

Submissions to the Revision Committee for the Miscellaneous Provisions Measure

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The Right Reverend Julian Henderson (8 – Bishop of Blackburn)

I want to register the need for consideration for new powers to be given to Bishops, when responding to independent Risk Assessments. As I intimated in my speech on safeguarding, the allegations about a person in holy orders, who acts inappropriately, often do not reach the level necessary for them to be taken forward under a CDM, neither are they sufficient for an arrest or investigation by the Police. The only option left to the CORE Group and the Bishop is to recommend a Risk Assessment. However, if that Risk Assessment comes back saying the individual is not safe to be in public ministry, the Bishop has no power to prevent the person from exercising ministry.

Clause 1 (1)

This should be deleted. Article 7 or 8 business is not suitable for remote or hybrid meetings and, by its nature, cannot be sufficiently urgent to demand a decision if synod cannot for any reason meet in person. If we had only been meeting remotely to discuss women bishops I do not think that we would yet have passed legislation to allow them. Synod operates not only by the public debates in the chamber but by conversations around Synod. These do not happen when meeting remotely.

Clause 1 (2) (a) and (b)

These sub clauses should be deleted. Standing Orders should be required to be made for a specified period and not indefinite. Remote meetings were introduced for a specific emergency when it was not legally or practically possible to meet in person due to the pandemic. This clause would 'normalise' remote meetings.

Clause 1 (3)

This clause should be deleted. The words 'temporary standing orders' indicate that standing orders for remote meetings should only be passed for a temporary period to facilitate meeting remotely in exceptional circumstances requiring. They should not become the norm.

Clause 2

This should be deleted. Legislative Reform Orders made under The Legislative Reform Measure 2018 have not been made often (3 times I think) and it has not always been very successful or without controversy, witness the Order relating to the reform of the Church Commissioners. I consider that Synod (and parliament) will want to be assured of how the Measure has been used and I would suggest that we do not have enough experience of it to judge whether or not it ought to continue indefinitely.

I would accept an amendment to section 10 of the 208 Measure extending the sunset clause to 10 years from the date of the first order being laid before Synod.

Clause 11 (1)

Although I support the intention of making those carrying out functions under the Measure to have regard to the importance of environmental protection, I am unhappy with the way the clause is drafted as it seems to put environmental protection on an equal footing with worship and mission. This could mean that in a particular situation environmental protection could 'trump' the role of a church as a local centre of worship and mission. However, I cannot, at the moment, suggest a way round this problem!

Clause 12 (6)

A drafting question regarding the new subsection 11 (b). Would it better to say 'a minister licensed as priest in charge' or 'a minister appointed as priest in charge' (following the wording of MPM 2011 s 86 (3))? I can envisage a situation where a priest is acting as priest in charge, even though he has not been appointed or licensed as such.

Clause 16 (1)

There ought to be a provision (equivalent to subsection (4A)) requiring that Commissioners must constitute the majority of members of any sub-committee established by a committee under subsection (4B).

I am unclear of the need or appropriateness of the sub-committee being able to delegate functions to an officer. I would ask the Revision Committee to consider whether this is really necessary.

Clause 16 (2)

I am unhappy with clause 6 (4) (b) which would appear to authorise an appropriate officer who has been authorised to act to himself or herself delegate to another officer. This seems to be too great a power and I would ask the Revision Committee to consider whether it is appropriate or necessary.

The Revd Dr Tom Woolford (70 – Blackburn)

I've not 'made representations to the revision committee' before, and am not a lawyer; so I'm not sure how relevant or helpful these comments will be... But I thought I'd have a go!

