

## SYNOD REPORTS

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# General Synod of the Church of England

November 2013, February 2014 and July 2014

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### WOMEN IN THE EPISCOPATE

The most significant business – legislative or otherwise – conducted at these three groups of sessions was without doubt that relating to the consecration of women to the episcopate. The report on the Synod's proceedings published in the January 2014 edition of this *Journal* recounted the Synod's decision in July 2013 to call for draft legislation to be introduced giving effect to one of the options which had been identified by the working group established by the House of Bishops in 2012, immediately following the defeat of the previous legislation.

Draft legislation to that end, in the form of the Bishops and Priests (Consecration and Ordination of Women) Measure and Amending Canon No 33, was accordingly brought forward for first consideration in November 2013. Departing from the usual procedure, the Synod agreed for various reasons (including that the draft legislation formed only part of the wider package described below) that the revision of the draft legislation should take place entirely in full Synod, with no prior revision committee stage.

The new draft legislation was deliberately simpler than that which had failed to secure final approval in 2012. The Measure authorises the making of a Canon allowing women to be consecrated as bishops, repeals the Priests (Ordination of Women) Measure 1993 in its entirety and makes a clarificatory amendment to the Equality Act 2010. The Amending Canon revokes the gender-specific provisions for the ordination of women as deacons and priests contained in Canons C 4A and C 4B and amends Canons C 2 and C 4 so as to make new provision, in gender non-specific terms, for both the consecration of bishops and the ordination of deacons and priests, thus allowing women as well as men to be consecrated as bishops.

The legislation does not itself set out any arrangements for those unable to accept women's ordained ministry. They are, instead, contained in the *House of Bishops' Declaration on the Ministry of Bishops and Priests*, a draft of which

was laid before the Synod in February. The arrangements it contains will not have the force of law. However, they include expectations that, where a parish signals that it wishes to take advantage of the arrangements, its needs will be reflected both in relation to episcopal ministry (through the provision of suitable pastoral and sacramental care) and in relation to priestly ministry (including in the decisions of diocesan bishops and patrons in relation to appointments). The *Declaration* sets out five 'guiding principles', which present the context in which the arrangements made under the *Declaration* are to operate.

In support of the arrangements contained in the *House of Bishops' Declaration*, the Amending Canon also introduces a new Canon C 29, which requires the House of Bishops to make Regulations prescribing a procedure for the resolution of disputes arising from those arrangements. The Regulations can be made by the House without the need for Synodical approval but cannot subsequently be amended without the approval of a two-thirds majority in each House of the Synod. A draft of the Regulations was laid before the Synod in February.

The final element of the package is an Act of Synod rescinding the Episcopal Ministry Act of Synod 1993 from the point at which Amending Canon No 33 is enacted. A draft of that, too, was laid before the Synod in February.

All the elements of the package being before it at that point, at the February group of sessions the Synod completed the revision stage for the draft legislation, welcomed the draft *House of Bishops' Declaration* and the draft Regulations, gave preliminary consideration to the draft Act of Synod and agreed to suspend that part of one of its Standing Orders which requires diocesan synods to be given at least six months to respond to a reference under Article 8 of the Synod's Constitution. The purpose of the last decision was to enable the Article 8 reference to be completed in time for the remaining legislative stages to be taken in July, should a majority of dioceses approve the draft legislation. In the event, all forty-three dioceses that voted on the draft legislation approved it.

In the meantime, consistently with the underlying aim that the form of all the elements of the package should be clear before the Synod came to vote on final approval, in May the House of Bishops made the *Declaration* in the form welcomed by the Synod in February. (The intention is that the House should make the dispute resolution procedure Regulations, again in the form previously welcomed by the Synod, as soon as practicable after the enactment of the Amending Canon.)

At the July group of sessions the Synod was accordingly in a position to complete the remaining stages for the draft legislation, including the formal reference of the draft legislation and draft Act of Synod to the House of Bishops under Article 7 of the Synod's Constitution. When it came to the Final Approval Stage, the draft legislation was approved by the requisite two-thirds majority in all three Houses. (The voting figures on the draft Measure were:

bishops: 37–2 (with 1 recorded abstention); clergy: 162–25 (with 4 recorded abstentions); laity: 152–45 (with 5 recorded abstentions.) The Act of Synod also received final approval and was formally proclaimed and affirmed as such.

Following the July group of sessions, the Measure stood committed to the Synod's Legislative Committee, for submission to the Ecclesiastical Committee of Parliament. After a meeting with representatives of the Synod on 22 July, the Ecclesiastical Committee found the Measure expedient.

After completion of the remaining parliamentary stages and Royal Assent, Amending Canon No 33 was formally enacted on 18 November 2014 and the legislation came into force.

## OTHER LEGISLATION

As well as conducting almost the entire legislative process relating to the consecration of women to the episcopate, over the course of its three most recent groups of sessions the Synod has taken forward a number of other items of legislative business. As regards primary legislation, in November the Synod gave final approval to the latest Church of England (Miscellaneous Provisions) Measure (the most substantial of its kind to date) and the associated Amending Canon No 31. Both make uncontroversial changes to ecclesiastical law.

