Bishops (Retirement) Measure 1986

1986 No. 1

A Measure passed by the General Synod of the Church of England to make fresh provision with respect to the resignation or retirement of archbishops and bishops and for purposes connected therewith. [18th March 1986]

PART I

Bishops

Resignation of bishop.

1.—(1) Where a person holding the office of diocesan bishop or suffragan bishop wishes to resign his office he shall, after consultation with the archbishop, tender his resignation to the archbishop in a written instrument in the prescribed form.

(2) If the archbishop decides to accept the resignation, he shall, within 28 days of receiving the instrument, by endorsement upon the instrument in the prescribed form declare the bishopric vacant as from a date specified in the endorsement (which shall subject to the provisions of sections 1(3) and 3 of the Ecclesiastical Offices (Age Limit) Measure 1975, be the date proposed by the bishop in the instrument or such later date as may be agreed by the archbishop and bishop concerned); and the instrument shall be filed in the provincial registry.

1975 No. 2.

Retirement of bishop on reaching age-limit.

2.—(1) Not less than six months before the date on which a person holding the office of diocesan bishop or suffragan bishop is required to vacate his office in accordance with section 1 of the Ecclesiastical Offices (Age Limit) Measure 1975, the archbishop shall by written instrument in the prescribed form declare

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the bishopric vacant as from that date or, if his continance in office beyond that date is authorised under section 3(1) of that Measure, from the later date so authorised.

(2) Where after the making of an instrument under subsection (1) above—

(*a*) in the case of an instrument relating to a diocesan bishop, the archbishop authorises his continuance in office under section 3(1) of the Ecclesiastical Offices (Age Limit) Measure 1975, or

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(*b*) in the case of an instrument relating to a suffragan bishop, the diocesan bishop authorises his continuance in office under that section,

the archbishop may by written instrument in the prescribed form substitute for the date specified in the instrument made under subsection (1) above the date of the expiration of the period for which continuance in office is so authorised.

(3) Any instrument made under this section shall be filed in the provincial registry.

Retirement of bishop in case of disability.

3.—(1) Where it appears to the archbishop that a person holding the office of diocesan bishop or suffragan bishop is incapacitated by physical or mental disability from the due performance of his episcopal duties, the archbishop may, with the concurrence of the two senior diocesan bishops of the province, and subject to subsection (2) below, request the bishop to tender his resignation to the archbishop in a written instrument in the prescribed form.

(2) Before making any such request the archbishop shall send to the bishop notice of his intention to do so, and if within 15 days after receiving such notice or within such extended period as the archbishop may allow the bishop sends to the archbishop a demand for a medical examination, the archbishop shall not request the bishop to tender his resignation until the report of the medical examination has been considered by the archbishop and the said senior bishops.

(3) The expenses of the medical examination shall be defrayed by the Church Commissioners.

(4) On receiving an instrument of resignation under subsection (1) above, the archbishop shall by endorsement on the instrument in the prescribed form declare the bishopric vacant as from a date specified in the endorsement.

(5) If the bishop to whom a request has been made by the archbishop under this section refuses or fails within 2 months of the receipt of the request to tender his resignation or is

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prevented by his infirmity from so doing, the archbishop may by written instrument in the prescribed form declare the bishopric vacant as from a date specified in the instrument.

(6) The date from which a bishopric may be declared vacant under this section shall not be earlier than the date of the endorsement under subsection (4) above or the date of the instrument under subsection (5) above, as the case may be; and any instrument made under this section shall be filed in the provincial registry.

PART II

Archbishops

Resignation of archbishop.

4. Where an archbishop wishes to resign his archbishopric he shall tender his resignation to Her Majesty in a written instrument in the prescribed form and Her Majesty may by Order in Council declare the archbishopric vacant as from a date specified in the Order (which date shall not be earlier than the date of the Order).

Retirement of archbishop on reaching age-limit. 1975 No. 2.

5. Not less than six months before the date on which an archbishop is required to vacate his office in accordance with section 1 of the Ecclesiastical Offices (Age Limit) Measure 1975, the archbishop shall tender his resignation to Her Majesty in a written instrument in the prescribed form and Her Majesty may by Order in Council declare the archbishopric vacant as from that date or, if Her Majesty decides to exercise Her discretion under section 2 thereof, as from such later date as Her Majesty may determine under that section.

Retirement of archbishop in case of disability.

6.—(1) Where it appears to the two senior bishops of the province that the archbishop of that province is incapacitated by physical or mental disability from the due performance of his duties, the two senior bishops may, with the concurrence of the archbishop of the other province and subject to subsection (2) below, request the archbishop to tender his resignation to Her Majesty in a written instrument in the prescribed form, and Her Majesty, on receiving the resignation, may by Order in Council declare the archbishopric vacant as from a date specified in the Order.

