

GENERAL SYNOD

DRAFT AMENDING CANON NO. 36

DRAFT AMENDING CANON NO. 37

REPORT OF THE STEERING COMMITTEE OF MEMBERS IN CHARGE

Chair: The Rt Revd Alan Smith, Bishop of St Albans

Members: The Revd Dr Andrew Atherstone (Oxford)
Mr Keith Cawdron (Liverpool)
The Revd Prof. Mark Chapman (Oxford)
The Ven Gavin Kirk (Lincoln) (Chair of the Revision Committee)
Mrs Sheri Sturgess (Truro)
The Revd Dr Miranda Threlfall-Holmes (Durham)

1. Draft Amending Canons Nos. 36 and 37 received First Consideration from the General Synod at the July 2016 group of sessions. They were committed to a Revision Committee. At the February 2017 group of sessions the Synod took note of the report of that Committee (GS 2029Y) and completed the Revision Stage for the draft Amending Canons which then stood committed to the Steering Committee in respect of their Final Drafting.
2. The Steering Committee has conducted its business by correspondence under Standing Order 61(2) and (3). It now returns the draft Amending Canons (GS 2029B and GS 2029BB) 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.

Drafting amendments

4. The Steering Committee does not propose any drafting amendments to either Amending Canon.

Special amendments

Amending Canon No. 36 – baptism at public worship

5. The Steering Committee proposes a special amendment to Amending Canon No. 36 which amends Canon B 8 (Of the vesture of ordained and authorized ministers during the time of divine service).

6. The proposed amendment is to paragraph 1(6)(a) of Amending Canon No. 36. That provision amends paragraph 5 of Canon B 8 so that it reads–

5. At a service of Baptism that is not held at public worship on a Sunday, at the Solemnization of Matrimony or at a service of the burial of the dead the minister shall wear a surplice or alb with scarf or stole or shall adopt such other form of dress as the minister agrees with the persons concerned.

7. Paragraph 1(6)(a) of Amending Canon No. 36 amends Canon B 8.5 to that effect in order to deal with the situation where a baptism takes place during a regular Sunday service. The report of the Revision Committee (GS 2029Y) stated at paragraph 66:

The Committee agreed that where a baptism took place during such a service, the agreement of the persons concerned should not be required for the minister to dispense with the wearing of vesture. Whether or not the minister might do so should be governed by the general provisions concerned with the services of Holy Communion and Morning and Evening Prayer.

8. It has been pointed out to the Steering Committee that this provision fails to deal with the case where a baptism takes place during public worship on a day other than Sunday. For example, as the provision currently stands, if a baptism took place during a regular weekday service in a parish where prescribed forms of vesture were not normally worn, the minister would nevertheless have to obtain the agreement of the family, or of the candidate for baptism, to dispense with wearing a surplice or alb with scarf or stole for the baptism. That would seem to be contrary to the policy underlying the provision relating to baptisms which take place during public worship on a Sunday – namely that what is normally done in the parish should prevail at public worship.

9. The Steering Committee therefore proposes that the words “on a Sunday” be omitted from paragraph 1(6)(a) of Amending Canon No. 36. The effect would be that whenever a baptism took place during public worship, the agreement of the ‘persons concerned’ would not be required for the minister to dispense with the wearing of vesture in a parish where that was the normal practice.

Amending Canons Nos. 36 and 37 – gender neutral language

10. Amending Canons Nos. 36 and 37 themselves use gender neutral terms. But it was suggested to the Steering Committee that the opportunity should be taken to make additional amendments to Canons B 8 and B 38 so that those Canons used gender-neutral terms throughout.

11. The Steering Committee accepted advice that it would be undesirable to do that. The whole body of Canons was drafted in the 1960s when it was not the practice to employ gender neutral terms in the drafting of legislation. As a result, gender specific pronouns are employed throughout the body of Canons. It would be anomalous – and potentially confusing – for just two Canons (i.e. Canons B 8 and B 38) to be amended so as to use

gender neutral terms while all the other Canons continued to employ different terminology.

12. While there was a legitimate concern about the use in existing Canons of gender specific terms, that concern related to the Canons as a whole rather than to the two specific canons that were being amended by Amending Canons Nos. 36 and 37. The issue should therefore be addressed at some point in the future by way of revising the complete body of Canons, rather than being attempted piecemeal with the result that different Canons adopted different terminology.
13. The Steering Committee also considered that including a number of amendments to the existing Canons that would have nothing to do with the objectives which Amending Canons Nos. 36 and 37 are intended to achieve would distract from those objectives – namely increased flexibility as to the wearing of prescribed forms of vesture, and the ability to use the normal burial service in the case of those who commit suicide or who are not baptized.
14. Accordingly, no further special amendments are proposed in respect of Amending Canon No. 36 and no special amendments are proposed in respect of Amending Canon No. 37.

On behalf of the Committee
+**Alan St Albans**
Chair

June 2017