

GENERAL SYNOD

LEGISLATIVE REFORM MEASURE

REPORT OF THE REVISION COMMITTEE

Chair: The Rt Worshipful Charles George QC, Dean of the Arches and Auditor
(*ex officio*)

Ex officio members

(Steering Committee): The Rt Revd James Langstaff, Bishop of Rochester (Chair)
Mr Carl Fender (Lincoln)
The Rt Worshipful Peter Collier QC (Vicar General, York) (*ex officio*)
The Revd Paul Cartwright (Leeds)
The Rt Revd Alistair Magowan, Bishop of Ludlow
Ms Josile Munro (London)
The Ven. Dr Anne Dawtry, Archdeacon of Halifax (Leeds)

Appointed members: The Revd Canon Simon Butler (Southwark)
Mrs Mary Durlacher (Chelmsford)
The Revd Stewart Fyfe (Carlisle)
Mr David Lamming (St Edmundsbury & Ipswich)
The Ven. Dr Peter Rouch, Archdeacon of Bournemouth (Winchester)
Mr Michael Stallybrass (York)
The Revd Canon Jenny Tomlinson (Chelmsford)

Consultant: Mr Aiden Hargreaves-Smith (Diocesan Registrar of the Dioceses of Chelmsford and Gibraltar in Europe)

Staff: Mr Stephen Slack (Legal Adviser)
The Revd Alexander McGregor (Deputy Legal Adviser)
Mr Christopher Packer (Legislative Counsel)
Mr Sion Hughes Carew (Secretary)

References in this report to “the Committee” are references to the Revision Committee.

References to clauses reflect the clauses in GS 2027 unless otherwise indicated.

Decisions taken by the Committee were taken unanimously unless otherwise indicated.

1. The draft Legislative Reform Measure (GS 2027) received first consideration at the July 2016 group of sessions. The draft Measure is intended to facilitate the removal or reduction of burdens resulting from ecclesiastical legislation. It will do that by making it possible, in certain cases, to amend or repeal some Acts of Parliament and Church Measures by way of orders approved by the General Synod without having to go through the legislative process that applies to Measures. A full explanation of each provision of the draft Measure as introduced was contained in the explanatory memorandum (GS 2027X).
2. The Committee met on three occasions and completed its remaining business by correspondence under Standing Order 56(4).

3. The Committee received submissions from 4 members: 3 were received within the period allowed for submitting proposals for amendment; 1 was received some time after the end of that period. The Committee decided to include the late submission in its consideration of the draft Measure.
4. One member, the Revd Christopher Smith, exercised the right under Standing Order 55 to attend the meeting of the Committee and speak to his submissions. The Committee invited Mr Clive Scowen, who had submitted a number of proposals out of time, to attend a meeting of the committee to speak to his submissions. The Second Church Estates Commissioner, as a member of the Ecclesiastical Committee, attended the Committee's second meeting at its invitation, to assist the Committee in addressing initial concerns submitted to the Legal Office by the Clerk to the Ecclesiastical Committee.
5. The Committee made a number of amendments to the draft Measure. The Committee now returns the draft Measure as amended by it (GS 2027A) to the Synod. New text is shown in bold type in GS 2027A.
6. Appendix I to this report contains a summary of the amendments considered by the Committee as well as the Committee's decision on each.
7. Appendix II contains some examples of burdens arising from ecclesiastical legislation that could be addressed by way of order under the draft Measure.
8. Appendix III contains a draft set of standing orders by way of illustration of what standing orders the General Synod might make to operate alongside the Measure.
9. Appendix IV contains a flow chart which shows in diagrammatic form the procedure for making an order under section 1 of the Measure.

SUBMISSIONS OF A GENERAL NATURE

10. Two members of the Synod made submissions about the Measure generally.
11. **Ms Debrah McIsaac** supported the creation of a shortened procedure for amending or repealing legislation without going through the full legislative process. But she asked for clarity as to what legislation would be within the scope of the new procedure and for adequate checks and balances to be put in place. She was concerned that the role of the General Synod to scrutinize and pass legislation should not be undermined.
12. **The Reverend Christopher Smith** pointed out that views were likely to differ on the desirability of shortening the process for making legislative changes. He questioned the aptness of the Legislative and Regulatory Reform Act 2006 as a model. He asked that a Measure modelled on the Act should be "carefully drafted in order to make clear that it was not simply a mechanism for any particular person or group of persons to make changes ... to existing legislation by declaring them 'burdensome'." He expressed concerns about moving legislative functions from the General Synod to the Archbishops' Council and asked the Committee to consider whether it was right to create the proposed order making power.
13. The Steering Committee pointed out that the General Synod had passed a resolution at the February 2016 group of sessions inviting the Archbishops' Council to introduce legislation to give effect to proposals which would enable the amendment or repeal of some primary legislation by a more rapid and less complex process than was currently available. On that basis, it was right that the draft Measure should proceed.

14. The Revision Committee reserved its consideration of the principle of legislating to create the order making power until after it had considered the detailed provisions of the Measure. Having done so, the Committee considered that the Measure, as amended by it, achieved a satisfactory balance between the creation of a reasonably flexible order making power and the provision of a series of safeguards which would prevent that power from being used in a way that the Synod had not intended. The Committee accordingly unanimously agreed to support the principle of creating the order making power as provided for in the amended Measure.

