

GENERAL SYNOD

JULY GROUP OF SESSIONS 2017

FIRST NOTICE PAPER

FIFTY SECOND REPORT OF THE STANDING ORDERS COMMITTEE (GS 2068)

Mr Geoffrey Tattersall QC (Manchester) to move in respect of item 31 ‘That this amendment be made with effect from the date of the Legislative Reform Measure receiving the Royal Assent’, and in respect of items 32 to 45 ‘That this amendment be made with immediate effect.’:

New Standing Orders 69A-69J (Legislative Reform Orders)

31 After Standing Order 69, *insert*—

“69A. Scrutiny Committee

- (1) There is to be a Scrutiny Committee of the Synod.
- (2) The function of the Scrutiny Committee is to consider and report to the Synod on each draft of an order under the Legislative Reform Measure 2017 (referred to in these Standing Orders as a “Legislative Reform Order”) that is laid before the Synod under section 5(1) of that Measure.
- (3) Where a draft Legislative Reform Order is so laid, it automatically stands referred to the Scrutiny Committee.
- (4) If the draft order is not laid at a group of sessions, it is to be regarded as laid as soon as the Clerk, on the instructions of the Archbishops’ Council—
 - (a) has caused the draft order to be published on the Synod website, and
 - (b) has sent a copy of the draft order to each member of the Synod.

69B. *Membership and Chair*

- (1) The members of the Scrutiny Committee are—
 - (a) a Chair determined in accordance with this Standing Order,
 - (b) three members of the Synod elected by the Synod,
 - (c) three members of the Synod appointed by the Appointments Committee, and
 - (d) at least one but no more than two members of the Synod appointed by the Archbishops' Council.
- (2) A person who is a member of the Archbishops' Council is not eligible to be a member of the Committee under paragraph (1)(a), (b) or (c).
- (3) The Chair is—
 - (a) the Dean of the Arches and Auditor, or
 - (b) if the Dean declines or is unable to act as such, the Vicar-General of the Province of Canterbury or the Vicar-General of the Province of York, or
 - (c) if each of them declines or is unable to act as such, such other member of the Synod as the Dean nominates.
- (4) The elected members of the Committee are to be elected in accordance with SOs 132 to 135.
- (5) The first election of the members to be elected must take place as soon as reasonably practicable after this Standing Order comes into operation.
- (6) A casual vacancy among the elected members is to be filled in accordance with SO 134.
- (7) A casual vacancy among the appointed members is to be filled by a fresh appointment in the same manner.

- (8) The Scrutiny Committee may not co-opt additional members.

69C. *Duration of membership: elected members*

- (1) An elected member of the Scrutiny Committee holds office for a fixed term of five years; but that is subject to the following provisions of this Standing Order.
- (2) A member elected to fill a casual vacancy holds office for the unexpired portion of the term of office of the member who has been replaced.
- (3) An elected member—
 - (a) is eligible for re-election, but
 - (b) may not serve for more than two consecutive five-year terms or, if elected to fill a casual vacancy, part of two such terms.
- (4) A person who has ceased to be eligible for election becomes eligible again after an interval of five years.
- (5) If a member of the Synod who is an elected member of the Scrutiny Committee does not stand for re-election to the Synod or is not re-elected, the member may nonetheless continue to act as a member of the Committee in order to complete consideration of a draft Legislative Reform Order on which the Committee had already embarked; and the point at which a casual vacancy occurs in the Committee in respect of that member is to be determined accordingly.

69D. *Duration of membership: appointed members*

- (1) An appointed member of the Scrutiny Committee holds office for the period which—
 - (a) begins when a draft Legislative Reform Order is referred to the Committee, and

- (b) ends when the Committee has completed its consideration of the draft order (including its consideration on a referral back under SO 69H).
- (2) When acting under SO 69B(1)(c), the Appointments Committee must, so far as reasonably practicable, appoint persons each of whom, in its opinion, has an interest or expertise which is relevant to the subject-matter of the draft order.

69E. *Representations*

- (1) Where a draft Legislative Reform Order is referred to the Scrutiny Committee, a member or other person may, within the period of 35 days after the day on which the draft order was laid before the General Synod, make written representations on the draft order to the Committee.
- (2) The Clerk must cause every representation made under paragraph (1) to be published on the Synod website, subject to the deletion of such personal information as the Clerk considers it appropriate to delete and of such content as the Clerk considers libellous, insulting or unseemly.
- (3) A member who makes a representation under paragraph (1) may attend any meeting of the Committee while the representation is being considered and may speak to it; but the member may, if unable to be present, authorise another member of the Synod to attend and speak on his or her behalf.
- (4) Where a person who is not a member makes a representation under paragraph (1), the Committee may invite the person to attend any meeting of the Committee while the representation is being considered and to speak to it.
- (5) Where a member is entitled to attend a meeting under paragraph (3) or a person who is not a member is invited to attend a meeting under paragraph (4), the Clerk must,

not less than 21 days before the meeting, send the member or other person notice of its date, time and place.

