

**DRAFT SCHEME
AMENDING THE DIOCESE IN EUROPE CONSTITUTION 1995**

Approved by the General Synod on the [...] November 2010

WHEREAS:

1. Paragraph 48 of the Diocese in Europe Constitution 1995 ('the Constitution') provides that amendments to the Constitution are to be embodied in a draft scheme which, if approved by not less than two-thirds of the Diocesan Synod of the Diocese in Europe present and voting, shall be laid by the diocesan Bishop before the General Synod.

2. The Constitution provides that no amendment to paragraphs 1 to 6, 22, 40, 41 or 48 of the Constitution shall be made unless embodied in a draft scheme and an affirmative resolution of the General Synod obtained, but none of the proposed amendments relates to any such paragraph.

3. On the 27th day of May 2010 the Diocesan Synod of the Diocese in Europe approved by not less than two-thirds of those present and voting the amendments to the Constitution to be made by the draft scheme set out in the Schedule hereto ('the Scheme').

I NOW THEREFORE lay the Scheme before the General Synod for approval.

Dated this 19th day of October 2010

†Geoffrey Gibraltar

Bishop of Gibraltar in Europe

THE SCHEDULE

Scheme amending the Diocese in Europe Constitution 1995

1. In paragraph 30(b) leave out the words “rule 54(1) of”.
2. In paragraph 31(a) leave out the words “rule 54(1) of”.
3. In paragraph 32(a) leave out the words “rule 12” and insert the words “the relevant provisions”.
4. In paragraph 32(c) leave out the words “rule 18” and insert the words “the relevant provisions”.
5. In paragraph 35(c) leave out the words “rule 54(1) of”.
6. In paragraph 35(c) leave out the words “rule 31(3) of”, and at the end insert the words “as the diocesan electors of the diocese in Europe”.
7. In paragraph 42(e) leave out the words “rule 54(1) of”.
8. In paragraph 50(b) leave out the word “express” and insert the word “expression”.
9. Leave out paragraphs 17 and 18 and insert:
 - “17 (a) The diocesan Bishop may grant his licence in accordance with Canon C12
 - (i) to a person in priest’s orders as chaplain within the Diocese
 - (ii) to a person in deacon’s or priest’s orders to preach or otherwise minister (subject to the provisions of Canon C8) within the diocese or to officiate as assistant chaplain to a chaplaincy within the Diocese
 - (b) Every priest or deacon to be so licensed or otherwise instituted installed or admitted to serve in any place within the Diocese shall first
 - (i) take the Oath of Allegiance or make a solemn affirmation in the prescribed form in accordance with the provisions of Canon C13
 - (ii) take the Oath of Canonical Obedience or make a solemn affirmation in the prescribed form in accordance with the provisions of Canon C14 and
 - (iii) make the Declaration of Assent in accordance with the provisions of Canon C15
- 18 (a) In relation to the terms of service of the holder of any ecclesiastical office or appointment within the Diocese there shall be
 - (i) a Diocesan capability procedure

- (ii) a Diocesan grievance procedure
- (iii) a Diocesan policy relating to ministerial development review and
- (iv) a Diocesan policy relating to continuing ministerial education

(b) It shall be the duty of the Bishop's Council to review such procedures and policies from time to time

(c) It shall be the duty of each person to whom any of the procedures and policies referred to in sub-paragraph (a) applies to co-operate wherever relevant in the implementation of such procedures and policies

(d) The procedures and policies referred to in sub-paragraph (a) shall apply to

- (i) the diocesan bishop
- (ii) the suffragan bishop of the Diocese
- (iii) the Dean of Gibraltar
- (iv) the archdeacons of the Diocese
- (v) any person in holy orders who exercises his or her office or ministry in accordance with a licence from the diocesan Bishop issued under any Canon of the Church of England and
- (vi) any deaconess reader or lay worker who exercises his or her office or ministry in accordance with a licence from the diocesan Bishop issued under any Canon of the Church of England and who receives a stipend or other emoluments of office (including the provision of accommodation) in respect of his or her office."

10. Leave out paragraph 30(b) and insert:

“(b) Without prejudice to any other requirements or qualifications contained or more fully set out in this Constitution, the Synodical Government Measure 1969, the Church Representation Rules or any other applicable legislation in relation to the election of the representatives of the laity referred to in sub-paragraph 30(a)(vii) or their membership of a chaplaincy church council, the qualifications of a person to be nominated or elected or to serve as such a representative are that –

- (i) his name is entered on the roll of the chaplaincy
- (ii) he is an actual communicant as defined in the Church Representation Rules provided that the archdeacon may dispense with this qualification by notice in writing where not fewer than two-thirds of the members of the council are actual communicants and further provided that, in the event of a situation arising in which fewer than two-thirds of the council are actual communicants, the election or continuance in office of any person who is not an actual communicant shall be subject to the written consent of the diocesan Bishop

- (iii) he is of sixteen years or upwards
- (iv) he has indicated his consent to serve or there is in the opinion of the meeting sufficient evidence of his willingness to serve
- (v) he is not disqualified, whether under the Charities Act 1993 or local law, from being a charity trustee
- (vi) he is not disqualified from being a member of the council or committee of management of an association where such such an association is directly related to the relevant chaplaincy
- (vii) he has not been convicted of an offence mentioned, or by virtue of any enactment to be treated as mentioned, in Schedule 1 to the Children and Young Persons Act 1933 or of any comparable offence of substantially the same nature regardless of the state or legal jurisdiction in which it was committed
- (viii) his nomination election or membership of the chaplaincy church council would not give rise to the removal of, or otherwise materially adversely affect, the charitable or special fiscal status of a chaplaincy or a chaplaincy church council

and a person shall cease forthwith to be a member of a chaplaincy church council if he ceases to be so qualified.”