A number of other items taken forward during the period under review reflect what appears to be a growing practice of dioceses and Synod members taking the initiative in calling for changes to the Church's legal framework. Thus in February draft legislation was introduced to give effect to the Synod's decision in November 2013 to pass a motion moved on behalf of the Bradford diocesan synod calling for legislation to enable dioceses of the Church of England to be named by reference to a geographical area as well as a city or substantial town.

The Ecclesiastical Property Measure – introduced for first consideration in November 2013 and revised in July – owes its origin to a private member's motion carried in July 2012 calling for legislation to amend the Parochial Church Councils (Powers) Measure 1956 so as to permit certain PCCs to acquire and hold property without any requirement for vesting in the diocesan authority. The Measure will amend the arrangements for the holding of property by PCCs generally (though not in the way originally proposed), giving them and parish trustees greater freedom by removing the need for the diocesan authority's consent for certain kinds of disposal and the bringing of legal proceedings.

Similarly, Amending Canon No 35, introduced in July, is the first step in implementing the Synod's decision in November 2012, on a motion moved on behalf of the Southwell and Nottingham diocesan synod, to call for the amendment of Canon B 12 so as to allow decisions on who may be authorised to distribute Holy Communion to be taken at parish level and to allow those

authorised to include children admitted to Holy Communion under the Admission of Baptised Children to Holy Communion Regulations 2006.

Continuing the trend, in July the Synod passed a further private member's motion calling for the amendment of Canon B 8 so as to make the wearing of the forms of vesture it specifies optional rather than mandatory. In doing so the Synod appears to have been influenced by the recognition that the present gap between law and practice was now so wide as to need addressing. The Canon required to give effect to the motion will require a two-thirds majority in each of the Synod's Houses for its final approval.

Active as others may be in promoting legislative change, the Archbishops' Council still continues to play an important role in that connection, as witnessed by its introduction in July of the draft Safeguarding and Clergy Discipline Measure and Amending Canon No 34. Both give effect to proposals of the council developed in the light of the recommendations of the commissaries appointed by the Archbishop of Canterbury to carry out the visitation in relation to safeguarding in the Diocese of Chichester. The draft legislation is intended to make the disciplinary processes under the Clergy Discipline Measure 2003 more effective where safeguarding issues arise, reduce the potential for abuse and underpin the Church's policies on safeguarding.

Similarly, the Council has also promoted, as part of its 'simplification' agenda (intended to reduce the time spent by clergy and church members on the management of structures and processes), the Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure. Introduced in November 2013 and revised in July, the Measure will take a stage further the reform of the faculty jurisdiction system begun in July 2013 (when the Synod approved the Faculty Jurisdiction Rules 2013), including by giving the Ecclesiastical Rule Committee a new power to establish a nationally applicable list of minor and routine works that can be implemented without a faculty, subject to meeting certain conditions.

On a more inward-looking matter, in July the Synod both revised and gave final approval to a number of related items concerned with its own composition, in the form of Amending Canon No 32 and three other instruments. Rather than giving effect to the original, and controversial, proposal to abolish the four special constituencies for university clergy, the legislation preserves them but in a modified, and enlarged, form.

Finally, lessons may need to be learned from the fate of the Church Representation Rules (Amendment) Resolution. Introduced by the Archbishops' Council as part of its 'simplification' agenda, the resolution proposed a number of changes to the Church Representation Rules intended to remove burdensome and outdated requirements in relation to the procedure of PCCs – all of which appeared, on the basis of an extensive consultation process, to enjoy support in the dioceses. However, having been the subject of considerable criticism – and

amendment – in February, the Resolution failed to secure approval when debate on it resumed in July. The outcome shows the difficulty of securing change in relation to the constitutional arrangements of the Church at parish level and may suggest that secondary legislation in this area is best subjected to a process of revision in committee, with a view to identifying and resolving contested issues before they are put before the Synod for approval.

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## General Assembly of the Church of Scotland

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### INTRODUCTION

The Church of Scotland met in General Assembly with the Rt Revd John P Chalmers as Moderator. Owing to the number of wide-ranging issues and topics covered, only a selection of matters discussed and passed are touched on in this report.

### IMPLICATIONS FOR THE CHURCH OF INDEPENDENCE FOR SCOTLAND

A joint report was offered by the Church and Society Council, the Committee on Ecumenical Relations and the Legal Questions Committee on ‘The implications for the Church of Scotland of independence for Scotland’. In keeping with previous assemblies, the Church reaffirmed the position that it would remain impartial in terms of the referendum question and continued to affirm that local congregations should host hustings in order to engage with the debate in a neutral environment.

It was noted in the report that, from discussions between the Scottish Government and the Churches, there was ‘no intention to change the role of the Church in any future constitutional arrangements’. However, it would appear that the view of the joint committee presented to the General Assembly might be slightly different.