Clause 12 subsection 2 as it stands concerns me greatly. Bishops stand in a very different relation to church land in a parish than an incumbent does. I worry that the new powers conferred upon the bishop could incentivise bishops to suspend the living or extend a suspension in order to 'sort out' a land-disposal issue that incumbents have been reluctant – for reasons of local sensitivities – to act upon. The explanatory note mentions the trivial examples of carrying a cable or allowing a community group to use the hall – but the new measure would give the bishop power to pressurise PCCs into disposal of assets and other 'big' decisions that I feel ought not to be considered, let alone enacted, during a vacancy. It's also not clear whether a priest-in-charge (who is therefore not incumbent) could be bypassed in such decisions even if in post for years.

Clause 15 subsection 2 deliberately provides a 'back door' for non-communicants to be admitted to PCC membership. For ecclesiological reasons, as in my infamous non-maiden speech, I will oppose any such move should something like the Canterbury DSM be brought back to Synod. Similarly, I don't like the principle of being able to make non-communicants PCC members in any circumstances, and wouldn't want a bishop to be able to waive that requirement. What exceptional circumstances could require it, that couldn't be better answered by the person in question becoming communicant? I'd prefer to see this clause dropped entirely, especially in light of the wider review of PCC membership and electoral roll that will now be conducted as a result of the Canterbury DSM debate in York.

The Revd Dr Rob Munro (92 – Chester)

I am speaking to Clause 1 and Subsection 1, section (a) seeking to remove the prohibition of business relating to Article 7 or 8 business from being conducted at a remote meeting.

I oppose the removal of that prohibition (so proposing the deletion of 1 (1) (a)) for the following reasons:

1. **The precedent of treating such business differently.** Article 7 or 8 business already requires special provisions (the 2/3 majority) to permit changes – treating this as a special case is already our precedent.
2. **The corporate nature of critical discernment.** Such business lies at the heart of how we publicly and corporately express our Anglican identity, and it seems to me that it is a crucial aspect intended by the previous legislation that there should be a corporate ownership of such changes. The difficulty of conducting business remotely is enshrined in the description – it is by nature ‘remote’ not collegial or corporate. Being in virtual communication with a debate is not the same as being in collegial connection. The expression of the mind of the church implies (in the definition of church/ekklesia) a gathering. While the administration of the church may appropriately be delegated to a diverse and potentially disconnected way, the defining of the church in its doctrine and liturgy should not.
3. **The law of unintended consequences.** Potentially uncritical acceptance of the removal of this prohibition could lead to the scenario (such as was the case at the height of the pandemic) where the whole synod is ‘remote’. Discerning the mind of the church on critical doctrine and liturgy, would then lack the necessary (in my opinion) interaction of synod member across streams and geography, not just in formal debate, but informally over fellowship together and more importantly in prayer and worship together. Remote meeting simply fails to have that dynamic. While the argument may be made that a ‘crisis’ might demand the necessity of gathering in this way- my response would be that making significant change to doctrine and liturgy during a crisis is unwise and should be avoided.
4. **The uncertain evaluation of the effectiveness of remote engagement.** The experience of remote business meetings and engagement is relatively new and relatively unresearched. My personal experience of remote meetings (including of the General Synod when we had to meet on Zoom) was that I felt less engaged, less connected and less able to interact with the issues (and at times more distracted and unfocussed) – and I don’t think I am alone. That would be a particularly serious issue when conducting Article 7 & 8 business. The existing prohibition is a safeguard against that. It seems to me unsafe to remove this protection without a fuller evaluation of the effective impact of remote working on genuine engagement, with some substantial research – ideally professional, but at least by some comprehensive and robust survey.

My proposal is simply to remove the prohibition and require such decisions to be made only by those present in synod, and thereby able to engage with one another, share, pray and worship together as significant changes to doctrine and liturgy are made.

Should my first amendment proposal itself fail to commend itself to the revision committee, I would like to make a **second alternative proposal** for consideration, that there should be a requisite minimum number of people actually present in synod before such decisions legitimately be made. While preferring this to me as high a proportion as possible for the reasons above, a proposal consistent with current practice would be to require, in addition to the necessary 2/3 majority in each house of synod to pass the vote, that there be a necessary 2/3 of members of each house to be physically present in synod for the decision to be legitimate (so those connecting remotely would

not be included in the 2/3 quorum of members of each house for this new requirement). That would ensure some minimum quality of worship, fellowship, interaction and debate would be secured.

