

GENERAL SYNOD
STANDING ORDERS COMMITTEE
FORTY-FOURTH REPORT OF THE COMMITTEE

We present to the Synod our forty-fourth report. Our membership for the current quinquennium is as follows:

Appointed members:

Mr Geoffrey Tattersall QC (Manchester) (Chair)
 Mrs Gill Ambrose (Ely)
 The Revd Canon Sue Booy (Oxford)
 The Ven Adrian Harbidge (Winchester)
 The Revd Canon Simon Killwick (Manchester)
 Mr Clive Scowen (London)

Ex-officio members:

Canon Dr Christina Baxter (Chair of the House of Laity)
 Dr Philip Giddings (Vice-chair of the House of Laity)
 The Revd Canon Glyn Webster (Prolocutor of the Lower House of the Convocation of York)
 The Ven Norman Russell (Prolocutor of the Lower House of the Convocation of Canterbury)

Under Standing Order 39(c), proposed amendments to Standing Orders may be made under a ‘deeming’ procedure if the Business Committee so determines. The Business Committee has determined that all the amendments proposed by the Standing Orders Committee in this report should be dealt with in that way. However, amendments proposed to be dealt with under the deeming procedure must be debated if (i) not less than five members give due notice of their desire that they should be or (ii) one or more members give due notice of an amendment to the proposed amendment.

Item 28

SO 15 - Quorum

1. It has become clear that Standing Order 15 is in need of clarification. As it is currently drafted, it would seem to be a necessary implication of paragraph (b) that, once the bell has been rung, consideration of the business in hand must stop. However, it is unclear as to whether the debate can continue in the event that the Chair becomes satisfied that a quorum is present within the next five minutes, or whether debate can only resume at the end of the five minute period. The Committee therefore proposes that Standing Order 15(c) be amended so as to make it explicit that the debate can be resumed as soon as the Chair is satisfied that a quorum is present. **Item 28** in the First Notice Paper gives effect to this proposal.

Item 30

SO 44 - Decorum

2. The Committee considers that the Standing Orders should show respect to those who are less able. It has concerns from that point of view in relation to Standing Order 44(a), which requires that that members 'stand' in certain circumstances without regard to their ability to do so. With the agreement of the Committee for Ministry of and amongst Deaf and Disabled People it therefore proposes that the obligation in Standing Order 44 to stand on the entry of the chair and to stand whilst speaking should be amended by inserting the qualification "*(if able)*". **Item 30** in the First Notice Paper gives effect to this proposal.

Items 29, 31, 32, 33, 36, 37, 38 and 39
SO 47 - Consolidation of Legislation

3. From time to time it is desirable to 'consolidate' the legislation relating to a particular area, by drawing together into a single new set of provisions earlier provisions which have been amended, with a view to providing a single, up-to-date and authoritative text. Standing Order 47 contains provisions in relation to such 'Consolidation' Measures – an expression defined by that Standing Order as any Measure "*the Title of which is to consolidate, or consolidate with corrections and minor improvements [as defined in paragraph (d)], the enactments relating to any subject*" and which is designated as such by the Business Committee. The purpose of the provision contained in Standing Order 47 is to prevent any amendments being moved to such a Measure in the course of its Synodical consideration if their effect would be to alter the existing law - but so that, where the Measure is one to consolidate amendments with corrections and minor improvements, amendments may be made if their effect is to make a correction or minor improvement.
4. Consideration of Standing Order 47 has revealed that it would be desirable to extend the scope of the existing provision so as to allow the moving or proposing of an amendment the effect of which would be to bring a provision into conformity with the existing law. **Item 31** in the First Notice Paper makes such a provision.
5. However, the Committee also considers that Standing Order 47 could helpfully be developed in terms of the procedure it specifies for the consideration of Consolidation Measures, by replicating to an extent the way in which Consolidation Bills are dealt with in Parliament. In the House of Commons, such Bills are rarely debated either on second or third reading (the equivalent, respectively, to our First Consideration and Final Approval stages); and they are not generally committed for revision.
6. The Committee believes it would appropriate for the Standing Orders to follow a similar procedure in relation to Consolidation Measures. That would be as follows:
 - (a) Having been designated as a Consolidation Measure by the Business Committee, the Measure would receive 'deemed' First Consideration unless either (i) the Business Committee determined to the contrary or (ii) 5 members requested a debate.
 - (b) If a Consolidation Measure received 'deemed' First Consideration, it would not stand committed to a Revision Committee but would stand committed to the Steering Committee in respect of its Final Drafting (by-passing the Revision Committee and Revision stages altogether).
 - (c) If a Consolidation Measure did not receive 'deemed' First Consideration because 5 members asked for a debate, the Steering Committee for the Measure would have a discretion to move at the end of the First Consideration debate that the Measure be