- (6) If the member or other person wishes to attend the meeting, or (in the case of a member) to authorise another member to attend on his or her behalf, the member or other person must give not less than 7 days' notice to the Clerk; and, except with the permission of the Chair of the Committee, no member or other person may attend unless due notice has been given.
- (7) The period for making representations under paragraph (1), and the rights conferred by this Standing Order, must be posted on the Synod website and specified in a notice accompanying each draft order sent under SO 69A(4)(b).

69F. *Assessment and consideration*

- (1) This Standing Order applies once the period for making representations under SO 69E(1) in relation to a draft Legislative Reform Order has come to an end.
- (2) The Scrutiny Committee must assess—
 - (a) the extent to which the order would remove or reduce burdens as defined by section 1 of the Legislative Reform Measure 2017 (“the Measure”),
 - (b) the extent to which the conditions under section 2 of the Measure (so far as relevant) are satisfied,
 - (c) whether the draft order includes provision of a kind prohibited by section 3 of the Measure,
 - (d) the extent to which the consultation required by section 4 of the Measure has been undertaken, and
 - (e) whether it is appropriate for the provision contained in the draft order to be made by way of Legislative Reform Order rather than by Measure.
- (3) The Committee must consider the draft order, together with any representations, Article by Article; and any Schedules are to be considered in the same way.

- (4) The Committee may make such amendments to the draft order as are relevant to the general purport of the draft order; and an amendment to an Article or Schedule must be within the scope of the Article or Schedule in question.
- (5) If the Chair considers that the Committee has business which can properly be conducted by correspondence, the Chair may instruct the Secretary to circulate to the members of the Committee written proposals requiring the approval of the Committee, which may include a draft report to the Synod, within such number of days after the date on which they were posted or delivered as the Chair may specify; and the number of days so specified must be at least seven.
- (6) If the period so specified is less than 14 days, the proposals circulated are deemed to have been approved by the Committee as if they had been approved at a duly convened meeting, unless a written objection is received from any member of the Committee.
- (7) If the period so specified is 14 days or more, the proposals circulated are deemed to have been approved by the Committee as if they had been approved at a duly convened meeting, upon a majority of the members of the Committee giving their written approval to the proposals.
- (8) The power conferred by paragraph (5) may not be exercised so as to prevent a member who has made a representation under SO 69E, and who wishes to do so, from—
 - (a) attending a meeting of the Committee at which the representation is considered, and
 - (b) speaking to the representation or authorising another member of the Synod to attend the meeting and speak on his or her behalf.
- (9) The Chair has power to determine conclusively any question of order, business or procedure relating to the Committee.

- (10) The Committee may, subject to that, regulate its own business and procedure.

69G. *Report*

- (1) On completion of its assessment and consideration of a draft Legislative Reform Order, the Scrutiny Committee must submit a report on the draft order to the Synod, with or without amendments or recommendations.
- (2) The provisions of SO 105 do not apply to a report under this Standing Order.
- (3) Recommendations under paragraph (1) may include the advice that the draft order be rejected.
- (4) The report of the Committee must be in writing and must include—
 - (a) the Committee’s assessment under SO 69F(2),
 - (b) a list of the representations received under SO 69E which raise points of substance,
 - (c) the Committee’s response to each of those representations, and
 - (d) a list of such amendments as the Committee has made to the draft order and an explanation of the intended effect of each amendment.

69H. *Motion for approval or referral back*

- (1) Where the Scrutiny Committee submits a report on a draft Legislative Reform Order to the Synod, the Archbishops’ Council must, unless it has withdrawn the draft order (see SO 69J), cause one or other of the following motions to be tabled—
 - (a) the motion “*That the draft [Title] be approved*”;
 - (b) the motion “*That the draft [Title] be referred back to the Scrutiny Committee for further consideration of...*”.

- (2) Where the motion under paragraph (1)(a) or (b) has been tabled, a member may give notice of a motion “*That the draft [Title] be referred back to the Scrutiny Committee for further consideration of...*”.
- (3) The motion under paragraph (1)(b) or a motion under paragraph (2) may relate either to the whole of the draft order or to such of its provisions as are specified in the motion.
- (4) Notice under paragraph (2) must be given no later than 5.30 p.m. on the day which falls three clear days before the first day appointed for debate on the motion under paragraph (1)(a) or (b).

69I. *Procedure on motion under SO 69H*

- (1) When the item on the agenda for the motion under SO 69H(1)(a) or (b) is reached, the Chair must call upon a member of the Archbishops’ Council to move the motion.
- (2) Where the motion has been moved, it is not in order to move an amendment to it.
- (3) If notice of a motion under SO 69H(2) has been given, the Chair must call the mover of the motion to speak to the motion; and he or she may do so for no more than five minutes.
- (4) The Chair must call on a member of the Archbishops’ Council to speak in reply.
- (5) If the member of the Council indicates that the Council supports the motion under SO 69H(2), the debate on it continues.
- (6) If the member of the Council indicates that the Council does not support the motion under SO 69H(2), the Chair must declare the motion to have lapsed unless at least 40 members stand in their places or, if unable to do so, indicate by some other means that they wish the debate on the motion to continue.