Should neither of these proposals commend themselves in revision, I would want to propose an **alternative third amendment**. I realise that the official quorum for debates is only 1/5 of members, so it may be felt that 2/3 of synod to be present is too high a bar (although for significant doctrinal or liturgical change I don't think it is), and alternative a slightly lower bar might be considered, so perhaps the committee might then consider the alternative proposal that a minimum number present should be that ½ of members of each house need to be present in such debates. Below this number in each house, I believe we would be failing in our duties in instigating change on Article 7 & 8 business.

A final proposal, although I'm not sure if it is strictly business that can be instigated in the revision of this measure, is to request that some robust independent research be undertaken to qualitatively evaluate the 'engagement' and impact on effective decision making, of virtual or online meetings. While we adopted this provision as a necessary temporary solution for times of major crisis, I do not think it should be the norm for conducting business in General Synod. With no restrictions on minimum numbers present in synod for any business, we risk remote working becoming a default choice of particular members, perhaps for convenience or environmental reasons, rather than as a concession for exceptional circumstances. In my opinion we should not automatically 'normalise' what was adopted as a provision for exceptional circumstances without serious research or review of its impact on engagement and effectiveness in decision making.

The Revd Neil Patterson (130 – Hereford)

A:

‘Omit clause 5’ (Lay Residentiary Canons)

Rationale:

The Church of England is an ordered church, in which the distinctive functions of bishops, priests and deacons are embodied by being holders of particular offices which require ordination to be filled. These have included, since the roles existed, residentiary canons of cathedrals – though the principle applies equally to incumbents, archdeacons, and all other ordained offices under section C of the Canons. There are undoubtedly many caring and pastoral lay people who could fulfil the work of parish incumbents; equally others skilled in strategy and administration who would make first-rate archdeacons; even brilliant leaders and theologians who might outclass many bishops. But we are ordered so that those roles our structure are tied to the distinctive callings set out in the Ordinal, and there does not seem to be any good reason why this should not also be true of residentiary canons, whose core role is to preach, preside and pray in our cathedrals at the core of their corporate life.

A lesser, but still important, argument would be to note that the same proposal was brought to the Revision Committee of the Cathedrals Measure 2021 (on which I served) and we were advised that, as it would require the exceptions to the Act of Uniformity 1662 and the Ecclesiastical Commissioners Act 1840, these were too great matters of principle to be changed en passant in the Cathedrals Measure. It seems equally problematic to change the fundamental ordering of the Church of England in a Miscellaneous Provisions Measure, customarily dedicated to non-contentious matters.

If A is not approved, B: (also Lay Residentiary Canons)

At 5(1)(1) omit “a lay person” and replace with “a reader or licensed lay worker having at least six years full since admission”

At 5(2) omit “In each of sections 12(12) and 13(1)” and replace with “In section 13(1)”

Rationale:

As members of the Revision Committee will be aware, the Cathedrals Measure 2021 sought to improve the governance of Cathedrals by establishing a clear distinction between the Chapter, consisting of a majority of non-executive members exercising a role of independent governing accountability, and a Senior Management Group of executive officers engaged in the actual work. This distinction was crucial to obtaining the agreement of the Charity Commission that the Measure represented a robust governance structure for charities of the scale and responsibility of our historic cathedrals. The only ‘bridge’ permitted between the Chapter and the SMG is the Dean and residentiary canons, by virtue of their distinctive position as office-holders (crucially, no cathedral employee can be a member of Chapter). Although the provision for lay residentiary canons does not specify whether or not the canon should be stipendiary, as far as I can see they can only be so if they are a lay person eligible to hold a common tenure office under the Ecclesiastical Terms of Service Measure 2009 – section 1(1)(h) providing that this may include deaconesses, readers or lay workers (I have omitted deaconesses since no more are being admitted). The six years since admission mirrors the provision at Canon C21.1 for priests and deacons. There will also need to be an amendment of Canon C21.1A to reflect this.

