheme.

SCHEDULE

A SCHEME

Prepared by the Bishop of Winchester in pursuance of the Channel Islands (Church Legislation) Measures 1931 and 1957 for applying the Ecclesiastical Offices (Age Limit) Measures 1975 to the Channel Islands.

Preamble

Whereas section 7(2) of the Ecclesiastical Offices (Age Limit) Measure 1975 provides that the Measure may be applied to the Channel Islands or either of them, as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957, in accordance with the provisions of the last-mentioned Measures.

And whereas the Bishop of Winchester has come to the conclusion that the Measure ought to be applied to the Channel Islands with certain variations and has in accordance with paragraphs 1 to 3 of the Schedule to the Channel Islands (Church Legislation) Measure 1931 prepared the following draft Scheme for the purpose:

Scheme

- Application of the Ecclesiastical Offices (Age Limit) Measure 1975*
1. In its application to the Channel Islands the Ecclesiastical Offices (Age Limit) Measure 1975 shall have effect as if -
 - (a) section 1(2) were omitted;
 - (b) in section 1(4), paragraphs (a), (b) and (c) were omitted;
 - (c) in section 1(5) all words after the words "Measure or in" were omitted and there were substituted the words "any Order made in pursuance of the Channel Islands (Church Legislation) Measure 1931 and 1957";
 - (d) section 2 were omitted;

(e) for section 3(1) there were substituted -

“(1) Where the diocesan bishop considers that there are special circumstances which make it desirable that a person holding the office of Dean of Jersey or Dean of Guernsey 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 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.”;

(f) for section 3(2) there were substituted -

“(2) Where the diocesan bishop considers that the pastoral needs of a parish in his diocese, or of his diocese, make it desirable that a person holding the office of incumbent of a benefice in his diocese 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 majority of the Church Wardens and Almoners (if any) of the Parish, from time to time authorise the continuance in that office of that person after that date for such period or further period, not exceeding 2 years in all, as he may specify.”;

(g) section 3(3) were omitted;

(h) sections 4 and 5(2) were omitted;

- (i) in section 6, in the definition of “incumbent”, the words “but does not include the Dean or Provost of a Cathedral Church” were omitted;
- (j) subsections (3) and (4) of section 7 were omitted;
- (k) in the Schedule there were substituted for the listed offices the following offices -

“Dean of Jersey
Dean of Guernsey
Incumbent of a benefice”.

Interpretation

- 2. For the purpose of this Scheme, and of the Measure applied to the Channel Islands by this Scheme -
 - (a) any reference to the Channel Islands or either of them shall have the same meaning as has such a reference in the Channel Islands (Church Legislation) Measure 1931; and
 - (b) any reference to any other enactment is a reference to that enactment as it has effect in the Channel Islands.

Explanatory Note

(This Note is not part of the Order)

This Order applies the Ecclesiastical Offices (Age Limit) Measure 1975 to the Channel Islands in accordance with a Scheme prepared by the Bishop of Winchester.