THE MEASURE CLAUSE BY CLAUSE

Clause 1

Clause 1(1)

15. There were no proposals from members relating to clause 1(1) and the Committee did not make any amendments.

Clause 1(2)

16. **Ms Debrah McIsaac** made submissions in relation to the definition of “burden”. She submitted that the expression “an administrative inconvenience” in subsection (2)(b) was too broad. She proposed that it be replaced with “an administrative impossibility or disproportionate inconvenience”. She did so in the context of a submission that “[w]hat might be regarded by one person or group as an ‘administrative inconvenience’ might be the safeguards of good process to another.”
17. **The Reverend Christopher Smith** made a similar point in his submission about the potentially wide meaning of “burden”. He asked the Committee to consider whether the definition of “burden” should be more narrowly defined.
18. The Committee was aware that different people would take different views about whether or not a particular legislative provision should be regarded as a burden. That would be so irrespective of how “burden” was defined, because deciding how a particular legislative provision should be regarded (in terms of whether it represented a burden) necessarily involved the exercise of a subjective judgement. Different people would inevitably reach different conclusions. The Committee therefore considered that the potential for disagreements in this area would more effectively be addressed in the context of the General Synod’s scrutiny and approval role, rather than by seeking to formulate a definition of burden which sought to eliminate the scope for such disagreement.
19. So far as the first part of Ms McIsaac’s proposed amendment was concerned, the Committee was of the view that to define “burden” by way of a reference to “an administrative impossibility” would be unhelpful. It was most unlikely that any provision would amount to an administrative *impossibility* as the legislature would not have enacted such a provision in the first place. Impossibility imposed a threshold which would almost certainly never be met.
20. The Committee went on to consider the second part of Ms McIsaac’s proposed amendment, and a similar proposal from **Mr Clive Scowen**, that in order to amount to a “burden” for the purposes of clause 1, an administrative inconvenience should represent a *disproportionate* burden.
21. The Committee was advised that in the context of public and administrative law, proportionality – and therefore “disproportionate” – had a particular meaning. A provision was

proportionate only if (a) it was rationally connected to the policy objective to which it was directed and (b) it went no further than was necessary in order to achieve that objective. The Committee noted that the concept of proportionality was already employed in clause 2(1)(b) of the Measure in relation to provision that could be made by order. To employ the concept of proportionality in the context of clause 1(2) as a threshold which a provision of existing legislation had to cross to qualify as a “burden” would amount to using the term “disproportionate” in a way that was different from its established legal meaning (and the way in which it was used elsewhere in the Measure).

22. The Committee went on to consider whether some other qualification should be applied to “administrative inconvenience” – for example that an administrative inconvenience must be *excessive* or *significant* – if it was to come within the definition of “burden” in clause 1(2). In doing so it took note of **Ms McIsaac’s** further proposal that paragraph (c) of subsection (2) should be amended to refer to “a *significant* obstacle to efficiency”.
23. The Committee considered that if the definition of “burden” were qualified in that manner, it would have the effect of increasing the significance of the order making power provided by clause 1. If it was only burdens that were *excessive* or *significant* that were susceptible to being removed or reduced by order, the effect of that would be that financial costs, administrative inconveniences, or obstacles to efficiency that were not particularly important could not be dealt with by way of order. Raising the threshold so that only excessive or significant burdens fell within the scope of the order making power would magnify the importance of the matters to which the power was directed, thereby increasing the significance of the power itself. The purpose of the order making power was to make it possible to remove burdens that were not important enough to raise weighty policy considerations.
24. The Committee also noted that while an individual burden might not in itself be very significant, the combined effect of a collection of minor burdens that affected a particular area of the Church’s life might prove a considerable burden when taken together. If individual burdens that were not excessive or significant in themselves were removed from the scope of the order making power, it would not be possible to use the power to achieve effective reform in some areas where the cumulative effect of a series of minor burdens was significant.
25. **The Committee accordingly decided not to amend clause 1(2).**

Clause 1(3)

26. In the light of concerns that had been raised informally by members of the Ecclesiastical Committee, **the Steering Committee** proposed that the definition of “ecclesiastical legislation” in clause 1(3) might helpfully be amended to avoid the impression that the purpose of the order making power was to enable Acts of Parliament generally to be amended by way of an order.
27. The Committee noted that as the Measure was drafted, the order making power did not encompass every provision made in an Act of Parliament. It was confined only to a provision of an Act that “relates to matters concerning the Church of England”. That expression was taken from the Church or England Assembly (Powers) Act 1919 where it is used to define the scope of provision which can be made by Measure. It therefore had a clear pedigree.
28. The Committee considered whether the reference to Acts of Parliament in clause 1(3) should be retained. The Committee noted that all ecclesiastical enactments passed prior to 1920 took the form of Acts of Parliament (as the power to pass Measures did not come into operation until that year). If Acts of Parliament were outside the order making power altogether that could significantly reduce the ability to remove or reduce burdens, as it would exclude the possibility

of removing or reducing burdens that arise from ecclesiastical Acts, of which a number that were passed in the nineteenth century and earlier remain in force.

29. The Committee nevertheless recognised that the order making power was primarily intended to deal with burdens created by the ecclesiastical law of the Church of England, rather than by statute law generally, and that there was therefore a reasonable case for limiting the scope of the order making power so far as Acts were concerned. **The Committee therefore agreed to amend the definition of “ecclesiastical legislation” in clause 1(3) so that, in relation to Acts of Parliament, it was confined to an Act “so far as it forms part of the ecclesiastical law of the Church of England”.**
30. The Committee recognised that this amounted to a narrowing of the scope of the order making power so far as Acts of Parliament were concerned but were satisfied that it was nevertheless consistent with the policy objective of the Measure – which was essentially to deal with burdens arising from ecclesiastical law.
31. **Ms Debrah McIsaac** proposed that Measures of the General Synod that were passed after the coming into force of the Legislative Reform Measure should not automatically be susceptible to amendment under the order making power. She pointed out that the inclusion of administrative provisions in a Measure was sometimes contentious and that in such cases, it would be undesirable if they could be removed using the order making power. She therefore proposed that the Legislative Reform Measure should apply to a future Measure only where the future Measure expressly said so.
32. The Committee took the view that Ms McIsaac’s point could be more effectively addressed in a different way. The inclusion of politically sensitive administrative provisions in legislation was the exception rather than the norm. It would therefore be unhelpful to make provision of general application that excluded future Measures from the scope of the Legislative Reform Measure simply because there was a potential for exceptional cases to arise. If a future Measure were to include politically sensitive administrative provisions, it would be quite straightforward for that future Measure itself to exclude its sensitive provisions from the scope of the order making power in the Legislative Reform Measure.
33. **The Committee accordingly rejected Ms McIsaac’s proposal to amend clause 1(3).**