The omission of the reference to clause 12(12) reflects the fact that I can see no reason why a lay residentiary canon, being fundamentally part of the ministerial staff of a cathedral, should not have the same accountability to the Dean through Chapter as ordained residentiary canons. I agree however that they should be ineligible as Acting/Interim Dean.

C: (Naming of suffragan sees)

New section in the MPM:

For section 11(2) of the Dioceses, Pastoral and Mission Measure 2007, insert the words in bold:

(2) Before submitting a petition under subsection (1) above for the change **in name of a diocesan see**, the bishop shall first consult the Commission and obtain the approval of the diocesan synod of the diocese concerned and shall then, if he decides to proceed with the petition, lay the petition, together with a report thereon from the Commission, before the General Synod for its approval.

After subsection 11(4) insert

(5) Before submitting a petition made under subsection (1) above for the change in name of a suffragan see, the bishop shall first consult the Commission and obtain the approval of the Commission and of the diocesan synod of the diocese concerned and shall then, if he decides to proceed with the petition, may forward it to Her Majesty in Council.

Rationale:

This proposal emerges, at the suggestion of the Chief Legal Officer, from the Dioceses Commission. With respect to suffragan sees, there is an illogical disparity of regulation about their creation, suppression and naming, which hampers the work of the Commission. Although Synod was required to pass a Measure to create the See of Loughborough, historical research by the Legal Office into the successive Suffragan Bishops Acts has established that there are (unless a vast increase in the episcopacy were to be proposed) a range of existing places across England nominated as possible suffragan sees, and so the Commission could potentially agree at any time to a diocesan petition to fill one of them. Equally, the Commission has effective power to suppress a see where it does not believe there is sufficient justification for a suffragan bishop in the place, as occurred recently with the see of Ludlow. However, if the mere name of a nominated see is not particularly appropriate, the Commission is unable to support a renaming of the see without the cumbersome possibility (as occurred with the change of Richmond to Kirkstall) of requiring a Synod debate, and this is experienced as a block to what may sometimes be very reasonable changes. So this proposal (which may well need better drafting) proposes to omit the requirement to gain consent from General Synod to rename a suffragan see, whilst retaining it for a diocesan see, given the implications for the name of the diocese itself (cf Leeds/West Yorkshire & the Dales). It might be noted that at the level down, of archdeaconries, these may be created, merged, etc, by a mere Bishop's Pastoral Order.

Mrs Rosemary Lyon (255 – Blackburn)

I wish to make the following point re. Clause 1 subsection 1 of this Draft Measure.

I am not in favour of the proposed change to allow Article 7 and Article 8 business to be discussed at a remote or hybrid meeting of the General Synod. **Such weighty** business must be fully debated with as many members as possible in the Chamber as well as in other locations in Church House (the Tea Room, Bishop Partridge Hall and so on.) Hybrid / remotely conducted meetings do not lend themselves to these matters.

Mr Sam Margrave (292 – Coventry)

I write to share in and outline in support of other members concerns regarding Church of England (Miscellaneous Provisions) Measure GS 2272.

I raise the following concerns raised by Mrs Mclsaac:

"Clause 16: Delegation of Functions by Church Commissioners

Clause 16(1) of the Draft Measure would insert a provision which enables a Committee to

- establish sub-committees and

- delegate Committee functions to that sub-committee (4A).

Clause 16(2) of the Draft Measure proposes that a subcommittee may, in turn, delegate functions to the chair or deputy chair or to an appropriate officer.

