

Diocese of St Albans
Bishop's Policy on Ministers holding Office beyond the age of 70

Background

1. Clergy on an 'old-fashioned freehold' (incumbents in office since before 31 January 2011 who have not elected to move to Common Tenure) automatically cease to hold office on their 70th Birthday. Under the *Ecclesiastical Offices (Age Limit) Measure 1975* ("the 1975 Measure"), the Bishop may, as an exception to that rule, authorise the incumbent to continue in office for up to two years (until their 72nd birthday), with the consent of the PCC, if the Bishop considers that the pastoral needs of a parish in his/her diocese or the pastoral needs of his/her diocese make it desirable.
2. The law has recently (July 2017) changed in relation to persons holding office under Common Tenure. Common Tenure incumbents were previously subject to the 1975 Measure, and licensed clergy (curates/priests-in-charge *etc*) automatically went out of office at 70 without possibility of extension. They could, however, be *re-licensed* (having gone out of office) to the same post for a fixed term after their 70th birthday, or appointed to a new post.
3. A new provision came into force from 1st July 2017, which allows the Bishop to extend parochial clergy on Common Tenure by one or more fixed terms beyond the age of seventy. There is no fixed upper age limit. As under the 1975 Measure, an extension can only be granted where the Bishop considers that the pastoral needs of a parish in his/her diocese or the pastoral needs of his/her diocese make it desirable.
4. The new provision applies only to those on Common Tenure. Clergy on old-fashioned Freehold are still subject to the provisions of the 1975 Measure, unless they elect to transfer to Common Tenure (which they are free to do at any point).

Policy - Preamble

5. The discretion contained in the new regulation 29A¹ should be exercised fairly, transparently, without discrimination, and in a way that serves the mission of the Church in the Diocese of St Albans. The Bishop recognises the importance of a consistent policy on the operation of this discretionary power in order to give clarity across the Diocese, whilst retaining his discretion to depart from it in exceptional individual cases.
6. In setting this policy, the Bishop has had regard to the *Ecclesiastical Offices (Terms of Service) Regulations 2009* (as amended) and the statutory Guidance subsequently issued by the Archbishops' Council. The Bishop has also consulted the suffragan Bishops and Archdeacons before bringing this policy into effect.

¹ **29A.**—(1) A person who holds or is to hold office under Common Tenure and has attained the age of 70 years may be appointed, or may have his or her appointment continued, for a fixed term or under terms which provide for the appointment to be terminated on the occurrence of a specified event if the person occupies a post by virtue of a direction given under this regulation.

7. Whilst primarily a policy in relation to the operation of Regulation 29A (Common Tenure), the Bishop confirms that he shall apply the same principles to the Bishop's discretion for freehold incumbents, to whom the 1975 Measure shall continue to apply.

Diocesan Policy

8. The principle of an end date at age 70 for parochial incumbency², giving a clean break and certainty for cleric, bishop, patron and parish is well established, known and understood. It enables good preparation for retirement and whatever ministry is to take place at the next stage. It ensures that expectations are managed. It ensures that opportunities are created for other clergy to move into new roles. It enables advance and strategic planning for potential pastoral reorganisation.
9. The default retirement age has been retained by General Synod (who could have abolished it had they thought doing so was in the interests of the Church).
10. Of course there are many who will be willing, able and suitable for future ministry after their seventieth birthday. But the Bishop believes that, in the vast majority of cases, such ministry should be in a new context.
11. The Bishop will therefore not issue directions under Regulation 29 (A) for the extension of the office of an existing incumbent or priest in charge beyond the age of seventy, save in exceptional circumstances. As noted above, exceptions can only lawfully be considered where it can be demonstrated that the pastoral needs of the parish justify such a course of action.
12. Otherwise, service over the age of seventy will be exercisable by a new licence and Statement of Particulars in a new context, (or by Permission to Officiate).
13. Such ministry may include appointment to a new parish (whether on a full stipend, part stipend or house-for-duty basis), and might be as an Incumbent, Priest-in-Charge or Associate Priest. It may, of course, instead be on an SSM (non-stipendiary) basis or (as will continue to apply in the majority of cases) by grant of a Permission to Officiate.
14. In all cases, such appointment will be for a fixed (but renewable) time-limited period. Subject to the Bishop's discretion and any consultation and health checks laid down in the relevant Regulations and Guidance, this will usually be for a period of no more than three years.
15. It is recognised that there will be clergy operating under an employment contract (for example, as Chaplains in the NHS or schools) who will exercise their ministry beyond the age of 70 according to the HR provisions of the institution within which they operate. As a general rule, the Diocese will continue to facilitate this ministry through the issue of the relevant licence or PTO, with regard to any guidance issued by the House of Bishops or Archbishops' Council.
16. The Bishop believes that this policy gives clarity and certainty to clergy and parishes and will assist all those preparing for the retirement of their parish priest, as well as those looking to exercise further ministry beyond the age of 70. In doing so, the Bishop pays tribute to the immense contribution that all clergy in the Diocese, including those over the age of 70, make to the life of our parishes and Diocese.

+Alan St Albans

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² And priests-in-charge