

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

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

Appointed members:

Mr Geoffrey Tattersall QC (Manchester) (Chair)
Mrs Gill Ambrose (Ely)
The Revd 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 SO 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 a number of the amendments proposed by the Standing Orders Committee in this report should be dealt with in that way, and the report accordingly deals separately with those amendments which it is proposed should be the subject of motions for approval and those which should be dealt with under the deeming procedure. 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.

PART A: AMENDMENTS FOR DEBATE

Item 40

Crown appointments: changes to SO 122

1. At the February 2008 group of sessions the Synod endorsed the recommendations set out in the report from the Archbishops in relation to Crown Appointments (GS 1680). They included the recommendations that:

“The CNC should continue to identify, by a two thirds majority, two appointable names for each diocesan see and should indicate by a simple majority of its preferred choice”; and

“Standing Orders should be amended to give the archbishop of the province the casting vote in the event that the CNC remains equally divided over which of the two appointable candidates should be the first choice”.

2. Standing Order 122(f)(v) deals with the selection of names for submission to the Prime Minister. The key provision is the requirement that:

“Members shall be invited to indicate a preference between the two names selected by a vote conducted by a secret ballot and the Prime Minister shall be informed of the number of members supporting each candidate”.

3. This needs amendment in the light of the Synod’s decision in February, since at present it contains no provision for the archbishop to have a casting vote. That provision needs to take account of the fact that, where a vacancy in the See of Canterbury or York is under consideration, the archbishop of the province does not preside (as he does, by virtue of SO 122(b)(ii), in relation to diocesan sees in his province): rather, the person presiding is appointed by the Prime Minister when the Crown Nominations Commission is considering a vacancy in the See of Canterbury (see SO 122 (c) (i)) and by the Appointments Committee when the Commission is considering a vacancy in the See of York (see SO 122 (c)(ii)).
4. Building on the suggestion made by the Archbishop of Canterbury in the course of the debate on Mr Anthony Archer’s following motion on Crown Appointments at the February group of sessions, the Committee proposes that, where a vacancy in an archiepiscopal see is under consideration, in the event of an equality of votes the vote of the person presiding should be excluded, with the effect that the candidate not supported by the person presiding would be the nominee of first preference. It therefore proposes that the final sentence of SO 122(f)(v) be amended in the way proposed at **Item 40** in the First Notice Paper.

Items 27 and 29

Notice of amendments and following motions

5. As matters stand, under Standing Order 26 notice of amendments to motions must be given:
 - by 5.30 p.m. on the day before, for business appointed for, or expected to be considered on, the first day of a group of sessions;
 - by 4.00 p.m. the day before, for business appointed for a morning sitting; and
 - by 10.00 a.m., for business appointed for an afternoon or evening sitting.
6. The experience of staff is that the present deadlines provide too little time for them to undertake the work required to process amendments to the state at which they can be included on a notice or order paper. This is for a number of reasons:
 - it can often be unclear precisely what the proposer of an amendment has in mind - necessitating locating him or her, clarifying what is intended and then agreeing appropriate wording;
 - it may then be necessary to facilitate discussions between the member concerned and other members who wish to propose similar or different amendments; and
 - once the substantive nature of all the amendments has been clarified, it is finally necessary to consider how they should be marshalled on the notice or order paper, which requires a careful analysis of their inter-relationships and proper sequencing.

7. Because of the complexity of the process, in a number of cases (notably in particularly high profile debates) the Business Committee has exercised its power under SO 11 to vary the times and periods of notice, by advancing the deadline for the giving of notice. However, the Standing Orders Committee, with the support of the Business Committee, considers that it would instead be desirable to amend Standing Orders so as to make the default position more satisfactory, by bringing forward the time for the giving of notice by half a day in each case. This would mean that notice of amendments would need to be given by:
- 10.00 a.m. (instead of 4.00 p.m.) the previous day for business scheduled for a morning sitting;
 - 4.00 p.m. the previous day (instead of 10.00 a.m. the same day) for business scheduled for an afternoon or evening sitting; and
 - 10.00 a.m. on the first day of the group of sessions in the case of contingency business (equating it with business for the morning of the second day, on the basis that in practice contingency business is unlikely to be taken before then).
8. It is not proposed that any change be made to the provisions of SO 10(c), which prescribes the notice period for re-committal motions in respect of liturgical business and amendments to legislative business and Standing Orders: its requirements seem to work satisfactorily in practice, given that in the case of substantial pieces of draft legislation the Business Committee has been willing to advance the deadline for giving notice in the way described above.
9. However, SO 10(a) lays down rules for the giving of notice of motions arising out of business on the agenda ('following motions') which correspond to those for the giving of notice of amendments (with the exception that, due to an oversight, the deadline for giving notice of following motions arising out of an item for business appointed for, or expected to be considered on, the first day of a group of sessions is 4.00 p.m. rather than 5.30 p.m). Whilst the number of following motions is of course considerably lower than the number of amendments, their processing can involve much the same work as that required in connection with amendments. Furthermore, to have deadlines for the giving notice of following motions which were different from the deadlines for giving notice of amendments would be likely to confuse members. The Committee therefore proposes that the deadlines for giving notice of following motions should also be amended in the way proposed above.
10. The Committee's proposals to give effect to these recommendations are contained in **Items 27 and 29** of the First Notice Paper.