Clause 1(4)

34. The Committee noted that there was some misunderstanding about the effect of clause 1(4).
35. **The Committee therefore agreed to amend clause 1(4) to make it clearer that the matters with which that subsection was concerned were included among the matters that were capable of amounting to a “burden” for the purposes of clause 1, but that it did not limit the definition of “burden” to those matters.**

Clause 1(5)

36. **Ms Debrah McIsaac** asked whether clause 1(5)(a) ought to be included in the Measure and in particular questioned the inclusion of the reference to “a function of legislating”.
37. The Committee was advised that without such a provision as clause 1(5)(a), the order making power under the Legislative Reform Measure would be considerably less useful. The Committee was provided with the following illustrations of why the provision was needed.

- Section 7 of the Patronage (Benefices) Measure 1986 prescribes an over-elaborate procedure for the giving and transmission of notice of a vacancy in a benefice. (The giving of the notice is important because it triggers other, substantive, provisions of the Measure concerned with the filling of vacancies.) The bishop gives notice to the designated officer, the designated officer then gives notice to the patron and the PCC Secretary, the PCC Secretary then gives notice to the PCC. Were it considered desirable to simplify this procedure, irrespective of precisely how the simplified procedure worked, the simplification would involve “abolishing, conferring or transferring, or providing for the delegation of functions”. Clause 1(5)(a) was needed so that procedures of this nature could be simplified by an order under the Legislative Reform Measure.
- So far as functions of legislating are concerned, various persons and bodies in the Church or England have functions of legislating conferred on them. Those persons and bodies include the Archbishops, diocesan bishops, the Church Commissioners, the Archbishops’ Council, the Church of England Pensions Board and the Rule Committee. Their legislative functions include making commencement orders that bring Measures into force, making transitional provisions, making orders about fees, making diocesan schemes, making regulations, excepting orders, rules etc.
- Suppose two different persons or bodies were concerned with making provision about very similar matters; for example, the Clergy Discipline Commission (which issues the statutory guidance in relation to the operation of the Clergy Discipline Measure 2003) and the Rule Committee (which makes the procedure rules which apply to proceedings under that Measure). It might be considered an obstacle to efficiency that there were two separate bodies involved in carrying out work on the same subject matter. If it were decided to bring forward an order under the Legislative Reform Measure so that the functions of the two bodies were combined in some way, that would involve abolishing, conferring or transferring, or providing for the delegation of functions of legislating (on the basis that the Rule Committee’s functions are legislative in nature).
- A provision of a statute or other legislation which provides for its other provisions to come into force on a date to be appointed by a particular person (e.g. the Archbishops, the Archbishops’ Council, the Church Commissioners) amounts, as a matter of law, to conferring a function of legislating on that person. It might, for example, be considered desirable for amendments made to the Mission and Pastoral Measure 2011 by an order under clause 1 not to come into operation until the Church Commissioners were satisfied that all the necessary preparations for that had been made and for the relevant amendments only to come into operation on a date specified by the Commissioners. It would not be possible to make orders containing commencement provisions of that nature without clause 1(5)(a) making provision for conferring functions of legislating.

38. The Committee concluded that removing clause 1(5)(a), or the words in it referring to functions of legislating, would unduly constrain the use to which the order making power could be put.

39. **The Committee accordingly decided not to amend clause 1(5).**

Clause 1(6)

40. There were no proposals relating to clause 1(6) and the Committee did not make any amendments.

Clause 2

41. **Ms Debrah McIsaac** suggested that the reference to “the policy objective” in clause 2(1)(a) and (b) was a reference back to clause 1(1) and meant the objective of removing or reducing “a burden, or the overall burdens, resulting directly or indirectly for any person from ecclesiastical legislation”. She asked that this be made explicit in the drafting of clause 2.
42. The Committee noted that the reference to “the policy objective” in clause 2(1)(a) and (b) was not in fact a reference back to clause 1(1). It was considerably narrower than that. It was the policy objective intended to be secured by the particular provision contained in an order.
43. So for example, to take one of the examples given above, if it were proposed to bring forward an order combining the functions of the Clergy Discipline Commission and the Rule Committee, the policy objective in that case would be just that: the combining of their functions and the ending of a situation where two bodies were carrying out work on the same subject matter. The question to be asked under clause 2(1)(a) would then be whether the proposed combining of functions and ending the situation where the two bodies operated on the same subject matter could be achieved without legislating. The answer in the case of this example would be no. As both are statutory bodies with separate statutory functions, their functions could only be combined by legislative means. The condition in clause 2(1)(a) would therefore be met.
44. The question to be asked in respect of the same example under clause 2(1)(b) would be (i) whether the provision contained in the order under the Legislative Reform Measure was rationally connected to the policy of combining the two bodies’ functions etc., and (ii) whether the relevant provision in the order went further than that it was necessary to go in order to achieve that policy. Whether the condition in clause 2(1)(b) was met would depend on the precise terms of the relevant provision in the order.
45. In the light of the misunderstanding of the reference to “the policy objective”, **the Committee agreed to amend the drafting of clause 2(1)(a) and (b) to make it clearer that it was the policy objective of the relevant provision of the order that was in view.**
46. **The Reverend Christopher Smith** asked that the Committee consider whether the order making power should be more tightly circumscribed although he did not make any specific proposals in that regard.
47. The Steering Committee proposed that an additional condition should be added to clause 2(1) so that an order could not be used to remove financial benefits – for example by reducing pension entitlements – given that the provision of such benefits could fall within the definition of “burden” for the purposes of clause 1.
48. **The Revision Committee agreed and inserted an additional precondition in clause 2(1) to that effect** (see the new paragraph (e)). (That addition resulted in a consequential drafting amendment to what is now paragraph (f).)