(2) Before making any such request the two senior bishops shall send to the archbishop notice of their intention to do so, and if within 15 days after receiving such notice or within such extended period as the two senior bishops may allow the archbishop sends to the two senior bishops a demand for a medical examination, the two senior bishops shall not request the archbishop to tender his resignation until the report of the medical examination has been considered by the two senior bishops and the archbishop of the other province.

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(3) The expenses of the medical examination shall be defrayed by the Church Commissioners.

(4) If the archbishop to whom a request has been made by the two senior bishops under this section refuses or fails within two months of the receipt of the request to tender his resignation or is prevented by his infirmity from so doing, the two senior bishops may with the concurrence of the archbishop of the other province petition Her Majesty to declare the archbishopric vacant.

(5) Upon receiving any such petition Her Majesty may by Order in Council declare the archbishopric vacant as from a date specified in the Order.

(6) The date from which an archbishopric may be declared vacant by an Order in Council under subsection (1) or (5) above shall not be earlier than the date of the Order.

PART III

General provisions

Provisions as to pensions.

1961 No. 3.

7. Where a bishopric is declared vacant under section 3 or an archbishopric is declared vacant under section 6 of this Measure, the bishop or archbishop shall be treated for the purposes of sections 1 of the Clergy Pensions Measure 1961 as having retired on the ground of infirmity on the date from which the bishopric or archbishopric is declared vacant.

Effect of declaration of vacancy.

8.—Where a bishopric or archbishopric has been declared vacant under this Measure, any other preferment held by the bishop or archbishop shall also be vacated unless in the case of a bishopric the archbishop, or in the case of an archbishopric Her Majesty, declares that it shall not be vacated.

(2) Any such declaration shall be made in the written instrument, endorsement or Order in Council declaring the bishopric or archbishopric vacant.

Fee for legal officers.

1962 No. 1.

9. No fee shall be prescribed under the Ecclesiastical Fees Measure 1962 in respect of any specific duty imposed on any legal officer by virtue of the provisions of this Measure; in this section "legal officer" has the same meaning as in the Ecclesiastical Fees Measure 1962.

Interpretation.

10.—(1) In this Measure the following expressions have the meanings hereby respectively assigned to them unless the context otherwise requires, that is to say:—

"archbishop" in relation to any diocesan bishop means the archbishop of the province in which his diocese is situated and in relation to any suffragan bishop

means the archbishop of the province in which the diocese of the bishop to whom he is suffragan is situated;

"medical examination" means an examination into the physical or mental abilities of the person demanding the examination by a medical practitioner agreed on between that person and the person or persons requesting his resignation or, failing such agreement, appointed by the President of the Royal College of Physicians;

"preferment" includes an archbishopric, a bishopric, archdeaconry, deanery or office in a cathedral or collegiate church, and a benefice, and every curacy, lectureship, readership, chaplaincy, office or place which requires the discharge of any spiritual duty;

"prescribed" means prescribed by the Vicars-General of the provinces of Canterbury and York acting jointly.

(2) In this Measure the expression "diocesan bishop" shall not include an archbishop.

(3) 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 archbishop of the other province.

(4) For the purposes of this Measure, the seniority of a diocesan bishop after the Bishops of London and Winchester in the province of Canterbury and after the Bishop of Durham in the province of York shall be determined by length of service as a diocesean bishop within the provinces except that any diocesan bishop who by reason of illness or absence is unable to act or whose retirement is in question shall be disregarded.

Minor and consequential amendments. 1975 No. 2.

11.—(1) In section 3(1) of the Ecclesiastical Offices (Age Limit) Measure 1975 there shall be added at the end the words "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."

1983 No. 2.

(2) In subsections (1), (9) and (13) of section 8 of the Church of England (Miscellaneous Provisions) Measure 1983 for any reference to a deed there shall be substituted a reference to an instrument.

Repeals.

12.—(1) Any rule of law or custom with respect to the resignation or retirement of an archbishop or a bishop is hereby abrogated.

PART III

(2) The enactments specified in the Schedule to this Measure are hereby repealed to the extent specified in column 3 of that Schedule.

Short title, extent and commencement.

13.—(1) This Measure may be cited as the Bishops (Retirement) Measure 1986.

(2) This Measure shall extend to the whole of the provinces of Canterbury and York.

(3) This Measure shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint.

SCHEDULE

S. 12(2).

REPEALS

Provision	Short title	Extent of repeal
1951 No. 2.	The Bishops (Retirement) Measure 1951.	The whole Measure.
1961 No. 3.	The Clergy Pensions Measure 1961.	In Schedule 2, the amendments to the Bishops (Retirement) Measure 1951.
1975 No. 2.	The Ecclesiastical Offices (Age Limit) Measure 1975.	Section 4.
1983 No. 2.	The Church of England (Miscellaneous Provisions) Measure 1983.	Section 7.