

GENERAL SYNOD

DRAFT MISSION AND PASTORAL ETC. (AMENDMENT) MEASURE

REPORT OF THE STEERING COMMITTEE OF MEMBERS IN CHARGE

Chair: The Right Reverend Peter Broadbent, Bishop of Willesden

Members: Dr Christopher Angus (Carlisle)
The Reverend Dr Hannah Cleugh (Universities and TEIs)
Mrs Anne Foreman (Exeter)
The Venerable Ian Jagger (Durham)

1. The draft Mission and Pastoral etc. (Amendment) Measure ('the draft Measure') received First Consideration from the General Synod at the February 2016 group of sessions and was committed to a Revision Committee. At the July 2016 group of sessions the Synod took note of the report of that Committee (GS 2014Y) and completed the Revision Stage for the draft Measure.
2. The Steering Committee has considered the draft Measure in respect of its final drafting as required by SO 61(1). It now returns the draft Measure (GS 2014B) to the Synod for Final Drafting and Final Approval.
3. Under Standing Order 61, on the Final Drafting Stage the Steering Committee may propose 'drafting amendments' or 'special amendments' or both. These two categories of amendments are defined in SO 61(6) as follows –

"drafting amendment" means an amendment to clarify any remaining uncertainties of meaning or to improve the drafting, and

"special amendment" means an amendment, other than a drafting amendment, considered necessary or desirable by the Steering Committee and which does not reopen an issue which has been decided by the Synod or any Revision Committee in relation to the Measure or Canon.
4. The Steering Committee has agreed the drafting amendments shown in bold type in GS 2014B, which have been identified on final scrutiny of the draft Measure. An explanation for each of the amendments is given in the Annex to this report.
5. The Steering Committee does not propose any special amendments.

On behalf of the Committee
+Pete Willesden
Chair

November 2016

**EXPLANATION OF DRAFTING AMENDMENTS TO THE DRAFT MEASURE
(shown in bold type in GS 2014B)**

Clause 1

1. Subsections (2) and (7) are new and make consequential amendments to sections 6 and 21 of the Mission and Pastoral Measure 2011 (“the 2011 Measure”) to ensure that the definitions of “interested parties” refer to plans.

Clause 6

2. On the new Schedule 4 to the 2011 Measure, as substituted by subsection (2) of the clause, paragraphs 1(2) and 2(3) have been amended to provide for the possibility, albeit remote in practice, that a person who loses office on a reorganisation could be appointed to an office with emoluments at a higher level than before.
3. Also on that new Schedule 4, paragraph 7(1) has been amended and paragraph 7(2) is new. The power under paragraph 7 is intended to be used to adjust the new compensation scheme in light of how things go in practice. The usual principles of administrative law would themselves ensure that the power was restricted accordingly and could not be used to rewrite the new scheme. But the amendments to paragraph 7 anticipate concerns that the Ecclesiastical Committee might raise about the scope of the power by making express what would otherwise be implied.

Clause 10

4. On subsection (9), paragraph (b) is new and makes a consequential repeal of the reference at the end of section 83(6) of the 2011 Measure to section 81(1)(b) of that Measure, which is itself repealed by subsection (1)(c) of the clause.

Clause 13

5. On subsection (2), in the subsection (2A) inserted into section 1 of the Ecclesiastical Offices (Age Limit) Measure 1975, the words “for a fixed term” have been removed in order to correct a drafting error.

Schedule

6. On the new Schedule 1 to the Incumbents (Vacation of Benefices) Measure 1977, as substituted by paragraph 3 of the Schedule to the draft Measure, paragraph 9(6) has been removed and new paragraph 13(3)(c) and (4)(c) have been inserted to ensure that a member of an ongoing provincial tribunal or Appeal Panel can continue as such.
7. Also on that new Schedule 1, paragraph 12 has been amended to replace the references to provisions of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (“the 1991 Measure”) with references to the provisions as consolidated in the draft Ecclesiastical Jurisdiction and Care of Churches Measure.
8. Paragraph 4 of the Schedule to the draft Measure makes transitory provision for the possibility of the draft Measure coming into force before the consolidation, by replacing the references to the provisions of the consolidation with references to the original provisions in the 1991 Measure.