No explanation is given in GS 2272X1 as to why these provisions are necessary or desirable. Given the wide-ranging Governance Review which is being undertaken and the recent discontinuance of several General Synod bodies, the need to create subcommittees with their attendant costs, duplication of effort and confusion over where responsibility and authority resides should be explained.

Even if there is a good case for a committee to establish sub-committees, it is hard to understand why functions should be exercisable by a single individual whether chair, vice-chair or officer. Also, reasons should be given as to why delegation of functions to an officer is needed.

The provisions conferring authority to establish sub-committees could usefully mirror Section 5(4)(c) and provide that the general rules and general principles upon which that sub-committee is to act will be determined by the Committee which establishes the sub-committee.

Finally, Section 5(4A) provides that Commissioners are to constitute a majority of the members of any Committee appointed under subsection (4)(a). Given that significant responsibility and authority may be conferred on sub-committees, on what basis will membership be regulated?"

In addition, I object to these changes, question wider role of General Synod and raise concern that individual decision making is a significant connotational change that would harm accountability and scrutiny.

Further to my previous email which focused on section 16, I am deeply concerned by other provisions.

The implementation of remote meetings must be properly considered. Hybrid meetings can be effective and useful to help people overcome barriers. However, there is a cost to corporate culture and scrutiny which needs to be considered.

Furthermore, there should be a sunset or review date and a full review.

I am concerned about delegation of Episcopal functions and the section on care of churches and disposals. These need better consideration, in particular regarding the role of Laity in Parishes and Synodical structures. I would like to see Laity have more of a say in the future of their Churches.

Mrs Sue Cavill (297 – Derby)

In relation to the parts of Church of England (Miscellaneous Provisions) Measure relating to Disposals etc of Land, I do not agree that the Bishop should be empowered to sign the paperwork dedicating land for a highway in the event of a Parish vacancy.

PCCs should be dealing with local matters such as this and are far more likely to understand the impact of this kind of decision. Bishops have a huge number of strategic responsibilities and it does not make sense for them to be involved with detail like this. I ask the Revision Committee to consider moving this power to the PCC and/or Church Wardens.

Mr Stephen Hogg (328 – Leeds)

I have some concerns about this measure

Clause 1 1 (a) – I oppose this clause and would be uncomfortable with Article 7 and 8 business being conducted remotely. This stuff is too important and seeing the whites of the eyes of the opposition for something this significant is essential. Remote meetings are great for legislation or trivia but for 7 and 8 business I feel strongly that we need to be together to make such decisions. The meeting at York provided me with the chance to have deep and difficult conversations on the edge of sessions and helped inform my thoughts. This cannot be done remotely.

Clause 16 1 et seq – these are far too vague for good governance – these need to specify the constitution of these sub-committee. For example, must they always have a majority membership of Commissioners or could they be made up entirely of advisors? Can absolutely anyone be appointed to them, or must they be commissioners, members of synod, actual communicants, staff? Regarding the delegation to an appropriate officer, is there any limit on the powers that can be delegated? Will there be a written delegation document that will specify limits of delegation powers? What controls will there be on the actions that the officer can take? I see a potential for a rogue officer committing to actions without reference back to the committee or of making agreements involving costs – will there be Terms of Reference for each delegation or will there be a standard delegation document to which any delegated officer can refer for clarity on their delegated powers?

As ever, my concerns are of good, transparent and effective governance. There is a danger of a committee, sub-committee or officer running away with decisions or action without proper control

Mrs Amanda Robbie (339 – Lichfield)

The key points I raised were:

1. Appropriate nominating parties - can close family members (parents/children/siblings and all step variations of those) be excluded as nominators for PCC/Churchwarden/Deanery Synod?
2. Reopen Nominations - can we have this option for uncontested elections (for PCC/Churchwarden /Synod) "Whatever voting procedure you use, voting should always include the option to 'Re-open Nominations' (RON) if voters are unhappy with the candidates. If RON "wins" the most votes in the election, then nominations must begin again, and a new election conducted."
3. The third clause I added - from our Diocesan Synod motion - was about safer recruitment, DBS checks and removal from office and I attach a paper produced by my husband and our assistant pastor/safeguarding officer, where the rule clashes are laid out (together with some other issues)- essentially, people can refuse background checks and cannot be removed from office, contrary to the requirements of the Church Representation Rules 2020 Part 7 Rule 68.