PART B: AMENDMENTS FOR DEEMED APPROVAL

Item 38

Financial business

11. It has become clear that the Standing Orders relating to financial business (SOs 98-103) are in need of updating and clarification in a number of respects.
12. The general structure of the provisions relating to financial business contained in the Standing Orders appears to be unchanged from the time when the Central Board of Finance was the General Synod's financial executive – and, indeed, dates back to the days of the Church Assembly. It is understood that the current version of the Standing Orders represents a simplification in some respects of earlier arrangements, under which the Church Assembly and the General Synod had the opportunity to examine and debate large numbers of individual

expenditure items. It seems that, somewhere between 20 and 30 years ago, these were consolidated into a smaller number of more wide-ranging votes, culminating more recently in the five Votes that now make up the Archbishops' Council's annual budget submission to Synod.

13. Following discussion at the Archbishops' Council's Finance Committee and at the Consultative Group of Diocesan Chairs and Secretaries, and consultation with the Inter-Diocesan Finance Forum, it is proposed to update the Standing Orders relating to financial business to bring the Standing Orders more closely into line with current and historic practice, in a way that reflects the position of the Council as a charity which is autonomous but also in some respects accountable to the General Synod.
14. The current system appears to be modelled quite closely on the former system of Parliamentary 'votes' and 'estimates' for government departments. But that was based on what was, in effect, a cash system heavily tied to annuality. In principle, it seems questionable whether that represents an appropriate model for the financing of the Archbishops' Council, as an autonomous charitable legal entity having assets and income (including income reserves) of its own, for the proper management of which it is, itself, responsible.
15. Secondly, the Standing Orders also make no reference at all to the 'apportionment' process – perhaps precisely because they are so heavily based on the system formerly applicable to government departments. As a result, that key element in the financial arrangements is approved by Synod in a motion of a kind to which no reference whatsoever is made in the Standing Orders. This seems undesirable in principle: if the Standing Orders are to impose obligations on the Archbishops' Council as regards the funds it receives through the Synodical process, then they should also, surely, make explicit provision for the process which gives legitimacy to the Council's requests to the dioceses for support.
16. Thirdly, at a more concrete level, the current Standing Orders seem to involve an unsatisfactory degree of uncertainty about the nature of the restrictions imposed on funds voted to the Archbishops' Council by the Synod. The most significant issue is whether such funds are subject to any restriction as to the period during which they may be applied for the purposes of the relevant vote. The Standing Orders do not make the position in that respect explicit, with the result that it has to be established by inference; and on that basis, given that a number of Standing Orders explicitly make the budgetary process an annual one, it could be argued that the authority enjoyed by the Council to employ the funds awarded under a particular vote is restricted to the year in question. But that has not been how the provisions have, in fact, been interpreted and operated over very many years, and such an interpretation would have curious consequences.
17. In particular, it would mean that, when the Archbishops' Council finds itself in the position of having unspent funds under a particular vote at the end of a year, it has in theory no explicit authority to employ them for that purpose subsequently, whether by applying them for it in the immediately following year or by putting them into a reserve for the vote concerned to be applied in some later year. It would also imply that the Council, contrary to longstanding practice going back as far as to the days of the Central Board of Finance, and contrary to good practice under Charity Commission guidance, should have no reserve for particular votes – at least in so far as funds are derived from the apportionment – unless the Synod had given express authority for the holding of such reserves. But that would be incompatible with the norms of sound financial management, and indeed with the way in which diocesan boards of finance would themselves wish to operate their own resources.

