

GENERAL SYNOD

DRAFT PASTORAL AND MISSION MEASURE

EXPLANATORY MEMORANDUM

1. This Measure has been designated by the Business Committee as a Consolidation Measure under Standing Order 47. It consolidates, with corrections and minor improvements, the Pastoral Measure 1983 and Parts 3, 4, 5 and Section 61 of the Dioceses, Pastoral and Mission Measure 2007, together with other related statutory provisions as listed in Schedule 9 of the draft Measure.
2. Under Standing Order 47(d), the term “corrections and minor improvements” is defined to mean any amendments of which the sole effect is to:
 - (i) resolve an ambiguity;
 - (ii) remove doubt;
 - (iii) bring an obsolete provision into conformity with modern practice;
 - (iv) remove an unnecessary provision or an anomaly which is not of substantial importance; or
 - (v) improve the form or manner in which the law is stated; together with any transitional provision necessary in consequence of an amendment under (i) to (v) above.
3. A statement relating to the corrections and minor improvements that have been incorporated into this draft Measure is appended to this memorandum.
4. By virtue of Standing Order 47(c), any amendments proposed by members of Synod following First Consideration of the draft Measure must also fall within the definition of corrections and minor improvements explained above.
5. A table of derivations has not been prepared because the view was taken that the cost of so doing would be disproportionate to the use which members of Synod would be likely to make of it. However, if any member wishes to know the derivation of any provision in the draft Measure, the Legal Office stands ready to assist.

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Corrections and Minor Improvements

Changes in drafting style

1. The long-standing practice has been to draft Measures in broadly the same style as is adopted by Parliamentary Counsel when drafting Acts of Parliament. In recent times Parliamentary Counsel have endeavoured to adopt a simpler and more direct style of drafting and Standing Counsel has followed this practice. In the Pastoral Measure 1983, for example, words such as “aforesaid” and “the said” are used where it is not necessary to do so to avoid doubt. I have, therefore, tried to modernise the use of archaic language of that kind in the draft Measure. Furthermore the drafting style in 1983 used the masculine gender where the context could equally encompass the feminine gender, relying on section 6 of the Interpretation Act 1978. As in other recent Measures, I have used either gender neutral language or the feminine pronoun or adjective, where appropriate.

Corrections and minor improvements

2. The extensive and complex amendments made to the Pastoral Measure 1983 over many years, particularly by the Dioceses, Pastoral and Mission Measure 2007 and the Ecclesiastical Offices (Terms of Service) Measure 2009, have resulted in some minor inaccuracies, inconsistencies and omissions. I have made some changes to remedy these, whilst taking care not to stray beyond the scope of Standing Order 47(d). Examples of this approach are contained in clauses, 3, 7, 12, 17 and 34.

Sir Anthony Hammond, KCB QC
Standing Counsel to the General Synod

