

SYNOD REPORTS

General Synod of the Church of England

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WOMEN IN THE EPISCOPATE

The most significant legislative business considered by the Synod in 2012 was again that relating to the consecration of women to the episcopate.

Having completed its revision stage at the July 2010 Group of Sessions, the draft legislation was referred to the dioceses under Article 8 of the Synod's Constitution in September 2010, with the request that the draft legislation be considered in sufficient time for responses recording the decisions of diocesan synods to be reported by November 2011. The outcome of that process, reported to the February 2012 group of sessions, was that the draft Measure and draft Amending Canon were approved in 42 dioceses and not approved in 2 dioceses. The requirement of Article 8 that the majority of the dioceses should approve the draft legislation was therefore met.

In addition to receiving the report on the Article 8 process, at the February group of sessions the Synod completed the final drafting stage for the draft legislation (when various uncontentious, technical changes were made to its drafting) and received a presentation on a revised illustrative draft of the Code of Practice that would be required under the Measure. (The Code cannot, of course, be put before the Synod for approval unless and until the Measure receives final approval and the Royal Assent and is brought into force.)

At the same group of sessions the Synod debated a 'following motion' passed by the Manchester diocesan synod calling upon the House of Bishops, when the draft Measure was referred to it under Article 7 of the Synod's Constitution, to amend it in the manner proposed by the Archbishops of Canterbury and York at the revision stage in July 2010 – that is, in such a way as to confer 'co-ordinate' jurisdiction on male bishops acting under diocesan schemes. However, before being carried the motion was amended by the Synod (using language substantially replicating a following motion passed by the Southwark diocesan synod) so

as to note the significant support that the Measure had received in diocesan synods and to call for the draft Measure to be returned to the Synod for final approval ‘substantially unamended’.

The House of Bishops considered the draft legislation in accordance with the requirements of Article 7 in May 2012. Members of the House proposed a number of amendments to the draft Measure, two of which the House agreed. The first – an interpretative provision relating to the nature of the ‘delegation’ to be exercised by male bishops and the authority of the diocesan bishop where delegation takes place – proved relatively uncontroversial. The same could not be said, however, of the second amendment made by the House, which involved the insertion of a new requirement that the Code of Practice under the Measure give guidance as to ‘the selection of male bishops or male priests the exercise of ministry by whom is consistent with the theological convictions as to the consecration and ordination of women’, on the grounds of which parochial church councils (PCCs) issue Letters of Request under the Measure.

The significance and effect of that amendment was the subject of much discussion – and, from some quarters, criticism – between the House of Bishops’ meeting and the July group of sessions, leading to concern that the draft Measure in its amended form might not secure the two-thirds majority required in each of the three Houses of the Synod for its final approval. In consequence, when the Synod came to debate the motion for the final approval of the draft Measure, it took advantage of a procedural provision (never used previously) to adjourn the debate to enable the House of Bishops to reconsider this amendment.

The House did so at a further meeting held in September 2012, at which it agreed to amend the provision it had inserted in May so that the guidance given in the Code should be to the effect that male bishops and priests should be selected ‘in a manner which respects the grounds on which’ PCCs issue Letters of Request under the Measure. Debate on the final approval of the Measure, in this amended form, was resumed at the November 2012 group of sessions. In the event, the Measure did not receive final approval, narrowly failing to achieve the required two-thirds majority in the House of Laity.

OTHER LEGISLATION

As regards other legislation, the draft Clergy Discipline (Amendment) Measure completed its revision stage in February and received final approval in July. The Measure will make a number of changes to the Clergy Discipline Measure 2003, including some intended to enable bishops to take prompt and more effective action where safeguarding concerns arise. Additionally, the Measure will give effect to a resolution passed by the Synod in February 2009 by allowing disciplinary proceedings to be brought against clergy who are members of, or

otherwise support, organisations that have been declared by the House of Bishops to have aims that are inconsistent with the teaching of the Church of England on race equality.

In an example of unusually swift legislative process, the draft Diocese in Europe Measure was introduced into the Synod in February and completed all its remaining Synodical stages in July. Its primary purpose is to allow the Church Commissioners and the Archbishops' Council to apply funds for the development of the mission of the Diocese in Europe, which currently cannot benefit from Commissioners' funding for ministry and mission.

July also saw the introduction of the draft Church of England (Miscellaneous Provisions) Measure and draft Amending Canon No 31. The draft Measure is the next in a series of Miscellaneous Provisions Measures – one of which is generally brought before the Synod in each quinquennium – making a variety of uncontentious changes to ecclesiastical law. This Measure is no exception, making amendments to more than 20 different Measures, often of a technical kind. The draft Measure is accompanied by a draft Amending Canon No 31, which, similarly, will make miscellaneous uncontentious amendments to a number of the Canons.

The remaining item of significance to note is the Parochial Fees and Scheduled Matters Amending Order 2012, approved by the Synod at the February group of sessions. The Ecclesiastical Fees (Amendment) Measure 2011 having amended the statutory framework under which fees for weddings, funerals and other matters are prescribed by parochial fees orders made by the Archbishops' Council, in July 2011 the Council put the first Order under the new framework to Synod for approval. However, the Synod declined to approve it, following the expression of various concerns – including that the range of services attracting prescribed fees was too wide and that the draft Order provided for certain types of costs incurred by the PCC (especially in relation to heating) to be included in the prescribed fee, so that PCCs could not lawfully make an *additional* charge for those costs.

The 2012 Order took a different form, which responded to the criticisms made in February. To that end it first removed various services from the lists of those services in respect of which fees are to be prescribed. Secondly, reflecting a policy of leaving a wider range of matters that are genuinely 'optional extras' for local decision, it specified that in the case of marriage services and funeral services in church the prescribed fee includes costs or expenses incurred in routine administration, making the church available and lighting it, but not costs in connection with heating or the provision of vergers – for which it will, accordingly, be possible for PCCs to make an additional charge.