(Our original Diocesan Synod motion '**That this Synod request that the Archbishops Council: (a) review current legislative provision dealing with disqualification from holding office on a PCC or synod constituted under the Church Representation Rules; (b) consult the National Safeguarding Team on appropriate safeguarding measures; (c) bring forward proposals to amend the Church Representation Rules and other relevant legislation to allow checks to be made as to the eligibility of individuals to hold office on a PCC or synod; and (d) bring forward legislation to provide a robust and effective means for preventing those who are disqualified on safeguarding or other grounds from being elected to, or holding, office.'**)

Do let me know if there's any other information that I can provide.

Mr Geoffrey Tattersall KC (365 – Manchester)

I wish to raise two points.

(1) about the new retirement age for Chancellors in section 7(3)(a).

The existing provisions require that Chancellors prima facie retire at 70 but their tenure of office can be extended by the Bishop until age 72 and then annually until age 75.

I need to declare that I have benefitted from these provisions and will retire as Chancellor of the dioceses of Carlisle and Manchester in September at age 75.

I am sure that the rationale for this provision is that secular judges can now sit until age 75 and that the position should be the same for ecclesiastical judges. I do not think that this is the case.

Employment as a secular judge is pensionable and judges are frequently appointed in their later years and may not sit for the 20 year period which allows them to obtain a pension of one half of their salary.

By contrast the office of a ecclesiastical judge is not pensionable and there are sometimes very good reasons why a serving judge might not be 'renewed' by the Bishop at age 70. The Bishop may prefer someone younger or different and will probably not have appointed the current ecclesiastical judge.

I am very firmly of the view that a serving ecclesiastical judge should not have the right to continue to serve beyond age 70 and that instead the right should as to whether the judge continues to serve beyond age 70 should be that of the Bishop who will act in the best interests of the diocese. I will expand these points if asked to attend the Revision Committee.

(2) lay residential canons

Having spoken recently to David Ison at St Paul's, can I ask whether this is supported by the Deans and whether it would satisfactorily address the issue of Dr Paula Gooder there?

General comments

Two thirds of the membership of General Synod is new and is unlikely to have background and/or knowledge to be able to comment on the proposals being made here as fully as they might like. It would help them, indeed it would make the whole process more coherent, if the contexts could be provided. Preferably, these could take the form of fully marked up versions of the various Measures referred to with the changes intended being highlighted. If such versions are not available, we will have to depend on the references made to incremental changes presented in isolation. This might be appropriate for experienced, ecclesiastical lawyers but not for most General Synod members.

Some of these proposals were debated by this Synod but others by an earlier one. It would be useful to have some references - to the relevant GS papers, for example - and dates of the votes.

With these points in mind, I have no comments apart from some straightforward ones on sections 16 and 17.

16 Church Commissioners' functions etc.

I am a member of the Reference Group of the Governance Review.

(1) One of the purposes of this Review is to simplify the NCIs by combining many of the Church Commissioners' functions with those of the Archbishops' Council into a new body, provisionally called the CENS. A justification for this work is the plethora of committees of these and other NCIs. Given this situation, is it consistent to allow these committees to breed as GS2272 proposes?

(4) This is a very broad power. Is there any oversight of the Church Commissioners relating this new ability to borrow; is there any limit to it? This is a dangerous development that is not justified, especially in these times of financial uncertainty.

(5) At least the breeding of committees is limited to one generation.

17 Meetings

(3) (3) This wording is not clear. Presumably this is referring to urgent decisions in general and not any specific one and the decision to delegate is taken once and in principle by a single meeting of the Commission.