Clause 3

49. **Mr Clive Scowen** submitted that clause 3(5) – which disapplied the exclusion of certain enactments from the scope of the order making power where the provision being made was consequential, supplementary, incidental, transitory or was a saving provision – was open to abuse. He proposed that subsection (5) should be left out of the clause.

50. The Steering Committee was opposed to leaving out subsection (5) altogether. A power to make consequential amendments was necessary so that, for example, cross references in the excepted legislation to legislation which was being amended could be updated to take account of the amendments. Without a power to make consequential amendments, the law could become incoherent. However, the Steering Committee were content that subsection (5) should be amended so that it was confined to the making of consequential amendments, and accepted that it should not be possible to make supplementary, incidental, transitory or saving provision in respect of an enactment which was excluded from the scope of the order making power by clause 3.
51. **The Committee agreed and amended clause 3(5) accordingly.**
52. In the light of that amendment having been made, Mr Scowen withdrew his proposal.

Clause 4

53. **Mr Clive Scowen** submitted that the provision made by clause 4(2) – which allowed the Archbishops’ Council to discharge its duty to consult under clause 4(1)(b) and (c) by consulting representative organisations – should be left out. He considered that representative organisations might properly be consulted but only in addition to, not instead of, consultation with all interested persons.
54. The Steering Committee was opposed to Mr Scowen’s proposal. They pointed out that removing the ability of the Archbishops’ Council to consult representative organisations rather than every interested person individually would result in the consultation requirement being impractical to operate. For example, if a proposal might affect the functions of local authorities (e.g. in relation to churchyards), clause 4(2) would enable the Archbishops’ Council to discharge its duty to consult local authorities by consulting the Local Government Association. If clause 4(2) were left out, the Archbishops’ Council would have to consult separately every parish council, district council and unitary authority in England.
55. **By a majority of 12 to 1 the Committee rejected Mr Scowen’s proposed amendment.**
56. **The Committee agreed to make a drafting amendment to clause 4(2) to make the meaning clearer.**
57. In the light of submissions made to it by **the Rt Hon Dame Caroline Spelman MP (the Second Church Estates Commissioner and a member of the Ecclesiastical Committee)**, **the Committee agreed to insert an additional subsection into clause 4 to require the Archbishops’ Council to lay the consultation documents before each House of Parliament before beginning a process of consultation on a proposal to make an order.**
58. The Committee wished to make it clear that the purpose of the order making power was not to displace Parliamentary oversight of ecclesiastical legislation; rather it was concerned with creating a streamlined process. Clause 8(4) of the draft Measure already provided for orders, once made, to be laid before both Houses of Parliament and to be subject to annulment by resolution of either House. That meant that Parliament could override the order making power in any case where it chose to do so. However, the Committee considered that it would be right for members of both Houses of Parliament additionally to be made aware of, and have the opportunity to object to, proposals to make an order when those proposals were at an early stage, not only at the end of the legislative process.
59. The effect of the additional subsection inserted into clause 4 would be that Parliament would be given prior notice that a consultation process on a proposal to make an order was to be

undertaken. Any member of either House of Parliament could, if he or she wished, raise concerns or objections with the Archbishops' Council during the consultation period. This opportunity to object would be in addition to the ability of a member of either House to table a motion for the annulment of an order once it had been made and subsequently laid before Parliament under the negative procedure.

60. **The Committee agreed to make a drafting amendment to subsection (4) (now subsection (5)). The word “before” has been replaced with the word “pending” to make it clearer that the subsection is concerned with consultation that has been carried out in anticipation of the Measure being passed and coming into force (and not with any consultation that may have been carried out at some earlier time in the past).**

Clause 5

61. There were no proposals relating to clause 5.
62. A question was raised about the requirement for laying proposals before the General Synod and what that would amount to in practice. The Committee was advised that it would be a matter of practice and procedure for the General Synod to decide and to make provision for in its standing orders. It was envisaged that when a draft order was laid before the Synod, all members of the Synod would be informed by the Clerk to the Synod and that the draft order and accompanying documents would be available on the General Synod's website (and on paper to any member who wished to receive them in that form).
63. The Committee recognised that it should be possible for the Archbishops' Council to withdraw an order from consideration at any point during the process for which the Measure provides. The Committee was advised that such provision should be made in the Measure itself and **the Committee agreed that a provision to that effect should be included in clause 5.** (See clause 5(6).)

