

**GENERAL SYNOD**

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

**Explanatory memorandum**

**Introduction**

The Diocese in Europe is regulated by its constitution, as last amended in 1995. Paragraph 48 of the constitution allows it to be amended by a process involving:

- the inclusion of the proposed amendments in a draft ‘scheme’;
- the approval of the scheme by not less than two-thirds of the members of the diocesan synod present and voting;
- the laying of the scheme before the General Synod; and
- if the scheme amends certain specified provisions in the constitution or, if it does not, if a member of the General Synod requests that the scheme be debated, the approval of the draft scheme by the General Synod.

The diocese wishes to make a number of amendments to its constitution and a draft scheme has accordingly been prepared, which is set out in GS 1625. The amendments to be made by clause 3 of that scheme received the approval of all the members of the diocesan synod present and voting at its meeting on 30th May 2006. The remaining amendments to be made by the scheme received such approval at its meeting on 20<sup>th</sup> May 2003. The scheme is now accordingly laid before the General Synod. The amendments to be made by the scheme include the amendment of paragraph 6 of the constitution, which is one of those provisions for the amendment of which, under paragraph 48, an affirmative resolution of the General Synod is required. The Bishop of Europe will accordingly move that the scheme be approved.

The effect of the changes to be made to the constitution by the scheme is as follows:

## **Clause 1**

Clause 1 replaces paragraph 6 of the constitution. The revised paragraph 6 is a clarification and fuller description of the procedure for the appointment of the diocesan bishop for which provision is already made in the constitution and describes the process that was in fact undertaken for the last two appointments. The new paragraph 6(b) slightly expands the original text, confirming that the standing committee of the diocesan synod, together with the diocesan members of the General Synod, acts as the Vacancy in See Committee.

## **Clause 2**

Clause 2 replaces paragraphs 14 and 15 of the constitution. Before 1997 there were separate statutes for each of the three cathedrals in the diocese (Gibraltar and the pro-cathedrals in Malta and Brussels). New statutes were made in 1997 so that there was just one set for the diocese, and one chapter. The revised paragraphs 14 and 15 simply reflect this position.

## **Clause 3**

The amendment made by this clause to paragraph 23 of the constitution is required to bring to an end the jurisdiction of the consistory court of the diocese in matters concerning the discipline of clergy and to provide that in future complaints about clergy of the diocese (other than in relation to matters of doctrine, ritual or ceremonial) will be dealt with by a bishop's disciplinary tribunal in accordance with the Clergy Discipline Measure 2003. The amendment will bring the diocese into line with the rest of the Church of England, although certain modifications will need to be made (as permitted by paragraph 22(a) of the constitution) to the application of the 2003 Measure to the diocese in order to reflect its special circumstances. The process of modifying the 2003 Measure for this purpose is already in hand and will not require any further amendment to the constitution.

## **Clause 4**

Clause 4 amends paragraph 31(a) so as to reflect the fact that the post of diocesan secretary was created in 1998 to assume many of the duties and responsibilities previously undertaken by a vicar general.

## **Clause 5**

This amends paragraph 31(d) so that, instead of referring to Churchwardens (Appointment and Resignation) Measure 1964 it refers to the Churchwardens Measure 2001, which superseded the 1964 Measure.

## **Clause 6**

This amends paragraph 39(a), which specifies the membership of the bishop's council. The present paragraph 39(a)(v) states that the 'diocesan representative on the Central Board of Finance' (an elected member of General Synod) is a member. This post no longer exists, with the consequent possibility that there will be no member of General Synod on the bishop's council. The new paragraph 39(a)(v) accordingly seeks to address this omission. The new paragraph 39(a)(vi) is unchanged and an additional new paragraph provides for such appointments to last for the duration of the diocesan synod triennium, subject to the possibility of re-election.

Church House  
London SW1P 3NZ

June 2006