18. Although the Archbishops' Council's reserves policy is in practice summarised each year in the budget booklet presented to the Synod, the only occasion in recent years on which the Synod has specifically authorised a particular reserve arrangement was in 2000, when it resolved to establish a special three-year rolling reserve for Vote 1 – over and above the normal Vote 1 reserve – to cater for the volatility of ordinand numbers. The rolling reserve provides for any underspend on that budget in a year to be used to meet excess expenditure in subsequent years.
19. If the Archbishops' Council were required to operate a system according to what the Standing Orders arguably mean, the consequence of actual expenditure in a year falling short of what had been voted would be that it would immediately have to hand back any surplus to the dioceses, or at least net it off against the following year's expenditure. That has certainly not been the practice for a very long time – if ever – although there have been occasions when some money has been returned to dioceses.
20. But such a practice makes no provision for the Council to utilise reserves to smooth out sudden or unexpected increases in expenditure, such as is being experienced at present in the Vote 1 (Training for Ministry) costs. And the absence of any such reserves would mean that, in theory at least, a significant in-year increase in costs over and above the apportionment level would require the Council summarily to cease work, including for instance the training of some ordinands, until the agreed level of apportionment could be increased by a future General Synod vote. Arguably, no modern organisation, charity or otherwise, could operate effectively or cost-efficiently under such a system.
21. Finally, it has not been easy, in relation to a particular issue that has arisen recently – namely the likelihood that Vote 1 expenditure in 2008 will exceed the budget agreed by Synod in July 2007 by a considerable extent – to form a view from the existing wording of the financial Standing Orders as to the precise circumstances in which a Supplementary Vote is required.
22. In view of these shortcomings, it is proposed that SOs 98-101 be replaced by new provisions which are simpler and clearer, which record all the elements of the financial arrangements that currently exist in practice and which recognise that the Council is an autonomous charity with its own legal and fiduciary obligations.
23. The principal elements of the draft revised Standing Orders are set out below, and in essence encapsulate what has, for some time, been the actual custom of the Council in preparing, presenting and managing its annual budgets, both in respect of income and expenditure. The proposed provisions are set out in **Item 38** in the First Notice Paper. Their principal elements are as follows:
 - a requirement (reflecting that in section 4(3) of the National Institutions Measure 1998) for the Archbishops' Council to submit its budget annually to the General Synod for approval – the budget to include (as has, in fact, been the practice) a statement of the Council's reserves policy;
 - a requirement that the sums requested from the dioceses to fund the budget be authorised by a motion approved by the Synod, divided as between funding in respect of training for the ministry, funding of the work of the Council, and such other categories of activity as the Council may from time to time determine (Note: there is no plan to move away from the five existing budget headings but it seems excessive to entrench them all in Standing Orders);
 - a requirement that the Council apply sums voted to it by the Synod for the purposes specified in its budget;

- provisions that remove any doubt over the Council’s longstanding practice of carrying to reserve funds received from dioceses under the apportionment motion which it has not been necessary to spend in the year in question (the actual level of reserves having to accord with what has been agreed both by the Council and in principle by the General Synod); and
- a requirement (reflecting that in section 3(4) of the National Institutions Measure 1998) for the Council to lay its audited accounts before the Synod annually.

Items 28, 30-37, 39 and 41

Miscellaneous amendments and corrections

24. Members will recall that, under SO 117, the Standing Orders Committee is required to “*keep under review the procedure and Standing Orders of the Synod*”. With that in mind, it agreed last year that it should undertake a modest review of the Standing Orders as a whole. This decision was reported to the General Synod in its Forty-first Report¹, with an invitation to members to make contributions towards that process by making any suggestions for amendment to the Committee’s Secretary by the end of September 2007. In the event, no such suggestions were received.
25. The Committee has accordingly sought to identify ways in which the content of the Standing Orders might be improved. Having done so, it proposes the following small but desirable changes and necessary corrections:

Standing Order 19 – the Speech Limit

26. SO 19(b) provides that “*Any member who is called upon by the Chairman to move a motion or amendment shall be deemed to have moved it as soon as he begins his speech*”. However, that general statement is modified by SO 22(a), which states that “*a motion or an amendment is moved as soon as a member called by the Chairman has begun to speak, unless the Chairman has called him to speak without moving it*”. That would appear to represent a fuller and more accurate statement of the position than that contained in SO 19(b) and the Committee therefore proposes that SO 19(b) be deleted. **Item 28** in the First Notice Paper gives effect to this proposal.

Standing Order 28 – Moving of amendments

27. The final sentence of SO 28(b) provides that “*Until [an] amendment has been disposed of no other amendment may be moved*”. That needs to be qualified to take account of a possibility that (under SO 26(b)(iii)) an amendment to an amendment may be moved and voted upon after the original amendment has been moved. The Committee therefore proposes that the final sentence of SO 28(b) be amended to begin “*Subject to Standing Order 26(b)(iii), until this amendment has been disposed of ...*”. **Item 30** in the First Notice Paper gives effect to this proposal.