committed to the Steering Committee in respect of its Final Drafting (without a Revision Committee or Revision stage); and if the motion were carried the Measure would stand committed to the Steering Committee in respect of its Final Drafting. (In the event that that motion were not moved, or moved and not carried, the motion *‘That the Measure entitled (Short Title) be considered for revision in committee’* would be put; and if that motion were carried then the Measure would take the usual course for Measures, subject to the limitation on the nature of amendments that may be moved contained in Standing Order 47.)

- (d) In the event that a Consolidation Measure did have to go through revision, it could not be further held up by members being able to require that the Final Approval stage take place at a later group of sessions than that at which the Revision stage was completed.

7. **Items 32, 33 and 36** in the First Notice Paper give effect to these proposals.
8. The Committee does not believe it desirable for this new procedure to apply to any Consolidation Measure which has already been printed and circulated to members pursuant to Standing Order 48. The form of the motions relating to items 32, 33 and 36 is accordingly such that the new procedures will not apply to draft Measures which have already been introduced to the Synod before the change to the Standing Orders takes effect. (It will not therefore apply to the draft Pastoral and Mission Measure and the draft Care of Cathedrals Measure currently under consideration by the Synod.)
9. The Committee also feels it would be beneficial to for a consolidation procedure - limiting the extent to which amendments can be moved - to be available in relation to provisions which consolidate either (a) instruments of the kind to which Standing Orders 68 to 71 apply (i.e. rules, orders, regulations, schemes and other subordinate instruments) or (b) Standing Orders themselves; the latter would particularly be helpful for the purpose of making corrections and minor improvements to the Standing Orders (e.g. to introduce gender non-specific language) without the need for the Standing Orders Committee to report on them individually.
10. The Committee therefore proposes a number of amendments to this end, those relating to the consolidation of instruments being contained in **Items 37 to 39** in the First Notice Paper and those relating to the consolidation of Standing Orders being contained in **Item 29** in the First Notice Paper. In the case of the extension of the consolidation procedure to Standing Orders to be effected by the amendments made by item 29, the Committee proposes a more restrictive approach in terms of what may be contained in any consolidation (employing a narrower definition of ‘correction’), because it believes Standing Orders to be different in nature from legislation and that members have a legitimate interest in both (a) the detail of amendments to the Standing Orders in cases of ambiguity and doubt and (b) the manner in which obsolete provisions might be brought into conformity with modern practice.

Items 34 and 35

SO 53 – Procedure of Revision Committees

11. The Standing Orders Committee has been reviewing the provisions of Standing Order 53 in relation to the procedure of Revision Committees.
12. By virtue of general legal principles, it is for a Revision Committee to regulate its own procedure, subject to any relevant provision made in the Synod’s Standing Orders. However, the provision made in Standing Order 53 in relation to the procedure of Revision Committees

is very limited. The Committee has therefore considered whether, in the interests of certainty and consistency, it would be desirable to make more elaborate provision but has come to the conclusion that it would be better to rely on the good sense of Revision Committees and their Chairs (acting with the benefit of advice from staff).

