

THE GOVERNING BODY OF THE CHURCH IN WALES RECENT LEGISLATION

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At its April meeting, the Governing Body considered a varied agenda¹, including three items of legal interest. These were: firstly, an amendment relating to the size and composition of the membership of the Representative Body of the Church in Wales; secondly, the second reading of a bill to amend the canon law of the Church in Wales relating to clerical disabilities, and, thirdly, a motion seeking to render retired clerics ineligible for membership of Parochial Church Councils within the province.

SIZE AND MEMBERSHIP OF THE REPRESENTATIVE BODY

The Representative Body of the Church in Wales is a charitable trustee corporation, incorporated under royal charter. It is the body which holds the bulk of Welsh Church property on trust for the purposes of the archbishop, bishops, clergy and laity of the Church in Wales. It is composed of four categories of members – *ex officio*, elected, co-opted and nominated. Currently, the *ex officio* members are the six diocesan bishops of the Church in Wales. The elected members consist of four clerics and eight lay persons elected by the Diocesan Conferences of each of the six dioceses making a total of seventy-two. In addition, the Representative Body may co-opt up to a further fifteen members and the bishops may nominate a maximum of ten further members. The total membership is therefore between seventy-eight and one hundred and three members.

The Governing Body, which has power to control the structure and operation of the Representative Body, saving its duties as a trustee in civil law, agreed in April to re-order and reduce the membership of the latter body. As from 1 January 1990, the *ex officio* members shall be increased to thirteen in number to include the chairmen of the six Diocesan Boards of Finance and the chairman of the Standing Committee of the Governing Body. From the same date, the nominated members shall be increased to a maximum number of sixteen, so as always to include six archdeacons, one from each diocese, nominated by the diocesan bishop after consultation within the diocese, and the co-opted members shall be reduced to a maximum of ten. In addition, beginning in 1990 and ending in 1992, the elected membership is to be reduced by stages to one half of its current number, so that by 1 January 1992, there will only be two clerics and four lay persons from each diocese, making thirty-six in all. The total membership in 1992 will therefore be between fifty-five and seventy-five.

THE CLERICAL DISABILITIES BILL

A bill to amend the canon law relating to clerical disabilities, which had been introduced by the bench of bishops at the September 1988 meeting of the Governing Body, received its second reading. The bill provides for basically five

1. An account of the general business of the Governing Body by the Very Reverend A. R. Davies, Dean of Llandaff, can be found in the *Church Times* of Friday, 14 April 1989, at pp.3-4.

things. Firstly, it repeals the provisions of the Clerical Disabilities Act, 1870, insofar as they affect the province of Wales. The provisions of this Act became part of the canon law of the Church in Wales at Disestablishment, but the Church in Wales has statutory authority to alter and modify such law under section 3 (4) of the Welsh Church Act, 1914. Secondly, the bill replaces the provisions of the 1870 statute with a similar procedure which will operate, however, entirely under the control of the Welsh church authorities. Thirdly, it provides for a method by which a cleric who has executed a deed of relinquishment, either under the 1870 Act or the new Canon, may cause the registration of the deed to be vacated and thus qualify to resume the exercise of his or her orders. Basically, this introduces into Wales a procedure similar to that available in the two English provinces under the Clerical Disabilities Act, 1870 (Amendment) Measure, 1934. Fourthly, the bill provides for a method by which a cleric who has been found guilty by the Provincial Court of the Church in Wales of conduct giving just cause for scandal and offence may be deposed from his or her orders. Such charge may only be brought against a cleric by the diocesan bishop and the Provincial Court may not of its own motion depose a cleric but may only recommend deposition to the diocesan bishop. If the bishop then decides to depose the cleric, the cleric may appeal to the Provincial Synod, which is comprised of all six diocesan bishops. Finally, the bill provides for a method by which a cleric who has been so deposed may, in appropriate circumstances, later be restored to the exercise of his or her orders by having the registration of the deed of deposition vacated.

The bill passed through its second reading without amendment. At a second reading, there is no vote by orders and a simple majority is sufficient to secure a bill's passage. It has now been referred to a Select Committee of the Governing Body, which will report back at the Committee Stage of the bill in April 1990, following which the bill will have its third reading, when to become a Canon of the Church in Wales it will require the assent of two-thirds of the members of each of the three orders present and voting.

RETIRED CLERICS AS MEMBERS OF PCCs

It was proposed by the Archdeacon of Brecon, the Venerable Wynford Rees, seconded by the Archdeacon of Gower, the Venerable Owain Jones, that retired clerics should not be eligible for co-option to a Parochial Church Council. After a lively debate, the motion was passed by 131 votes to 66, and the Drafting Sub-Committee of the Standing Committee of the Governing Body is now charged with producing the necessary amendment to chapter six of the Constitution to effect the policy of the resolution. The amendment will be placed before the Governing Body at its next meeting in September 1989.