

GENERAL SYNOD

DRAFT AMENDING CANON No 31

(Of services in churches and other places of worship, Of relations with other Churches, Of local ecumenical projects, Of ministers exercising their ministry, Of the Declaration of Assent, Of guardians of spiritualities, Of the licensing of deaconesses, Of the licensing of readers, Of the admission and licensing of lay workers, Of the chancellor or judge of the Consistory Court, Of the judges of the Arches Court of Canterbury and the Chancery Court of York, Of the Representation of the Clergy in the Lower House of Convocations, Of the Constitution of the Upper House of the Convocations and of Interpretation.)

1. In paragraph 3 Of Canon B 14A (Of services in churches and other places of worship), for the words “29(2) of the Pastoral Measure 1983” there are substituted the words “43(2) of the Mission and Pastoral Measure 2011”.
2. (1) Canon B 43 (Of relations with other Churches) is amended as follows.
 - (2) In paragraph 1A–
 - (a) for the words “47(11) of the Dioceses, Pastoral and Mission Measure 2007” there are substituted the words “80(11) of the Mission and Pastoral Measure 2011”,
 - (b) for the words “47(13) or (14)” there are substituted the words “80(13) or (14)”, and
 - (c) for the words “47(14) there are substituted the words “80(14)”.
 - (3) In paragraph 3A, for the words “47(11) of the Dioceses, Pastoral and Mission Measure 2007” there are substituted the words “80(11) of the Mission and Pastoral Measure 2011”.
 - (4) In paragraph 10A, for the words “47(13) or (14) of the Dioceses, Pastoral and Mission Measure 2007” there are substituted the words “80(13) or (14) of the Mission and Pastoral Measure 2011”, for the words “47(13)”, in both places where they occur, there are substituted the words “80(13)”, for the words “47(13) or (14)” there are substituted the words “80(13) or (14)” and for the words “47(14)” there are substituted the words “80(14)”.
3. (1) Canon B 44 (Of local ecumenical projects) is amended as follows.
 - (2) In paragraph 7A–
 - (a) in sub-paragraph (1), for the words “47 or 50 of the Dioceses, Pastoral and Mission Measure 2007” there are substituted the words “80 or 83 of the Mission and Pastoral Measure 2011” and for the words “49(3)” there are substituted the words “82(3)”,

- (b) in sub-paragraph (3)(a), for the words “47(13) or (14) of the Dioceses, Pastoral and Mission Measure 2007” there are substituted the words “80(13) or (14) of the Mission and Pastoral Measure 2011”; and
 - (c) in sub-paragraph (3)(c), for the words “47(14) of the Dioceses, Pastoral and Mission Measure 2007” there are substituted the words “80(14) of the Mission and Pastoral Measure 2011”.
4. In paragraph 4 of Canon C 8 (Of ministers exercising their ministry), for the words “section 47(11) of the Dioceses, Pastoral and Mission Measure 2007, read with section 47(14)” there are substituted the words “section 80(11) of the Mission and Pastoral Measure 2011, read with section 80(14)”.
 5. Canon C 15 (Of the Declaration of Assent) is amended as follows.
 6. In paragraph 2 the words “or provost”, in each place where they occur, are omitted.
 7. In paragraph 3 –
 - (a) for the words from “who” to “investiture” there are substituted the words “shall on the occasion of the commencement of his public ministry in the diocese”; and
 - (b) for the word “archbishop” in the second sentence there are substituted the words “bishop of the diocese”.
 8. After Canon C 18 there is inserted the following Canon (which re-places the Canon C 19 repealed by Amending Canon No. 23) –

“Canon C 19 Of guardians of spiritualities

1. Wherever the archiepiscopal see be vacant the guardianship of the spiritualities belongs to the metropolitanical church of the province and the Chapter of that church shall exercise the spiritual jurisdiction of the province and diocese during the vacancy.
2. Wherever a bishopric be vacant the guardianship of the spiritualities belongs to the cathedral church of the diocese and shall be exercisable by the Chapter during the vacancy, unless by prescription or composition or by virtue of an enactment or other legal instrument it belongs to the archbishop of the province.
3. The guardian or guardians of the spiritualities exercise the spiritual jurisdiction of the diocese during the vacancy, including any functions conferred on it or them by or under any enactment:

Provided that their powers do not extend to such matters as are excluded from their jurisdiction by the laws of the realm, or to the presentation to benefices sede vacante of which the archbishop or bishop is patron, which

presentation belongs to the Crown by royal prerogative, or to functions which may lawfully be delegated to another bishop during the vacancy.”.

9. (1) Canon D 3 (Of the licensing of deaconesses) is amended as follows.

(2) After paragraph 3B there are inserted the following paragraphs –

“3C In the case of a deaconess who is subject to Common Tenure, the bishop of a diocese may revoke any licence granted to her only -

(a) on the grounds of her misconduct, including any act or omission relating to matters involving ritual, doctrine or ceremonial, or

(b) in accordance with the capability procedures,

and where (a) applies the provisions of paragraph 3A relating to a right of appeal apply as they apply in the case of a deaconess who is not subject to Common Tenure.

3D In paragraph 3C and paragraphs 3B of Canon E6 and 5B of Canon E8 “capability procedures” has the same meaning as it has for the purposes of the Ecclesiastical Offices (Terms of Service) Measure 2009.”.