5 Lay residentiary canons

I would suggest that the provision of enabling lay residentiary canons requires further thinking in the following two areas

1. The question as to whether a lay residentiary canon can be an executive member of Chapter or only a non-executive member of Chapter. An executive member of Chapter is defined in the Cathedrals Measure 2021 as a residentiary canon who carries out cathedral duties.

I would suggest that it is likely to be inappropriate, indeed potentially difficult under charity trustee law in terms of payments to trustees, for a lay residentiary canon to be able to be an executive member of Chapter. If lay residentiary canons are executive members of Chapter, and therefore by implication hold management responsibility, this may also lead to a strange incongruence with the role of chief operating officer within a cathedral, who is not, and cannot be, a member of Chapter.

I would therefore suggest the inclusion in the measure of some form of words that explicitly state that a lay residentiary canon is by definition a non-executive member of Chapter.

2. What it means to be a lay residentiary canon as opposed to
 - (a) a residentiary canon who is ordained;
 - (b) a lay member of Chapter who is not also a residentiary canon; and
 - (c) a lay canon (often also referred to as an honorary canon).

Assuming the intended difference is that a lay residentiary canon will be expected to carry out “cathedral residence” by way of taking part in, and leading, ministry and worship in the cathedral at certain times, I would suggest that some form of provision is made in the measure to explain (or cross reference to other legislation) what elements of ministry and worship a lay residentiary canon can legally perform as opposed to that of an ordained residentiary canon. In turn, the measure might helpfully benefit from provision to detail how such ministry and worship is in addition to that already available to a lay canon.

13 Care of cathedrals

The proposed clause 13(2) in the draft measure explicitly removes the provision that is currently available under the Care of Cathedrals Measure 2011 clause 2(2)(b) to disapply the requirement for approval under the said measure in those situations of removals being “of a temporary nature” where objects are removed for display elsewhere.

This seems unnecessarily restrictive and contrary to the spirit of the Care of Cathedrals Measure 2011, which currently provides for the exception to the need for approval when something is of a temporary nature to be available regardless of the type of activity being undertaken. I view that the removal of the currently available exception for temporary moves in relation to objects being put on display is neither pragmatic or proportionate.

I therefore suggest that the proposed change set out under clause 13(2) of the draft measure is either removed or wording is inserted to soften the removal of the exception, for example by indicating that the exception for approval remains if the period the item is going to be put on display is under X days or similar.

Mr Jonathan Baird (400 – Salisbury)

Dear Members of the Committee,

Two comments, please:

1. Concerning Clause 12 (2), I would question why such powers should be bestowed upon the bishop. Should not such powers be vested with the PCC?
2. Concerning Clause 16 (4), this enables the Commissioners to borrow money. Earlier this year, the Commissioners borrowed £ 550 million. Were they acting ultra vires?

Thank you for your attention.

Clause 16: Delegation of Functions by Church Commissioners

Clause 16(1) of the Draft Measure would insert a provision which enables a Committee to

- establish sub-committees and
- delegate Committee functions to that sub-committee (4A).

Clause 16(2) of the Draft Measure proposes that a subcommittee may, in turn, delegate functions to the chair or deputy chair or to an appropriate officer.

No explanation is given in GS 2272X1 as to why these provisions are necessary or desirable. Given the wide-ranging Governance Review which is being undertaken and the recent discontinuance of several General Synod bodies, the need to create subcommittees with their attendant costs, duplication of effort and confusion over where responsibility and authority resides should be explained.

Even if there is a good case for a committee to establish sub-committees, it is hard to understand why functions should be exercisable by a single individual whether chair, vice-chair or officer. Also, reasons should be given as to why delegation of functions to an officer is needed.

The provisions conferring authority to establish sub-committees could usefully mirror Section 5(4)(c) and provide that the general rules and general principles upon which that sub-committee is to act will be determined by the Committee which establishes the sub-committee.