- (7) If notice of more than one motion has been given under SO 69H(2), paragraphs (3) to (6) apply in relation to each motion.
- (8) A motion under SO 69H(2) may be moved in respect of a provision of the draft order even if that provision is already specified in the motion under SO 69H(1)(b) or in another motion under SO 69H(2).
- (9) If the motion under SO 69H(1)(b) or a motion under SO 69H(2) is carried, the draft order, once all such motions have been dealt with, stands automatically referred back to the Scrutiny Committee for further consideration of each provision specified in the motion or motions carried; and SOs 69F and 69G accordingly apply with such modifications as are necessary for the purposes of the further consideration.
- (10) If the motion under SO 69H(1)(b) is not carried and no motion under SO 69H(2) is carried, the Chair must call upon a member of the Archbishops' Council to move the motion "*That the draft [Title] be approved*".
- (11) Where the motion under paragraph (10) has been moved, it is not in order to move an amendment to it.

69J. *Withdrawal*

- (1) This Standing Order applies where the Archbishops' Council decides to withdraw a draft Legislative Reform Order.
- (2) If the decision is taken during or pending a group of sessions, the Clerk must, on the instructions of the Council, inform the Synod of the decision in an appropriate agenda or notice paper.
- (3) If the decision is taken at any other time, the Clerk must, on the instructions of the Council, send every member of the Synod notice of the decision.
- (4) In every case, the Clerk must, as soon as practicable after taking action under paragraph (2) or (3), cause

notice of the decision to be published on the Synod website.

- (5) Information given under paragraph (2) and any notice sent or published under paragraph (3) or (4) must be accompanied by an explanation of the Council's reasons for the decision.
- (6) The withdrawal of a draft Legislative Reform Order takes effect—
 - (a) in a case within paragraph (2), on the date on which the agenda or notice paper is published,
 - (b) in a case within paragraph (3), on the date on which the notice is sent.
- (7) On the withdrawal of a draft Legislative Reform Order, the proceedings on the draft order come to an end.”

Standing Order 19 (Points of order, points of personal explanation and interruptions)

32 In Standing Order 19, in paragraph (1), after “to do so” *insert* “, subject to SO 30(3) (special procedural motions) and SO 150(4) (motion to clear public gallery etc.)”.

Standing Order 28 (Content of amendment)

33 In Standing Order 28, for paragraph (1) *substitute*—

- “(1) An amendment to a motion, Measure or Canon must be—
- (a) relevant to the general purport of the motion, Measure or Canon,
 - (b) framed so as to form a proposition which is intelligible and consistent with the motion, Measure or Canon, and
 - (c) in the case of an amendment to a Clause or Schedule of a Measure or a paragraph of a Canon, within the scope of that Clause, Schedule or paragraph.”

Standing Order 55 (Revision Committee: proposals for amendment)

34 In Standing Order 55, in paragraph (2), for “personal information or” *substitute* “such personal information as the Clerk considers it appropriate to delete and”.

Standing Order 56 (Revision Committee: consideration)

35 In Standing Order 56, in paragraph (1), for the words from “as are relevant” to the end *substitute* “as comply with SO 28”.

Standing Order 59 (Revision following Revision Committee: amendments)

36 In Standing Order 59, in paragraph (2), for the words from “it is relevant” to “in question” *substitute* “it complies with SO 28”.

Standing Order 77 (Procedure for consideration of scheme: motion for reconsideration)

37 In Standing Order 77, in paragraph (8), for “amendment” *substitute* “motion for reconsideration”.

Standing Order 89 (Liturgical business: minor adjustments to form of service)

38 In Standing Order 89, in paragraph (2), for “(1)(b)” *substitute* “(1)(a) or (b)”.

Standing Order 105 (Ordinary reports)

39 In Standing Order 105, in paragraph (10), for “(5)” *substitute* “(6)”.

Standing Order 123 (Vacancy in see)

40 In Standing Order 123, in each of paragraphs (1) to (4), before “speak” *insert* “attend and”.

Standing Order 126 (Appointments Committee)

41 In Standing Order 126, in paragraph (2)(e), for “four” *substitute* “two”.

Standing Order 153 (Definitions)

42 In Standing Order 153, in paragraph (1), after the definition of “draft reorganisation scheme” *insert*—

““Final Approval debate” means a debate on—

- (a) a motion for the Final Approval of a Measure or Canon,
- (b) a motion for the Final Approval of a regulation or other instrument to which the procedure under SO 70(1)(d) applies,
- (c) a motion for the Final Approval of liturgical business, or
- (d) a motion for the Final Approval of Article 7 or 8 business which does not come within paragraph (a), (b) or (c).”

Standing Order 154 (Index)

43 In Standing Order 154, in the title, for “Index” *substitute* “General interpretation”.

44 In Standing Order 154, for the words from “the following” to “indicated” *substitute* “each of the following expressions has the meaning given by, or is otherwise explained by, the provision specified opposite”.

45 In Standing Order 154, after the entry for “draft reorganisation scheme” *insert*—

“Final Approval debate SO 153(1)”.