13. However, if matters are to be left to individual Revision Committees and their Chairs, the Committee believes that it would be desirable to include some additional provision in Standing Order 53 which states expressly that (a) (like other bodies such as the Business Committee) such Committees have power to regulate their own business and procedure and (b) the Chair may determine conclusively any questions of order, business and procedure. **Item 35** makes amendments to that end.
14. Additionally, the Committee believes that, whilst it should be for each Revision Committee to decide to whether any and, if so, which papers prepared for it should be circulated to non-members to facilitate its work, it would be desirable for copies of all submissions made on draft legislation being considered by a Revision Committee to have to be published on the General Synod website. Making them available in that way would allow submissions to be publicised both to other members who had made submissions and to the public at large and could as a result have benefits from the point of view of the work of the Committee (e.g. by enabling members with similar views to combine their oral submissions to the Committee). **Item 34** will accordingly impose an obligation in this respect, subject to the exercise of a power which can be used to redact submissions - to be used routinely to excise members' addresses and other personal information and, more exceptionally, where it is expedient to do so (e.g. because the submission used unseemly language).
15. The Business Committee has been consulted about the proposals made above and indicated its support for them. Since, by virtue of Standing Order 76(b), all of the changes proposed above will apply equally to Revision Committees considering Liturgical Business, the Liturgical Commission has been consulted about the proposals and has indicated that it is content.
16. Finally, the Committee considers that it would be desirable if guidance were prepared for Revision Committees and their Chairs on a number of issues, including the circulation of papers to persons who are not members of a Revision Committee. It has accordingly asked that a draft of such guidance should be prepared, for consideration by it, the Business Committee and the Liturgical Commission. If members wish to offer comments in that connection they are invited to submit them to the Chief Legal Adviser in the first instance.

Items 40 and 41

SOs 102-3 - Financial business

17. At the February 2009 group of sessions, members were notified in the forty-third report of the Committee (GS 1699) that it believed the Standing Orders relating to financial business (Standing Orders 98-103) were in need of updating and clarification in a number of respects, as detailed at length in that report. To that end, a number of amendments were proposed, as item 38 in the First Notice Paper for that group of sessions. The amendments proposed in the First Notice Paper were duly passed, under the 'deeming' procedure for which provision is made in SO 39(c).
18. However, due to an error on the First Notice Paper (which referred to the new Standing Orders being substituted for 'Standing Orders 98 to 101' rather than 'Standing Orders 98 to 103'), only Standing Or

19. ders 98 to 101 were repealed, and not Standing Orders 98 to 103 as intended. To remedy this oversight, the Committee accordingly proposes the repeal of Standing Orders 102 and 103. **Items 40 and 41** in the First Notice Paper give effect to this proposal.

Items 42 to 45

SOs 114-7 - Business, Appointments, Standing Orders and Legislative Committees

20. Standing Orders 114, 115 and 116 (dealing respectively with the Legislative, Business and Appointments Committees) each include a final paragraph stating that “*Subject to the foregoing provisions, the Committee shall have power to regulate its own business and procedure.*”. Standing Order 117 (which deals with the Standing Orders Committee) does not. For the sake of consistency the Committee proposes that Standing Order 117 should be amended to include a similar provision. **Item 44** in the First Notice Paper gives effect to this proposal.
21. Standing Order 118A contains provisions relating to the business and procedure of the Business and Appointments Committees to which paragraph (f) of each of Standing Orders 115 and 116 ought to be expressly stated to be subject. **Items 42 and 43** in the First Notice Paper make amendments to that end.
22. As a result of these changes, there is a need for a consequential amendment to Standing Order 118A(a), which will be made by **item 45** in the First Notice Paper.

Item 46

SO 120 - Elections

23. In its report of May 2008, the Elections Review Group recommended that Standing Order 120 should be amended to require candidates in elections held under it to disclose their date of birth. This would bring Standing Order 120 into conformity with the requirements for candidates in elections to diocesan Synods and to the General Synod to specify their age. The Business Committee endorses this view.
24. The Elections Review Group is satisfied that the imposition of such a requirement would not breach the Employment Equality (Age) Regulations 2006.
25. The Committee therefore proposes amendments to Standing Order 120 to give effect to the Elections Review Group’s proposal, contained in **item 46** in the First Notice Paper.

On behalf of the Committee:

Geoffrey Tattersall

Chair

December 2009

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