Finally, Section 5(4A) provides that Commissioners are to constitute a majority of the members of any Committee appointed under subsection (4)(a). Given that significant responsibility and authority may be conferred on sub-committees, on what basis will membership be regulated?

Mr Adrian Greenwood (455 - Southwark)

As some members of Synod know, I have considered for some time that the **PCC (Powers) Measure 1956** has become out of date with recent developments, particularly in Charity law (all PCCs are charities and many are subject to the regulation of the Charity Commission), the 5 Marks of Mission of the Anglican Communion (now adopted into the Vision & Strategy) and the concept of *'the whole people of God for the whole mission of God in the whole of life'*. (Setting God's People Free)

So, my submission to the Revision Committee is to propose 3 changes to the 1956 Measure by inserting new clauses into the current draft Miscellaneous Provisions Measure.

I'm aware that there may be other changes proposed which will affect PCCs, so it would make sense to group these together in a new section of the draft Measure.

SPECIFIC PROPOSALS

My 3 proposals are to ADD to the Miscellaneous Provisions Measure wording which will have the effect of:

1. Removing from Clause 2 (2) (a) of the 1956 Measure the words **'co-operation with the minister in'**;
2. Adding to Clause 2 (2) (a) of the 1956 Measure the words **'environmental'** and **'societal'** (or suitable equivalents) to the list after the 'whole mission of the Church'; and
3. Adding a new Clause 2 (2) (g) to the 1956 Measure which will say something like – **'carrying out the functions required of PCCs by virtue of other Measures and regulations, including in relation to safeguarding, the care of buildings, the ordering of divine services and pastoral organisation and the general duty to comply with the requirements of the Charity Commission or its successors'**.

Briefly, my reasons for 1 are that these words are superfluous because (a) the minister is a member of the PCC (indeed Chair) (b) there is already a duty to consult together on the minister and the PCC in Clause 2 (1) of the 1956 Measure and (c) the current wording renders the clause meaningless when there is no minister in post.

For 2 above, the intention is to catch up with recent understanding of the 'whole mission of the Church' as set out in the 5 Marks of mission.

And 3 above, because there are other Measures, regulations and laws which impose duties on and affect the role, responsibilities and functions of PCCs – so this is to make those who turn to the 1956 Measure that there is more.

I am not precious about the wording and will certainly submit to advice from the drafts-people, but I would be very grateful if the Revision Committee would support these proposed changes to the 1956 Measure.

I am happy to attend in person to speak to these proposals.

Legislative Reform Committee

Luke Miller

Section 1: General Synod

Add clause enabling remote meetings for PCCs and others

Peter Warry

Raise issue of 'officer' as too junior for Diocesan Safeguarding staff to the Revision Committee.

Alexander McGregor

Provide for one Archbishop to make appointments to Church of England Pensions Board where see of other Archbishop is vacant.

?Make person who would be disqualified from holding office under CRRs ineligible to exercise patronage with ?DPB exercising rights for so long as registered patron is ineligible.

Insert new provision amending s. 78 Ecclesiastical Jurisdiction Measure 2018 to clarify chancellor's power to make churchyard regulations.

Thomas Ashley

We'd like to introduce a further provision at revision stage, please, to amend Schedule 1 of the Care of Cathedrals Measure 2011. Clause 3(a) of Schedule 1 states: "one member [of the Commission] shall be appointed on the nomination of the House of Bishops from among the members of that House". To enable greater diversity in recruitment to the Commission and after discussion with the Archbishops we would like to amend this clause to read "one member shall be appointed on the nomination of the House of Bishops from among the members of that House or of the College of Bishops" – or words to that effect.

From July 2022 group of sessions Item 29:

"Request the Archbishops' Council to introduce legislation to amend the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 to require every DAC to include at least one person with direct experience and knowledge of accessibility issues in its membership or co-opted if not appointed as a member"