Clause 6

64. **Mr Andrew Gray, Ms Debrah McIsaac, Mr Clive Scowen and the Reverend Christopher Smith** each raised questions about the composition of the committee of the General Synod provided for in clause 6.
65. Mr Gray and Mr Smith were content that the composition of the committee should be left to the Standing Orders of the General Synod. This reflected the provision of clause 6(1) as drafted. They asked when details of the committee's composition would be available. The Committee noted that that the Standing Orders Committee would, in due course, propose amendments to the Standing Orders to provide for the composition of the committee (and other matters relevant to the Measure) which members of the General Synod would have the opportunity to consider and to approve (with or without amendment) in due course.
66. In the meantime the Committee has prepared an illustrative draft of a set of standing orders which it offers to the Standing Orders Committee and to the Synod for consideration. **The illustrative draft is set out in Appendix III.**
67. Ms McIsaac and Mr Scowen proposed that the Measure itself should be more prescriptive as to the composition of the committee. Ms McIsaac submitted that the clause should provide that the majority of the committee's members must be elected by the General Synod, with members of the Archbishops' Council in a minority. She also proposed that provision should be made for the committee to be assisted by sub-committees or other groups. Mr Scowen was content that much of the detail of the committee's make up should be left to Standing Orders but argued

that provision ought at least to be made in the clause as to the qualifications of the chair and to the principle that some of the members of the committee were to be elected by the General Synod.

68. The Committee considered whether the clause should be more prescriptive as to the composition and chairing of the committee. It was reluctant to make provision in the Measure – which by its nature would be difficult for the Synod to alter – when the Synod itself could make all the necessary provision for the composition and the chairing of the committee in its standing orders, which could – if the Synod wished – be amended by it in due course using a fairly straightforward procedure.
69. **The Committee accordingly rejected the proposal that the clause should prescribe that the committee must include members elected by and from the Synod. It also rejected proposals that the clause should prescribe how the chair was to be chosen or what qualifications he or she should have.** It did, however, expressly address these matters in the illustrative draft standing orders which it prepared (see Appendix III).
70. The Committee considered that it would be in the interests of greater transparency and give greater confidence to Parliament and others if the right to make representations to the committee was not limited to members of the General Synod. The Committee noted that it had already amended clause 4 to require the laying of the consultation documents before Parliament before the consultation process began and that it would be possible for members of either House of Parliament to respond to a consultation. The Committee considered that members of either House and anyone else who wished to do so should also be able to make representations to the committee once a draft order had formally been laid before the Synod.
71. **The Committee amended clause 6(2)(c) accordingly.**
72. The Committee considered that the functions of the committee provided for in clause 6 should be set out with greater particularity in the Measure. The committee should be required to assess the extent to which an order would meet the criteria set out in clauses 1-3 of the Measure and whether the statutory consultation requirements had been met. The committee should also be required to assess whether it was appropriate for the relevant provision to proceed by way of order rather than by Measure.
73. **The Committee accordingly inserted a new subsection (3) in clause 6 which specifies the matters which the committee must assess in the case of each draft order that is referred to it.**
74. **Ms Debrah McIsaac** proposed that the General Synod should, in certain circumstances, have the power to amend a draft order which had been laid before it by the Archbishops' Council. (The proposed power would be in addition to the powers of the Synod that were already provided for, namely approving or rejecting a draft order or referring it back to the committee.)
75. Ms McIsaac envisaged the Synod's power to amend a draft order arising where the draft had been sent to the Synod a second time, i.e. following an earlier reference back to the committee by the Synod.
76. **Mr Clive Scowen** proposed that the General Synod should have a power to amend a draft order to avoid referring it back to the committee at all, if that is what the Synod wished. He referred to the time that would be lost in the event of unnecessary references back where the issue concerned could be dealt with by way of an amendment in the Synod.

77. The Steering Committee was opposed to the inclusion of a provision for the Synod itself to amend a draft order. The content of an amendment made on the floor of the Synod might not have been consulted on under the procedure for consultation set out in clause 4 or have been scrutinised by the committee under the procedure provided for in clause 6. If it were possible for a draft order to be amended at a late stage, that could undermine confidence in the consultation and scrutiny process from the point of view of Parliament and others outside the Synod.
78. The Committee agreed that it would not be desirable for amendments to draft orders to be capable of being moved in the Synod for the reasons expressed by the Steering Committee. The Committee also considered that if such an amendment could be moved, and was agreed to, it might well be necessary for the Archbishops' Council to carry out a further round of consultation (either after withdrawing the draft and beginning the consultation process again, or consulting on the amendment on an informal, non-statutory basis). It was therefore doubtful whether any saving of time would in fact result from enabling amendments to draft orders to be moved in the Synod.
79. **The Committee accordingly rejected Ms McIsaac's proposal and Mr Scowen's proposal (in the latter case by 12 votes to 1).**
80. **The Committee agreed that clause 6, as amended by it, should be split into two separate clauses. Clause 6 would be concerned with scrutiny of draft orders and the role of the Synod committee. The following clause (now clause 7) would be concerned with the decision making process in the Synod.**

Clause 7 (now clause 8)

81. There were no proposals relating to clause 7 and the Committee did not make any amendments.

Clause 8 (now clause 9)

82. There were no proposals relating to clause 8 and the Committee did not make any amendments.
83. **Mr Clive Scowen** asked why the provisions in clause 8 concerned with the extension of the Measure, and of orders made under it, to the Isle of Man differed from the provision concerned with the application of the Measure to the Channel Islands contained in clause 9.
84. The Committee was advised that the Measure would automatically extend to the Isle of Man. An order made under the Measure would be able to make provision as to its own extension to the Isle of Man. Either the order itself or the Isle of Man legislature would be able to apply modifications to the order to take account of the different legal system which exists there. This reflected what had been asked for by the Legislative Committee of the Sodor and Man diocesan synod.
85. No special provision had been sought by the authorities in the Channel Islands. The Measure therefore made the usual provision for them: the Measure could be applied to the Islands under the procedure in the Channel Islands (Church Legislation) Measures 1931 and 1957 (by virtue of what is now clause 11(4)). If the Measure were applied to the Channel Islands under that procedure, orders made under the Measure would then be capable of extending to the Islands. If a scheme applying the Measure to the Channel Islands so provided, orders could have effect in the Islands subject to modifications to meet the particular circumstances of the Islands.