10. (1) Canon E 6 (Of the licensing of readers) is amended as follows.

(2) After paragraph 3A there is inserted the following paragraph –

“3B In the case of a reader subject to Common Tenure, the bishop of the diocese may revoke any licence granted to the reader only-

(a) on the grounds of the reader’s misconduct, including any act or omission relating to matters involving ritual, doctrine or ceremonial, or

(b) in accordance with the capability procedures,

and where (a) applies, the provisions of paragraph 3A relating to a right of appeal apply as they apply in the case of a reader who is not subject to Common Tenure.”.

11. (1) Canon E 8 (Of the admission and licensing of lay workers) is amended as follows.

(2) After paragraph 5A there is inserted the following paragraph –

“5B. In the case of a lay worker who is subject to Common

Tenure, the bishop may revoke any licence granted to the lay worker only –

(a) on the grounds of the worker's misconduct, including any act or omission relating to matters involving ritual, doctrine or ceremonial, or

(b) in accordance with the capability procedures,

and where (a) applies, the provisions of paragraph 5A relating to a right of appeal apply as they apply in the case of a lay worker who is not subject to Common Tenure.”.

12. (1) Canon G 2 (Of the chancellor or judge of a Consistory Court) is amended as follows.
 - (2) For paragraph 2 there is substituted the following paragraph –
 - “2. The qualifications of a person who is appointed to be a chancellor of a diocese are such as may be prescribed by Measure.”.
 - (3) Paragraph 14 of Amending Canon No. 29 is revoked.
13. (1) Canon G 3 (Of the judges of the Arches Court of Canterbury and the Chancery Court of York) is amended as follows.
 - (2) For paragraphs 1 and 2 there is substituted the following paragraph–
 - “1. The composition of the Arches Court of Canterbury and the Chancery Court of York and the manner of the appointment of their judges are such as may be prescribed by Measure.”.
 - (3) Paragraph 3 is re-numbered “2” and there is substituted the following paragraph–
 - “2. The qualifications of a person who is appointed to be Dean of the Arches and Auditor are such as may be prescribed by Measure.”.
 - (4) Paragraph 4 is revoked and paragraphs 5 and 6 are re-numbered 3 and 4, respectively.
 - (5) Paragraph 15 of Amending Canon No. 29 is revoked.
14. (1) Canon H 2 (Of the Representation of the Clergy in the Lower House of the Convocations) is amended as follows.
 - (2) In paragraph 1 in its application to the province of Canterbury–

- “(a) in sub-paragraph (d), for the words “Forces Synodical Council” there are substituted the words “Armed Forces Synod”; and
- (b) after sub-paragraph (g) there is added the following sub-paragraph–

“(h) the Chair of the Dioceses Commission, if that person is a priest or deacon residing in the province.”.

- (3) In paragraph 1 in its application to the province of York, after sub-paragraph (e) there is added the following sub-paragraph–

“(f) the Chair of the Dioceses Commission, if that person is a priest or deacon residing in the province;”.

- (4) In paragraph 5, in the Proviso, for the words “Central Board of Finance,” there are substituted the words “Archbishops’ Council,”.

- 15. (1) Canon H 3 (Of the Constitution of the Upper Houses of the Convocations) is amended as follows.

- (2) In paragraph 1–

- “(a) in sub-paragraph (bb), for the words “the Forces Synodical Council” there are substituted the words “the Armed Forces Synod”;

- (b) after sub-paragraph (d) there is added the following sub-paragraph –

“(e) the Chair of the Dioceses Commission, if that person is in episcopal orders and residing in the province;”; and

- (c) In the Proviso –

- (i) for the words “section 8 of the Church of England (Miscellaneous Provisions) Measure 1983” there are substituted the words “section 14 of the Dioceses, Pastoral and Mission Measure 2007”, and

- (ii) at the end there is added the following sentence –

“Where 2 or more persons exercise functions by virtue of such an instrument the archbishop of the province or, if the see of that archbishop is vacant, the archbishop of the other province, shall determine which of those persons may attend and speak at that meeting in place of the bishop.”.

(3) In paragraph 2 –

(a) after sub-paragraph (c) there is added the following sub-paragraph –

“(d) the chair of the Dioceses Commission, if that person is in episcopal orders and residing in the province;”; and

(b) in the Proviso –

(i) for the words “section 8 of the Church of England (Miscellaneous Provisions) Measure 1983” there are substituted the words “section 14 of the Dioceses, Pastoral and Mission Measure 2007”, and

(ii) at the end there is added the following sentence–

“Where 2 or more persons exercise functions by virtue of such an instrument the archbishop of the province or, if the see of that archbishop is vacant, the archbishop of the other province, shall determine which of those persons may attend and speak at that meeting in place of the bishop.”.

16. After Canon H 3 there is added the following Canon –

“Canon I 1 (Of interpretation)

1. Where an enactment is repealed and re-enacted, with or without modifications, by an Act, Measure or instrument then, unless the contrary intention appears, any reference in any Canon to the repealed enactment is construed as a reference to the provision re-enacted.
2. In any Canon, unless the contrary intention appears, –
 - (a) words importing the masculine gender include the feminine;
 - (b) words importing the feminine gender include the masculine;
 - (c) words in the singular include the plural and words in the plural include the singular.”.