

SYNOD REPORTS

General Synod of the Church of England

February and July 2009

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The groups of sessions held in February and July 2009, like others in the current quinquennium, both dealt with substantial quantities of legislative business.

CONSECRATION OF WOMEN TO THE EPISCOPATE

The most significant pieces of draft legislation considered at either group of sessions were undoubtedly those relating to the admission of women to the episcopate. In July 2008 the Synod resolved that special arrangements be made – within the existing structures of the Church of England – for those who as a matter of theological conviction would not be able to receive the ministry of woman as bishops or priests and that those arrangements should be contained in a statutory national code of practice to which all concerned would be required to have regard. To that end the Legislative Drafting Group that had been established previously was asked to complete its work in the light of the Synod's decision, with a view to draft legislation being introduced into the Synod in February 2009. The Legislative Drafting Group accordingly prepared a draft Measure, a draft Amending Canon and an illustrative draft code of practice.

The draft Bishops and Priests (Consecration of Ordination of Women) Measure will:

- i. Give the General Synod power to make provision by Canon allowing women to be consecrated as bishops;
- ii. Repeal the Priests (Ordination of Women) Measure 1993, subject to transitional arrangements;
- iii. Require the House of Bishops to issue (subject to approval by the Synod) a code of practice containing arrangements in relation to petitioning parishes and individual ministers;

- iv. Specify the types of bishops who can undertake functions in relation to petitioning parishes ('complementary bishops') under the code; and
- v. Impose a duty on all those exercising functions in the Church of England to have regard to the code.

Drafting Amending Canon No 30 will:

- i. Make the provision authorised by the Measure to allow women to be consecrated as bishops;
- ii. Amend Canon A 4 (relating to the ordinal annexed to the Book of Common Prayer); and
- iii. Amend the provision in Canon C 1 as regards the duty of canonical obedience and in Canon C 14 as regards the oath of obedience so that, where a complementary bishop exercises functions in relation to a parish, its clergy are explicitly stated to owe their duty of obedience to that bishop *as well as* to the diocesan and are required to make an additional oath of obedience to the complementary bishop.

The illustrative draft code of practice will *inter alia* make provision:

- i. For consecrations and ordinations;
- ii. For the roles of complementary bishops;
- iii. For the exercise by them *by delegation from the diocesan bishop* of episcopal functions in relation to petitioning parishes and individual clergy;
- iv. For procedures by which parishes may petition for arrangements to be made; and
- v. For priestly ministry in relation to petitioning parishes in place of the arrangements currently contained in the 1993 Measure.

The draft legislation was duly introduced in February, when the Synod agreed by a substantial majority to refer both the draft Measure and the draft Amending Canon to a revision committee. (The Revision Committee will also consider and make proposals about the illustrative draft code of practice but will not formally revise it: the process of making the code cannot formally begin unless and until the Measure receives final approval.)

OTHER MEASURES

February and July saw the First Consideration and Revision Stages respectively of the draft Ecclesiastical Fees (Amendment) Measure. One effect of the draft Measure will be to change the composition of the Fees Advisory Commission, which prepares the orders prescribing fees for legal officers and ecclesiastical

judges that are presented to Synod every July. The principal purpose of the measure, however, is to give effect to recommendations of a review group set up by the Archbishops' Council to consider the legal framework for parochial fees. To that end, the Measure will change the current arrangements in a number of ways, so that fees orders will normally be made only once every five years (rather than annually as at present), the fee currently paid to the incumbent will instead be paid to the diocese, fees will no longer be charged for publishing banns of marriage and, in suitable cases, it will be possible to waive the fees otherwise payable.

February and July also saw the Revision and Final Approval Stages respectively for two Measures relating to Crown appointments, namely the Vacancies in Suffragan Sees and Other Ecclesiastical Offices Measure and the Crown Benefices (Parish Representatives) Measure. The first of these Measures will remove the need for two names to be presented to Her Majesty on the nomination of a suffragan bishop (thus absolving the Crown from any requirement to exercise even a formal choice between candidates). It will also alter the historic rules of law under which in some circumstances the Sovereign has the right to patronage not normally in her gift (including where a diocesan see is vacant or where an incumbent is appointed to a diocesan bishopric). The second Measure will extend to Crown livings (ie benefices to which the Crown or the Duchies of Cornwall or Lancaster appoint) the same rights of veto over the appointment of the incumbent as are exercisable by the two representatives appointed by any other parish for the purposes of representing it in that process.

In February the Synod gave Final Approval to a further Church of England (Miscellaneous Provisions) Measure, making a number of technical and non-controversial changes to ecclesiastical law. In July – as part of the same process of good housekeeping in relation to Church legislation – it gave First Consideration to two draft 'consolidation Measures' which reproduce in consolidated form (with 'corrections and minor improvements') the existing, much amended legislation in, first, the Pastoral Measure 1983 and much of the Dioceses, Pastoral and Mission Measure 2007 and, secondly, the three Measures relating to the care of cathedrals. As consolidation Measures, a special procedure applies to both draft Measures, so that amendments cannot be proposed to them in the course of their Synodical progress if the effect of the amendments would be to alter the existing law.

AMENDING CANON NO 28

In February the Synod gave Final Approval to Amending Canon No 28, which was formally promulgated in July. This Amending Canon implemented the Synod's decision in February 2005 that the Canon dealing with Local Ecumenical Projects (Canon B 44) should be amended to remove the

requirement that an 'Anglican Eucharist' be celebrated in the parish on certain specified days. The Amending Canon has that effect and provides guidance to bishops on how they should exercise their discretion to dispense with the celebration of Holy Communion, whilst still ensuring that it is celebrated (as required by the Canons) with 'reasonable frequency'. As the draft Amending Canon represented 'Article 7 business' for the purposes of the Synod's Constitution, it had to be referred to the House of Bishops before coming back to the Synod for Final Approval; and the House exercised its right to amend the draft by changing the matters to which a bishop must have regard in exercising his discretion.

SECONDARY LEGISLATION

Finally, the February and July groups of sessions also saw an unusually large number of pieces of secondary legislation, in addition to the usual Fees Orders that have to be taken every July. A number of them related to amendments to the two Church of England pension schemes. But the most significant related to the terms of service of the clergy: as the next step in implementing 'common tenure' – the new form of tenure for clergy to be introduced under the Ecclesiastical Offices (Terms of Service) Measure 2009 – approval was given in July to Regulations which set out the detailed terms of common tenure and make provision for other forms of instrument (such as codes of practice and guidance by the Archbishops' Council) which will come to the Synod for approval at future groups of sessions with a view to completing the implementation process by the end of 2010.

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General Synod of the Church of Ireland

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BILLS REQUIRING A TWO-THIRDS MAJORITY

There was a varied legislative programme at Synod this year. There were two special Bills requiring a two-thirds majority of each order of the House of