Clause 9 (now clause 11)

86. There were no proposals relating to clause 9 and the Committee did not make any amendments.

New Clause – order to proceed as if Measure

87. **Mr Clive Scowen** proposed the inclusion of a new clause which would provide for 40 or more members of the General Synod, prior to the beginning of the process of consultation provided for in clause 4, to require that a proposal to make an order should instead proceed in the General Synod under the procedure for Measures. Under what Mr Scowen proposed, the legislation would continue to take the form of an order rather than a Measure, and would not fall to be considered by the Ecclesiastical Committee; it would be laid as a statutory instrument before both Houses of Parliament under the negative procedure (as provided for in clause 8(4)).
88. The Steering Committee opposed the proposed new clause. It pointed out that if the proposed procedure were to be engaged, that would remove the requirement for the legislative proposals to be consulted on and would result in the legislation being treated by the Synod as having the importance of a Measure but without any possibility of its being considered by the Ecclesiastical Committee.
89. The Committee had serious concerns about creating what amounted to a hybrid approach to legislating. If provisions proposed to be contained in legislation were potentially controversial because they raised significant policy questions, then those provisions should not be contained in an order in any event. They should be contained in a Measure which would go through the various synodical stages for a Measure and then be considered by the Ecclesiastical Committee before being laid before Parliament where the Measure would become law only if resolutions in each House were passed that it be presented for Royal Assent.
90. Moreover, the Committee considered that the report of the committee provided for in clause 6 would provide a sufficiently early indication of any potential controversy. The Committee could not therefore see any real advantage, in terms of saving time, in providing a procedure under which a minority of members of the General Synod could require an order to be treated procedurally as if it were a Measure from the outset.
91. **The Committee accordingly rejected the proposed new clause.**

New Clause – Sunset (now clause 10)

92. As a result of submissions made to the Committee by the Second Church Estates Commissioner – which included concerns as to how members of the Ecclesiastical Committee might regard the Measure – the Committee considered that the Measure should be further amended to provide additional reassurance to Parliament that it would not be used for purposes for which it was not intended and to which Parliament might take exception.
93. The Committee considered that the most effective way to achieve this was by inserting a sunset provision in the Measure. The effect of the sunset provision would be that the order making power would automatically lapse five years after the first order had been laid before the General Synod. The order making power could, however, be preserved by way of a special order made by the Archbishops' Council which provided that the power was to continue in force, either for a further specified period or indefinitely.
94. A special order under the sunset provision which provided for the order making power to continue in force after the initial 5-year period would have to be approved both by the General Synod and by Parliament. Unlike the other orders for which the Measure makes provision, an

order under the sunset provision extending the life of the order making power would be subject to the affirmative procedure in Parliament. That would mean the extending order would not have effect unless it was positively approved by resolution of both Houses of Parliament.

95. The Committee considered that this sunset provision would provide both the General Synod and Parliament with an opportunity to consider how the order making power had been used before deciding whether to extend its life beyond the initial 5-year period.
96. **The Committee accordingly amended the Measure by inserting a sunset clause. (See clause 10 in GS 2027A.)**

STANDING ORDERS

97. The function of proposing amendments to the Standing Orders of the General Synod belongs to the Standing Orders Committee. The Revision Committee therefore proposes what it does in relation to the Standing Orders by way of illustration of what some standing orders that would operate alongside the Measure might look like, whilst emphasising that the making of appropriate standing orders will be crucial to the acceptable functioning of the Measure.
98. The Committee's illustrative draft of standing orders is set out in Appendix III. As the preparation and consideration of standing orders was not formally a part of the Committee's functions, we have not set out in detail our deliberations on them. We did, however, consider that it might be helpful to members if we were to say something about some of the more significant provisions in the illustrative draft.
99. SO 69A names the committee provided for by clause 6 of the Measure "the Scrutiny Committee". As clause 6 of the Measure itself now sets out the matters which the Scrutiny Committee must assess, these are not set out again in the standing order. As mentioned above in relation to clause 5, the standing order makes express provision about the laying of draft orders before the Synod.
100. SO 69B makes provision for the membership and chairing of the Scrutiny Committee. It is suggested that the Scrutiny Committee should have a maximum of 9 members. Three of them would be elected by and from the Synod, and those elected members would hold office for a term of 5 years. Three members would be appointed by the Appointments Committee of the Church of England on an ad hoc basis and the members so appointed would hold office only while the draft order for which they were appointed was under consideration. The Archbishops' Council would be able to appoint no more than two members, again on an ad hoc basis, either from among its own membership or from outside its membership.
101. The ninth member of the Scrutiny Committee would be the Chair, who would normally be the Dean of the Arches and Auditor. The Committee considered that there was a strong case for providing that the Dean (or if a substitute was required one of the Provincial Vicars-General) should chair the Scrutiny Committee. The Dean and the Vicars-General are independent judges who automatically have seats in the General Synod. They are 'non-political' in synodical terms. Their judicial experience, and recognised independence, was considered to be of particular advantage in providing reassurance to members of the Synod and to Parliament that the Scrutiny Committee would be able to carry out its statutory functions independently and effectively.
102. So far as representations to the Scrutiny Committee are concerned, SO 69E would give a member of the Synod or anyone else a period of 35 days within which to make representations following the laying of a draft order before the General Synod. Where a member of the Synod

had made a representation, he or she would have the right to attend a meeting of the Scrutiny Committee to speak to the representation. If anyone else had made a representation, he or she would be able to attend to speak if invited to do so by the Scrutiny Committee.

