

SYNOD REPORTS

THE GENERAL SYNOD OF THE CHURCH OF
ENGLAND

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The Church of England (Pensions) Measure (see 6 Ecc LJ 298 and 7 Ecc LJ 78) and the Synodical Government (Amendment) Measure (see 6 Ecc LJ 298) have both received Royal Assent and have come into force.

The Clergy Discipline Measure (see 5 Ecc LJ 382 and 6 Ecc LJ 89) has also received the Royal Assent. Its provisions will be brought into force progressively, starting in autumn 2003 with those providing for key appointments. Once those appointments have been made, a very substantial amount of work will need to be done on the preparation of the Rules and Code of Practice required under the Measure, before the rest of it can be brought into force. The probability is, therefore, that the new disciplinary procedures themselves will not come into operation before the end of 2005.

General Synod

This Report covers three groups of sessions: those held in November 2002 and in February and July 2003.

November 2002

The November 2002 and February 2003 groups of sessions saw the revision, final drafting and final approval stages of the draft Care of Cathedrals (Amendment) Measure (see 6 Ecc LJ 299). It now stands committed to the Legislative Committee for submission to the Ecclesiastical Committee.

November 2002 also saw the draft Church of England (Miscellaneous Provisions) Measure introduced into the Synod. It returned in July 2003 for revision, but emerged unamended. The draft Measure, which stands in a line of such Measures (one normally being introduced each quinquennium), makes a number of miscellaneous, uncontroversial amendments to Church legislation—mostly, on this occasion, relating to the functions of the Church Commissioners.

Rather more controversy surrounded some of the non-legislative business at this group of sessions. A motion seeking amendments to the Canons to

give ministers a discretion to dispense with the wearing of vestments was lost after a division by Houses. Of more significance in the long term, after debates in both Convocations and in the Synod itself, the new discipline in relation to marriage in church after divorce (see 7 Ecc LJ 79) was finally put in place: this took the form of final approval being given to the rescission of those parts of the former marriage resolutions of the Convocations which were inconsistent with the new discipline. The House of Bishops has subsequently issued guidance to clergy to support them in their task of deciding whether or not to conduct such marriages.

February 2003

The February 2003 group of sessions saw the introduction of a number of items, including an Amending Canon giving effect to the more contentious aspects of the Bridge Review of Synodical Government (see 6 Ecc LJ 298 and 7 Ecc LJ 78). The most significant elements relate to the size and composition of the General Synod itself, involving as they do both a reduction in size to around 480 (from the present 571) and alterations to the number and size of the current special constituencies. The draft legislation, which also makes a number of detailed technical changes to the Church Representation Rules, now stands committed to a Revision Committee. Whether the proposed changes to the size and make-up of the Synod survive the revision process remains to be seen.

Items of non-legislative business at the same group of sessions included a motion deploring the imposition of entrance charges to cathedrals. Having been the subject of an unsuccessful attempt to move 'Next Business', the resolution was eventually passed in a substantially diluted form which, among other things, recognised the risks of charging and called on cathedrals to raise money from visitors with sensitivity and to avoid charging if possible.

July 2003

At the July 2003 group of sessions, first consideration was given to the draft Stipends (Cessation of Special Payments) Measure. The draft Measure provides for the guaranteed annuities currently payable under the Endowments and Glebe Measure 1976 to be abolished (unless the incumbent currently entitled to one opts to carry on receiving it) and for the sums released as a result to be 'ring-fenced' so that they are applicable only in support of clergy stipends.

The usual Fees Orders also came before the Synod. As in 2002 (see 7 Ecc LJ 78), the Legal Officers (Annual Fees) Order was again the subject of a lively debate before being approved. This was due largely to the fact that it will increase the amount payable in retainers to diocesan registrars at a lower rate than in the past few years, in line with price inflation only (without regard to increases in the average earnings index) and without the additional element paid since 1997 in an attempt to bring the level of fees nearer to what was seen, at the time, as reasonable remuneration for the

work done under the retainer. This proposal was made by the Fees Advisory Commission (the body responsible for making recommendations as to fees payable to diocesan registrars and others) as part of a wider review of the retainer system, on which the Commission is consulting stakeholders. Proposals for consideration will include the abolition of the national retainer system (and the Commission itself) and its replacement by local negotiation at diocesan level.

Synod also took considerable interest in the remaining steps required to give effect to the recommendations of the Perry Review of the appointment of diocesan bishops. They involved changes to Standing Order 120 (including the renaming of the Crown Appointments Commission as the 'Crown Nominations Commission' and an increase in the number of diocesan members of the Commission from four to six) and approval of the Vacancy in See Committees (Amendment) Regulation. This amends the Vacancy in See Committees Regulation 1993, which makes provision for the composition and procedure of the Vacancy in See Committee required to be established in each diocese for the purpose of writing a statement of the needs of the diocese when the diocesan bishopric falls vacant and electing the diocesan members of the Crown Nominations Commission.

Items of non-legislative business included Synod's approval of the Anglican-Methodist Covenant (which did not represent Article 8 business, with the special treatment afforded under the Synod's constitution to such business, since it does not make any changes to the structural relationship between the two Churches). The Synod also welcomed draft Guidelines on the Professional Conduct of the Clergy prepared by the Convocations, which were accordingly remitted to them for approval and distribution to all the clergy in the two provinces.

The Synod also discussed a number of heritage-related issues, in the course of which concerns were expressed about the faculty jurisdiction. It warmly supported a proposal to develop a strategy for a new partnership with Government and other bodies in respect of cathedral and church buildings, whilst at the same time seeking to simplify the present system of faculty controls. But on the last day, with very little time available for a debate, the Synod rejected by the narrowest of margins (1 vote!) a motion calling on the Archbishops' Council to bring forward legislation to remove (by certain specified means) the 'administrative and cost burdens on parishes which arise from the excessive detail and duplication currently inherent in the operation of the faculty jurisdiction'.

Finally, the Synod also overturned its decision at the February group of sessions not to debate a motion from the Birmingham Diocesan Synod calling for Church legislation to be amended so as to exclude 'gender-specific' titles (principally that of 'chairman'). The motion will accordingly be debated at the next group of sessions, due to be held in February 2004.