Standing Order 31 – the Speech Limit

28. SO 31(a) states that “*If the motion for the speech limit is carried, no speech shall exceed the number of minutes specified therein which may be more or less than the number permitted under the time limit previously in force*”. However, SO 31(f) provides that “*The Chairman*

¹ GS 1664, paragraph 12.

may, under Standing Order 21(d), allow a longer or shorter time to any member ... ". It seems desirable that SO 31(a) be expressed to be subject to SO 31(f), to make it clear that the Chair's discretion should prevail. (Even where the Speech Limit has been passed, there may be circumstances – such as intervention from one of the Presidents – which, exceptionally, justify the speech limit being relaxed.) And in any event the cross reference in SO 31(f) needs correction: the Chair's discretion to lengthen or shorten the speech limit is now contained in SO 21(c). The Committee therefore proposes that SO 31(a) should be amended so as to take the form set out in **Item 31** in the First Notice Paper.

Standing Order 33 – the Adjournment of Debate

29. The Committee proposes that it would be desirable to make it explicit in SO 33(a) that, if the motion for the Adjournment of Debate is passed, the Chair is to call the next item of business scheduled in the Synod's agenda for that sitting. This could be achieved by inserting the words "*for that sitting*" at the end of SO 33(a).
30. The Committee also proposes that SO 33(g) be amended to provide that (as in the case of the Next Business motion: see SO 32(g)) the mover of any main motion has a right to speak.
31. **Items 32 and 33** in the First Notice Paper give effect to these proposals respectively.

Standing Order 44 – Decorum

32. The Committee proposes that the reference to the entry of the Chair "*at the commencement of the session*" be corrected so as to refer to the commencement of "*the sitting*". (See the definitions of "*session*" and "*sitting*" in SO 131.) **Item 34** in the First Notice Paper gives effect to this proposal.

Standing Order 55 – Revision Stage for draft Measures etc.

33. The word "*again*" in SO 55(c) should read "*against*".
34. More importantly, SO 55(d) is replicated and in part amplified by SO 58. The Committee therefore proposes that SO 58 be deleted, so as to leave SO 55(d) to make the only provision and that SO 55(d) be amended so as to:
 - include the material currently contained in SO 58, whilst removing certain inconsistencies;
 - allow the motion that there be a Further Revision Committee Stage to be moved at any point during the Revision Stage and not just at its end; and
 - tidy up the wording generally.
35. **Items 35 and 36** in the First Notice Paper give effect to these proposals respectively.

Standing Order 97 – Presentations

36. SO 97(d) deals with presentations relating to reports to which SO 96 applies – i.e. annual reports. Two issues arise here.
 - First, the reference in SO 97(d) should not be to "*SO 96(a) or (c)*" but to "*SO 96(a) or (b)*". SO 96 (a) and (b) are the paragraphs that relate to the two types of report in question, namely the annual report of the Archbishops' Council and the annual report

of the Archbishops' Council's Audit Committee respectively, and the motions that accompany those reports. SO 96(c) is merely procedural, dealing with deemed approval of the reports mentioned in SO 96(a) and (b) unless a member gives notice. If SO 96(c) applied at all, then there would not be a presentation and therefore no scope for SO 97 to apply.

- Second, the second sentence of SO 97(d) reads: "*Further motions in relation to any report to which SO 96(a) applies [ie the annual report of the Archbishops' Council] may also be moved by any member in accordance with SO 96(c).*" But SO 96(c), so far as it relates to SO 96(a), merely allows following motions by reference to SO 95(d). There would not seem to be any reason why the second sentence of SO 97(d) should not simply allow following motions by referring directly to SO 95(d), rather than doing so indirectly, and confusingly, by reference to SO 96(c).

37. The Committee therefore proposes that SO 97(d) be amended so as to take the form set out in **Item 37** in the First Notice Paper

Standing Order 105 – Questions

38. SO 105(a)(vi) provides that questions may be asked of "*the Chairman of any Church of England body on which the Synod is represented*". That is stated to be "*subject to (vii) below*". However, that qualification appears to be intended to relate to questions about matters concerning the Royal School of Church Music – in which case questions are not to be asked of the Chair of the RSCM but of "*the representative of the Synod on its Governing Council*". That being so, it would seem that the cross references in SO 105(a)(vi) should in fact be to paragraph (viii) and the Committee recommends that it be amended accordingly. **Item 39** in the First Notice Paper gives effect to this proposal.

Standing Order 124 – Registrar

39. This imposes various obligations on the Registrar. However, the Registrar does not discharge all the functions in question personally: on occasions he needs to rely on legally qualified colleagues to do so – especially in connection with giving advice to the Chair of sittings of the General Synod. In order to avoid any challenge to the necessary practice in this respect, the Committee proposes that SO 124 be amended so as to refer to "*The Registrar (as defined in Standing Order 131) or some other legally qualified person nominated by him for the purpose ...*". **Item 41** in the First Notice Paper gives effect to this proposal.

On behalf of the Committee

Geoffrey Tattersall
Chair
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