103. We would encourage members of the General Synod to consider the suggestions we have made in our illustrative draft standing orders and if they have any particular observations or suggestions to send them to the Standing Orders Committee.

Charles George
Chairman of the Revision Committee

January 2017

SUMMARY OF PROPOSED AMENDMENTS AND THE COMMITTEE'S DECISIONS

* = attended the Revision Committee meeting and spoke to their submission under Standing Order 53(b)

Clause in original draft Measure (GS 2027)	Name	Summary of proposal	Committee's decision
1(2)	Ms Debrah McIsaac (Salisbury)	Replace "administrative inconvenience" with "an administrative impossibility or disproportionate inconvenience"; and refer to "a <i>significant</i> obstacle to efficiency".	Rejected.
1(2)	The Revd Christopher Smith (London)*	Define "burden" more narrowly: perhaps by reference to proportionality.	Rejected.
1(2)	Mr Clive Scowen (London)	Define "burden" more narrowly: perhaps by reference to proportionality.	Rejected.
1(2)	Members of Revision Committee	Qualify "burden" as being "excessive".	Rejected.
1(3)	Steering Committee	Narrow definition of "ecclesiastical legislation" in relation to Acts of Parliament.	Accepted.
1(3)	Ms Debrah McIsaac (Salisbury)	Exempt all future Measures from amendment by order, unless expressly provided for.	Rejected.
1(4)	Members of Revision Committee	Drafting amendment to clause 1(4) for clarity.	Accepted.
1(5)	Ms Debrah McIsaac (Salisbury)	Remove clause 1(5)(a)/reference to "a function of legislating".	Rejected.
2(1)(a) & (b)	Ms Debrah McIsaac (Salisbury)	Clarify reference to "the policy objective".	Partly accepted.
2	The Revd Christopher Smith (London)*	Consider circumscribing the order-making power more tightly.	Partly accepted.

2	Steering Committee	Insert additional pre-condition to protect financial benefits.	Accepted.
3(5)	Steering Committee	Amend to confine to consequential provisions.	Accepted.
3(5)	Mr Clive Scowen (London)	Delete clause 3(5).	Withdrawn.
4(2)	Mr Clive Scowen (London)	Delete clause 4(2) and add representative bodies to the list of mandatory consultees in clause 4(1).	Rejected.
4	Steering Committee	Insert provision requiring consultation documents to be laid before Parliament.	Accepted.
4(4)	Members of Revision Committee	Replace “before” with “pending”.	Accepted.
5	Members of Revision Committee	Insert provision enabling withdrawal of draft order.	Accepted.
6	Ms Debrah McIsaac (Salisbury)	Include more detailed provision in the Measure regarding membership of the scrutiny committee, including that a majority of its membership be elected from the Synod and a minority appointed from the Archbishops’ Council.	Rejected.
6	Mr Clive Scowen (London)	Include more detailed provision in the Measure regarding membership of the scrutiny committee, including that permanent members be elected by and from the General Synod, not appointed.	Rejected.
6	Members of Revision Committee	Provisions relating to the chairmanship of the scrutiny committee be included in the Measure.	Rejected.
6(2)	Members of Revision Committee	Amend subsection (2)(c) so that non-Synod members can make representations.	Accepted.
6	Members of Revision Committee	Insert provision specifying functions of scrutiny committee.	Accepted.

6	Ms Debrah McIsaac (Salisbury)	Permit the General Synod to amend a draft order.	Rejected.
6	Mr Clive Scowen (London)	Permit the General Synod to amend a draft order.	Rejected.
6	Members of Revision Committee	Divide clause 6.	Accepted.
8 & 9	Mr Clive Scowen (London)	Query re apparent disparity in treatment of Isle of Man and the Channel Islands.	Clarified in report.
New clause	Mr Clive Scowen (London)	Allow 40 members of General Synod to required a draft order proceed in the Synod as if it were a draft Measure.	Rejected.
New clause	Members of Revision Committee	Insert sunset clause.	Accepted.

ILLUSTRATIVE EXAMPLES OF BURDENS RESULTING FROM ECCLESIASTICAL LEGISLATION THAT COULD BE ADDRESSED BY ORDER

1. **Ecclesiastical Fees Measure 1986, section 1(7)** defines “parochial church council” and “diocesan board of finance” for the purpose of ascertaining the destination of parochial fees in different cases. The definitions are very complicated and make the legislation difficult for PCCs, the clergy, funeral directors and others to apply in practice. This is an administrative inconvenience and an obstacle to efficiency. If fees are wrongly paid, a financial cost can be incurred. The definitions could be simplified by Order, making the destination of parochial fees more straightforward.
2. **Mission and Pastoral Measure 2011, sections 80-84** provide for establishing mission initiatives under the authority of bishops’ mission orders. These provisions are hard to understand because of the form in which they were drafted. They also involve procedures that are unduly complex or protracted and which therefore involve a financial cost and are an obstacle to efficiency. The 2011 Measure could be amended by Order to replace these sections with an improved set of provisions which were set out in a form that was easy to understand and with less onerous procedural requirements.
3. **Diocesan Boards of Finance Measure 1925, section 1(2)(d)**. This provision contains detailed prescription about the proportion of the members of a diocesan board of finance (DBF) who must be elected, who have to be members of the diocesan synod, and who have to be “laymen”. This amounts to an administrative inconvenience and/or an obstacle to efficiency for a diocese which wishes to constitute its DBF differently to meet its particular circumstances and needs. These highly prescriptive requirements could be relaxed by way of provision made by Order.
4. **Parochial Church Councils (Powers) Measure 1956, section 3** makes outdated provision for the formal acts of a PCC to be “signified by an instrument executed pursuant to a resolution of the council and under the hands or if an instrument under seal is required under the hands and seals of the chairman and two other members of the council present at the meeting at which such resolution is passed”. An Order could be used to replace this with more up to date provision, e.g. so that a copy of any resolution of the PCC could simply be authenticated by the signature of the chairman or secretary.
5. **Parochial Church Councils (Powers) Measure 1956, section 4** expresses the powers and duties of PCCs by reference to the powers and duties that were formerly exercisable by the parish vestry and by the churchwardens before 1 July 1921. This makes the legislation hard to understand. An Order could amend section 4 to spell out the powers and duties of a PCC so that it was apparent to the reader what they encompassed.
6. **Parochial Church Councils (Powers) Measure 1956, section 6** requires the PCC to obtain consent from diocesan authority for the acquisition of, or to deal with, property. Currently the only exception is where the value of the transaction does not exceed a limit prescribed by Order. It would be possible to use the new order making power to prescribe additional cases where diocesan consent was not required, on the basis that the need to obtain such consents represented a burden both to the PCC and to the diocesan authority.

