

## SYNOD REPORTS

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# General Synod of the Church of England

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STEPHEN SLACK

Registrar and Chief Legal Adviser to the General Synod

### INTRODUCTION

This report covers the first three groups of sessions of the new General Synod elected in 2015. The previous Synod having completed its legislative business and the inaugural group of sessions of a new Synod customarily being short, legislative business only really got under way at the February 2016 group of sessions.

### SAFEGUARDING AND CLERGY DISCIPLINE

The Synod began by enacting Amending Canon No 34, which had been given final approval in July alongside the Safeguarding and Clergy Discipline Measure 2016. Between them, the Canon and the Measure will give effect to a package of proposals intended to make the Church a safer place for children and vulnerable adults, both by making the disciplinary processes under the Clergy Discipline Measure 2003 more effective where safeguarding issues arise and by strengthening the wider legal framework in various ways to reduce the risk of abuse taking place.

To that end, Amending Canon No 34 will make a number of changes to the Canons, including requiring bishops to appoint diocesan safeguarding advisors, creating a new power under which a cleric can be required to undergo a risk assessment (to be conducted in accordance with regulations to be made by the House of Bishops and approved by the Synod) and imposing an obligation on all clergy who are authorised to minister in a diocese to participate in safeguarding training.

### DRAFT MISSION AND PASTORAL ETC (AMENDMENT) MEASURE

The main item of legislative business at the February group of sessions was the first consideration of the draft Mission and Pastoral etc (Amendment) Measure,

which gives effect to recommendations made by the Simplification Task Group. Set up by the Archbishops' Council and the Commissioners in 2013 as part of the simplification strand of the 'Renewal and Reform' programme, the task group is charged with identifying over-complex and burdensome legislation that stands in the way of the Church's mission and growth, and bringing forward proposals for change. After extensive consultation, in its first report (GS 1980) the task group proposed a number of changes for the simplification of legislation, which were approved by the Synod in February 2015.

Although there is no overarching theme in the changes to be made by the draft Measure to current legislation, most relate to processes undertaken at diocesan level (part II of the task group's work will focus on the parishes). Thus a number relate to the legislative framework for pastoral reorganisation (including for the drafting and publication of pastoral schemes) and related matters. Most of the changes being uncontroversial, the draft Measure had no difficulty in securing first consideration.

The aspect of the draft Measure that received most attention in the course of its subsequent Revision Committee stage was the proposal to reduce the amount of compensation payable to clergy who lose office as a result of pastoral reorganisation, the current provisions for which were considered by the task group to be overgenerous in a modern context and to act as a significant disincentive to pastoral reorganisation. However, having been amended by the revision committee in that respect so as to introduce safeguards against hardship, the draft Measure successfully completed its revision stage in July and will return to the Synod in February 2017 for final drafting and final approval.

## REPEALS AND CONSOLIDATION

In contrast to the two earlier groups of sessions, there was a substantial volume of legislative business for the Synod to consider in July, with a number of the items concerned again relating to the simplification strand of the Renewal and Reform programme.

Thus the draft Statute Law (Repeals) Measure will repeal obsolete enactments and the draft Ecclesiastical Jurisdiction and Care of Churches Measure will consolidate a large number of provisions concerning the jurisdiction of ecclesiastical courts, the care of churches and other matters into a single, clearer and more user-friendly piece of legislation. Additionally, the Pensions (Pre-Consolidation) Measure will make modest changes intended to pave the way for a subsequent Measure to consolidate the Church's (highly complex) pensions legislation into a single, much more satisfactory package.

All three draft Measures received first consideration under the 'deemed' procedure. The draft Ecclesiastical Jurisdiction and Care of Churches Measure, having been designated as a Consolidation Measure, stands committed to the

Steering Committee in respect of its final drafting, without the need for any revision committee or revision stages.

#### DRAFT LEGISLATIVE REFORM MEASURE

A more significant item, also introduced in July and again linked to the simplification aspect of the Renewal and Reform programme, was the draft Legislative Reform Measure. Giving effect to proposals made by the Archbishops' Council that had been approved by the Synod in February, this draft Measure is intended to simplify the legislative process *itself* and so enable certain sorts of Church legislation to be repealed or amended more quickly and easily.

Lying behind the proposals is the fact that primary Church legislation – whether in the form of Acts of Parliament or Measures – can only be repealed or amended by the Synod passing a Measure, and doing so normally takes 12 to 18 months simply to complete the Synodical stages, before the Measure goes to Parliament for approval. In an attempt to shorten the legislative process in some cases, the draft Measure will enable some primary legislation to be amended or repealed by means of an Order made by the Archbishops' Council and approved by the Synod at a single group of sessions.

There is a precedent for a power of this kind in one that Parliament created for itself under the Legislative and Regulatory Reform Act 2006. The Archbishops' Council believes that adapting that power to the particular context of the Church of England will provide a useful tool that will allow the Synod to simplify and adapt the inherited legislative framework in such a way as to lighten processes and to give greater flexibility to meet changing needs more quickly and effectively than has been possible in the past.

The proposed new power will be subject to various conditions and safeguards (some corresponding to those in the 2006 Act):

- i. A number of requirements will have to be met before it can be exercised, including, in particular, that any Order will have to be directed to removing 'burdens' arising from Church legislation;
- ii. Certain pieces of legislation will be outside its scope (because they are too 'foundational' or sensitive); and
- iii. A special procedure will be put in place for making such Orders, including extensive consultation before they are made and scrutiny, when they come to the Synod, by a specially created Synodical committee.

Again, although some misgivings were expressed about aspects of the draft Measure, the Synod agreed that it be committed to a revision committee.

## DRAFT INSPECTION OF CHURCHES MEASURE

A different outcome awaited the draft Inspection of Churches Measure. With a view to the arrangements for the regular inspection of churches being consistent across the country and more easily adapted to meet current and future needs, the draft Measure would have required the Archbishops' Council to make regulations, and the Church Buildings Council to issue guidance, to take the place of the provisions contained in the Inspection of Churches Measure 1958. However, the Synod was not convinced of the case for change and, following a rare intervention in legislative business by the Archbishop of Canterbury, the Synod voted against the motion, remitting the draft Measure to a revision committee, with the consequence that it will not proceed any further.

## VESTURE – AND THE BURIAL OF SUICIDES AND THE UNBAPTISED

The remaining item of primary legislative business in July, draft Amending Canon No 30, was introduced to give effect to two private members' motions passed by the Synod during the last quinquennium.

To that end, it will, first, amend Canon B 8, as requested by the Synod in July 2014, to make the forms of vesture provided by that Canon optional rather than mandatory: the minister will be allowed to adopt some other form of dress if he or she considers, after consulting the parochial church council, that doing so would benefit the mission of the Church in the parish. (In the case of the occasional offices, the agreement of the persons concerned is required.) But any alternative form of dress must be seemly and not indicative of any departure from the doctrines of the Church of England.

The Amending Canon will also amend Canon B 38, as requested by the Synod in 2015, so as to allow those who have taken their own lives and those who have not been baptised to be buried in accordance with the normal burial service.

Again, the Synod agreed that the draft Amending Canon be committed to a revision committee. However, it remains to be seen whether the new Synod has the same willingness to relax the position as regards vesture as its predecessor had: it was noteworthy that in the course of debate a number of speakers argued that it would be preferable for the two distinct matters of vesture and the use of the burial service to be dealt with in separate Amending Canons, lest the proposed changes on both matters fell at Final Approval Stage, when a two-thirds majority in each house will be required.