

GENERAL SYNOD

DRAFT SCHEME AMENDING THE DIOCESE IN EUROPE CONSTITUTION 1995

Explanatory memorandum

Introduction

1. The Diocese in Europe ('the Diocese') is regulated by its Constitution ('the Constitution'), as last amended in 2013. Paragraph 48 of the Constitution allows it to be amended by a process involving:
 - the inclusion of the proposed amendments in a draft scheme;
 - the approval of the scheme by not less than two-thirds of the members of the diocesan synod present and voting;
 - the laying of the scheme before the General Synod; and
 - if the scheme amends certain specified provisions in the Constitution (or, in the case of a scheme which does not make such amendments, if a member of the General Synod requests that the scheme be debated) the approval of the draft scheme by the General Synod.
2. The Diocese wishes to make a number of amendments to the Constitution and a draft scheme ('the Scheme') has accordingly been prepared, which is set out in GS 1968. The amendments to be made by the Scheme received the approval of two-thirds of the members of the diocesan synod of the Diocese present and voting at its meeting on 2nd June 2014.
3. The Scheme is now accordingly laid before the General Synod. The amendments to be made by it include the amendment of paragraphs 40 and 41 of the Constitution, which are amongst those provisions for the amendment of which, under paragraph 48, an affirmative resolution of the General Synod is required. The Bishop in Europe will accordingly move that the Scheme be approved.
4. The changes relate to the representation of the Diocese in the General Synod and are in part consequential upon changes to the representation agreed by the Synod at its July group of sessions.

Clauses 1 and 2

5. These provisions make changes consequential upon the Synod's decisions in July.
6. Paragraph 40 of the Constitution provides that:

"The Diocese shall elect two proctors of the clergy as their representatives in the Lower House of the Convocation of Canterbury in accordance with the provisions of Canon H 2."

7. Paragraph 41 of the Constitution provides that:

“The Diocese shall elect two lay persons as their representatives in the House of Laity of the General Synod in accordance with the provisions of Part V of the Church Representation Rules.”

8. These provisions reflect the current levels of representation of the Diocese in the General Synod.

9. However, at its July group of sessions the Synod gave final approval to draft Amending Canon No.32 (GS 1902A) and the Church Representation Rules (Amendment) Resolution 2014 (GS 1905A).

10. The effect of paragraph 1(4) of Amending Canon No. 32, when enacted, will be to remove from Canon H 2 (with effect from the dissolution of the current Synod) the current limitation, to two, on the number of proctors in the Lower House of the Convocation of Canterbury to be elected from the Diocese.

11. Similarly, the effect of paragraph 3 of the Church Representation Rules (Amendment) Resolution 2014 will be to remove from Rule 36 of the Church Representation Rules (again with effect from the dissolution of the current Synod) the current limitation, to two, on the number of members of the House of Laity of the General Synod to be elected from the Diocese.

12. The result of these changes will be that the representation of the Diocese in the General Synod will, from the beginning of the next quinquennium, be calculated on the same basis as in the other dioceses of the Church of England (other than Sodor and Man). That is to say, the number of proctors to be elected by the Diocese will be calculated in proportion to the number of clerical electors and the number of members of the House of Laity to be elected from the Diocese will be proportionate to the numbers on its chaplaincy rolls; and in both cases the number of persons to be elected must be at least three.

13. Prescribing as they do that the Diocese is to elect two clerical and two lay representatives, the provisions of paragraphs 40 and 41 of the Constitution would therefore be inconsistent with the new arrangements approved by the Synod for the representation of the Diocese. The amendments to be made by clauses 1 and 2 of the Scheme will remove that inconsistency, amending both provisions so that they simply provide for the election of proctors and members of the House of Laity *“in accordance with”* Canon H 2 and the Church Representation Rules respectively.

Clause 3

14. This amendment concerns a related issue, which was drawn to the attention of the Synod previously in paragraphs 28 to 30 of the Report of the Revision Committee for the Synodical Government legislation (GS 1902-5Y).

15. The report explained that difficulty arose in the Diocese from the fact that, under paragraph 42(a) of its Constitution, there is no general requirement for an archdeaconry to have deanery synods: an archdeaconry can have either an archdeaconry synod or deanery

synods; and in six of the seven archdeaconries in the Diocese there is in fact an archdeaconry synod. Furthermore under paragraph 42(b) of the Constitution membership of the houses of clergy of both archdeaconry and deanery synods is confined to licensed clergy. Thus clergy with permission to officiate ('PTO') are not currently eligible for membership of an archdeaconry synod or, where they exist, a deanery synod.

16. Difficulties accordingly arise in relation to the effect of Canon H 2.4(e) and H 2.5. The former provides that those eligible to vote in proctorial elections to the Convocations include "*clerks in holy orders who are members of a **deanery synod** ... and have written permission from the bishop of the diocese to officiate within that diocese*". The latter includes amongst those eligible to stand in proctorial elections clergy who "*would have been [entitled to vote under paragraph 4(e)] had they been members of a deanery synod*".
17. With the agreement of the Diocese in Europe, the Revision Committee accordingly made amendments to Amending Canon No. 32 altering the effect of Canon H 2.4(e) so that, in relation to that diocese, it referred to clergy with PTO elected to the deanery or archdeaconry synod (the class equivalent in the Diocese to clergy with PTO elected to a deanery synod in England). The Revision Committee made a corresponding amendment to Canon H 2.5. All these amendments were incorporated in the Amending Canon in the form in which it was finally approved by the Synod at the July group of sessions.
18. As stated in paragraph 30 of GS 1305-7Y, the Revision Committee recognised that the amendments would not provide a full answer to the difficulty described above since the provisions of Canon H 2 would still disenfranchise clergy with PTO in the case of those archdeaconries where there is an archdeaconry synod rather than deanery synods. However, it reported that the intention of the diocese was to amend the Constitution so as to provide for clergy with PTO to be eligible for membership of the deanery synod or, in archdeaconries where there are no deanery synods, of the archdeaconry synod.
19. The amendment made by clause 3 gives effect to that stated intention. Its effect will be to amend the composition of both archdeaconry and deanery synods in the Diocese so that both will include not only all the licensed clergy serving in the archdeaconry or deanery (as the case may be) but also clergy with PTO resident or worshipping in the deanery, elected from such clergy on a proportionate basis in the same way that clergy with PTO are elected to deanery synods on the mainland.
20. The effect of the amendment will therefore be to bring the position of clergy with PTO in the Diocese into line, so far as voting and standing in elections to the Lower House of the Convocation of Canterbury are concerned, with the position of such clergy in the mainland dioceses.

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