

SYNOD REPORTS

THE GENERAL SYNOD OF THE CHURCH OF ENGLAND

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This report covers the groups of sessions held in February and July 2004

The July group of sessions saw final approval being given to a group of items, including an Amending Canon, giving effect to the more contentious aspects of the Bridge Review of Synodical Government. In addition to making a number of technical changes to the Church Representation Rules relating to PCCs and deanery synods, the legislation will also alter the size and composition of the General Synod itself: among other changes, overall numbers will fall by 104 to 467 and the archdeacons' special constituency will be removed (their route to membership of the Synod being restricted to the diocesan clergy elections). There will also be reductions in the size of the special constituencies for deans and suffragan bishops. Following the promulgation of the Amending Canon at the February 2005 Group of Sessions, the changes will come into effect in relation to the new Synod to be elected later that year.

The July group of sessions also gave final approval to the draft Stipends (Cessation of Special Payments) Measure. This provides for the guaranteed annuities and other special payments currently payable to clergy under the Endowments and Glebe Measure 1976 to be abolished (unless the incumbent currently entitled opts to carry on receiving the payment) and for the sums released as a result to be 'ring-fenced' so that they are applicable only in support of clergy stipends.

On a more mundane level, the process of bringing the large and complex body of Church legislation up to date took a further modest step when the Synod gave final approval in February to the draft Church of England (Miscellaneous Provisions) Measure. It will make a number of miscellaneous, uncontroversial amendments, mostly to provisions relating to the functions of the Church Commissioners. However, even in the short space of time since its introduction in November 2002, other issues had been identified as needing attention. Thus, whilst normally only one Miscellaneous Provisions Measure is introduced in each quinquennium, a further such Measure was introduced at the July group of sessions. Its focus is again legislation relating to functions of the Church Commissioners.

The usual Fees Orders came before the Synod in July. As in previous years, the Legal Officers (Annual Fees) Order was the subject of lively debate.

Following a process of consultation in 2003, the Fees Advisory Commission decided not to recommend the abolition of the present system under which registrars are paid a retainer in relation to specific duties undertaken by them. The Order put before the Synod for approval therefore proposed an increase in the retainer, in line with price inflation alone. However, the Synod declined to approve the Order, signalling its wish that any increase should also reflect the increase in the average earnings index. A revised Order will accordingly have to be brought back to the Synod in February 2005 (the current Order, made in 2003, continuing in force for the time being).

One of the recommendations of the review of the Pastoral, Dioceses and related Measures referred to below was that the Pastoral Measure 1983 be amended so as to enable the granting of leases of church buildings which remain open for worship, without having to resort to a partial 'redundancy'. The purpose of this is to facilitate community use of church buildings still in use: although licences can currently be granted to organisations which wish to use parts of such buildings for community purposes, some funding bodies see that form of occupation as inadequate, with the result that community projects can fail to secure the financial support required. Given the non-contentious nature of this proposal, draft legislation giving effect to it (the draft Pastoral (Amendment) Measure) was introduced in February and revised in July. The draft Measure will allow a Consistory Court to grant a faculty authorising a lease, provided that the church premises continue, taken as a whole, to be used primarily as a place of worship.

In contrast to the wide-ranging support given to the draft Pastoral (Amendment) Measure, the Synod declined in February, unusually, to give first consideration to a draft Amending Canon which would have made changes to the Canons, principally to reflect aspects of the draft Ordinal currently under consideration. The rejection appears to have been prompted at least in part by concerns about the proposal to remove the requirement for those being consecrated bishop to make the declaration of assent *publicly* at the consecration service.

In addition to these items of legislative business, a number of other debates at both groups of sessions touched on legal issues, some of considerable significance.

At the February group of sessions the Synod gave strong support to the report of a group set up to review the Pastoral, Dioceses and related Measures. In essence the report argued in favour of the replacement of these Measures by a single new 'Ministry and Mission Measure', in the interests of greater flexibility. To that end it made a large number of detailed recommendations for change. A follow-up group has accordingly been set up to prepare draft legislation but, in view of the scale of the task, that legislation is unlikely to be introduced until the next quinquennium.

At the same group of sessions the Synod also welcomed the first report of a group, chaired by Professor David McClean, set up to review clergy terms

of service. The report makes a number of wide-ranging and potentially very important recommendations, notably that (whilst they should continue to have office-holder status) clergy should be given substantially the same employment rights as employees, enforceable through employment tribunals. In the case of clergy who currently hold the bishop's licence rather than the freehold, appointment should be on the basis of a new form of 'common tenure', involving appointment until retirement subject to the possibility of termination on grounds of misconduct or under a new 'capability procedure'. A further report relating to the position of clergy with the freehold will be considered by the Synod at its February 2005 group of sessions.

Finally in February the Synod resisted a call to amend certain pieces of Church legislation to remove gender specific titles (notably 'chairman'), deciding instead simply to call for future legislation referring to titles to be drafted, where possible, using gender-neutral language.

In July the Synod also received an update on the work being undertaken on the reform of marriage law. In so doing it accepted that forthcoming legislation should give couples a right to be married in any church with which they had a 'demonstrable connection', narrowly rejecting (on a division by houses) the proposition that they should have the right to marry in a church of their choice.

Lastly, in July the Synod considered a report relating to doctrinal discipline commissioned by the House of Bishops (which had previously expressed the view that the procedures for doctrinal discipline contained in the Ecclesiastical Jurisdiction Measure 1963 were unsatisfactory). The report recommended that new procedures modelled on those in the Clergy Discipline Measure 2003 for other types of misconduct should be introduced for complaints relating to matters of doctrine, ritual and ceremonial. It also recommended the creation of a new disciplinary 'offence' of promoting false doctrine. After a substantial debate, a motion proposing that draft legislation be introduced to give effect to the group's recommendations was very narrowly defeated on a division by houses, falling by 4 votes in the House of Clergy. Given the strong majorities in favour of the proposals in the other two Houses (76 per cent in the House of Laity and 69 per cent in the House of Bishops), it will be interesting to see whether there is pressure for revised proposals to be reintroduced into the Synod.