7. **Diocesan Stipends Funds Measure 1953, section 2** requires the DBF to allocate to the capital account of the diocesan stipends fund any legacy that is not expressly directed by the testator to be applicable as income. This is an unduly restrictive requirement and is inconsistent with the modern approach to gifts and their application. It can result in a financial cost to a diocese which receives a legacy but cannot apply it to current stipend costs. The section could be amended by Order so that only legacies that are expressly directed to be treated as capital must be allocated to the capital account of the diocesan stipends fund.
8. **Parochial Registers and Records Measure 1978, section 4** contains an onerous procedure for the correction of errors in register book of baptisms or burials. If a member of the clergy discovers that he has made an error it can only be corrected within one month of the discovery and it must be corrected in the presence of the parents (in the case of baptism) or, if they are deceased, the churchwardens; and in the case of a burial, in the presence of at least two of the persons who were present at the burial and the churchwardens. This provision places an unduly burdensome requirement on the clergy which could be replaced, by Order, with a less exacting procedure.
9. **Patronage (Benefices) Measure 1986, sections 7, 11 and 12** impose convoluted procedural requirements on parish secretaries and PCCs as to notices and the holding of meetings. Where a benefice becomes vacant, the bishop is required to serve notice on his or her designated officer; the designated officer is then required to serve notice on the PCC secretary; the PCC secretary then has just 4 weeks in which to arrange “one or more” meetings of the PCC. And if there is to be a section 12 meeting (i.e. a meeting involving the PCC, bishop and patron), it has to be held at least two weeks, but no more than six weeks, after the date on which it is requested. Failure to comply with the timetable can result in the lay representatives of a parish losing their right of veto in relation to an appointment. These procedures could be simplified by Order.
10. **Conduct of funeral services** – As the law stands, only an incumbent is lawfully able to conduct a funeral service at crematorium that is situated in another parish (section 2, Church of England (Miscellaneous Provisions) Measure 1992). This is an administrative inconvenience and an obstacle to efficiency; provision should be made to enable other members of the clergy (e.g. assistant curates, retired clergy with permission to officiate) to conduct such funerals.
11. **Burial of cremated remains in closed churchyard** – This currently requires a faculty (section 3, Church of England (Miscellaneous Provisions) Measure 1992). An Order could remove this requirement.
12. **Clerical Disabilities Act 1870, sections 3 and 4** require a member of the clergy who wishes to relinquish his legal status as a clerk in holy orders to execute a deed of relinquishment and enrol it “in the High Court of Chancery”. The procedure for enrolling such deeds is difficult to discover and involves the payment of court fees. The requirement for enrolment in court – which is in addition to a requirement that the deed be registered in the relevant diocesan registry – is an administrative inconvenience and involves a financial cost. An Order could remove the requirement for the enrolment of the deed in the High Court.

ILLUSTRATIVE DRAFT STANDING ORDERS

LEGISLATIVE REFORM ORDERS

69A. *Scrutiny Committee*

- (1) There is to be a Scrutiny Committee of the Synod
- (2) The main function of the Scrutiny Committee is to consider 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 and from 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 it 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 to the Committee under section 7(1) of the Legislative Reform Measure 2017).
- (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 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 personal information or 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. *Consideration*

- (1) The Committee, having completed its assessment of a draft order under section 6 of the Legislative Reform Measure 2017, must consider the draft order, together with any representations, Article by Article; and any Schedules are to be considered in the same way.
- (2) The Committee may make such amendments to the draft order as are relevant to its general purport and an amendment to an Article or Schedule must be within the scope of the Article or Schedule in question.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) The power conferred by paragraph (3) 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.
- (7) The Chair has power to determine conclusively any question of order, business or procedure relating to the Committee.
- (8) The Committee may, subject to that, regulate its own business and procedure.

69G. *Report*

- (1) On completion of its consideration of a draft Legislative Reform Order, the Scrutiny Committee must report 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(1),
 - (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. *Decision by Synod*

- (1) Where a motion has been moved for the approval of a draft Legislative Reform Order, with such amendments as the Committee has made to it, it is not in order to move—
 - (a) an amendment to the motion other than an amendment providing for the draft order to be referred back to the Committee,
 - (b) a motion for the Closure (see SO 31),
 - (c) a motion for the Speech Limit (see SO 32), or
 - (d) a motion for Next Business (see SO 33).
- (2) A motion for the referral of a draft Legislative Reform Order back to the Committee may relate to the draft order generally or to specified provisions only.

69I. *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.

PROCEDURE FOR MAKING AN ORDER UNDER SECTION 1 OF THE MEASURE
IN DIAGRAMMATIC FORM

