

**GENERAL SYNOD**  
**STANDING ORDERS COMMITTEE**  
**FIFTIETH REPORT OF THE COMMITTEE**

1. The Standing Orders Committee ('the Committee') presents its 50th Report to the Synod.

**Membership of the Committee**

2. Our membership for the current quinquennium is as follows:

**Appointed members:**

Mr Geoffrey Tattersall QC (Manchester) (Chair)  
The Revd Canon Sue Booys (Oxford)  
The Revd Canon Simon Killwick (Manchester)  
Canon Elizabeth Paver (Sheffield)  
Mr David Robilliard (Channel Islands) (from October 2014)  
Mr Clive Scowen (London).

***Ex-officio* members:**

The Ven Christine Hardman (Prolocutor of the Lower House of the Convocation of Canterbury)  
The Ven Cherry Vann (Prolocutor of the Lower House of the Convocation of York)  
Dr Philip Giddings (Chair of the House of Laity)  
Mr Tim Hind (Vice-Chair of the House of Laity).

**PART I: PROPOSED AMENDMENTS TO THE STANDING ORDERS**

**The proposed consolidation of the Standing Orders**

3. In paragraphs 27 to 30 of its Forty-ninth report (GS 1954) the Committee reported:
  - that the text of the Synod's Standing Orders had not been the subject of any systematic review or revision for many years;
  - that the Committee therefore considered that the election of a new Synod in 2015 would represent a suitable point for the introduction of a lightly revised and consolidated text of the Standing Orders, expressed and presented in as simple and straightforward a way as possible and using gender non-specific language, but which did not alter the underlying rules of procedure;
  - that it and its staff were accordingly starting to undertake preparatory work with a view to producing a consolidated text which achieves these goals, if possible in time for the inauguration of the new Synod in November 2015; and
  - that that was likely to involve a two-stage process, with pre-consolidation amendments being proposed to the Synod in February 2015 and a consolidated text being put before it for approval in July 2015.

4. The Committee accordingly sought views on any change that members would wish to see made, as part of this process, to the way in which the Standing Orders are expressed or presented. In the event, views were only received from one member.
5. The Committee has continued its work towards the production of a consolidated text and is now ready to propose the necessary pre-consolidation changes. They are described below and comprised in Items 19 to 77 of the First Notice Paper.
6. The great majority of the proposed amendments are of a technical or drafting nature and require little explanation. However, three of the areas in relation to which amendments are proposed are of greater significance and are accordingly treated at greater length below. They are **the length of notice for amendments to legislative business** (see paragraphs 7 to 12), **bodies answerable to the Synod** (see paragraphs 37 to 49) and **the procedure for reply to questions for oral answer at groups of sessions** (see paragraphs 50 to 53).

#### **Items 19 to 21 – SO 10: Length of notice for amendments to legislative business etc**

7. Item 19 will amend SO 10(c) so as to provide for the default deadline for notice of amendments to legislative business, re-committal motions to liturgical business and amendments to proposed changes to Standing Orders to be brought forward by 48 hours, so that it must be given by 5.30pm on the day which falls three clear days (excluding Saturday or Sunday) before the first day appointed for such business to be considered.
8. The Business Committee drew our attention to the difficulties that the staff of the Legal Office had faced at the July 2014 group of sessions in undertaking, in the limited time available, the work required in connection with the amendments to the draft Synodical Government legislation – even after the deadline for the giving of notice of amendments had been brought forward by 24 hours in exercise of the Business Committee’s power under SO 11 to vary the period of notice for that item of business. Considering that the default deadline under SO 10(c) was too late to allow amendments to be dealt with in a way that facilitated the proper conduct of the Synod’s business, the Business Committee invited the Legal Office to consider the matter further in consultation with us.
9. Following discussion with the Legal Office, the Committee came to the conclusion that the default deadline set out in SO 10(c) should be brought forward by 48 hours. (This would be without prejudice to the Business Committee’s continued ability to vary the default deadline under SO 11; but, if the default deadline is brought forward in the way proposed, the occasions on which that would be necessary seem likely to be very few.)
10. The case for change to the current default deadline is, in our view, as follows:
  - In the context of the pressures of a group of sessions, when the legal staff are undertaking a range of tasks which need to be successfully completed under pressure, allowing amendments to legislative business to be submitted as late as is possible at present does not allow sufficient time to undertake the work involved in processing them – ie considering their intended effect and putting them into an appropriate form (often after discussion with the mover) and marshalling them in a Notice and/or Order Paper - followed by the production of the necessary Chair’s brief in time for him or her to prepare effectively.
  - Having only 48 hours less to give notice of amendments will not be significantly prejudicial to members: by the time the default deadline expires members will

have had the draft legislation for at least 13 days (ie since the second circulation) and in most cases for 20 days (ie since the first circulation).

- To rely simply on the Business Committee being willing to exercise its power under SO 11 is to run the risk that a large number of amendments are received and/or amendments of considerable complexity, are received unexpectedly.
- It is in the interests of the Synod that Chairs should not receive their briefing at the last minute, as had happened in July 2014.
- It is also in the interests of the Synod for its members to have longer to consider proposed amendments.
- If the default deadline is to be brought forward, it should be advanced sufficiently to make a difference to the position.
- The same approach should be taken to notice of re-committal motions for liturgical business and for amendments to proposed changes to Standing Orders.

11. The Committee's proposal to bring the default deadline forward by 48 hours was put to the Business Committee at its meeting in December and endorsed by it. **Item 19** will give effect to the Committee's proposal.
12. SO 10(c) and (d) provide for notice of certain business to be given the day before the first day appointed for the business to be considered "*or if no such day is appointed the first day when such business in the normal course of events is expected to be considered*". This wording is thought to refer to the timing of deemed business but is not necessary because in practice (as SO 69(b) strongly implies it should) the Agenda for a group of sessions will specify when deemed business is to be taken if a debate is requested. **Items 20 and 21** will therefore remove it.

#### **Items 22, 29, 41, 55 to 57 and 59 – Requirement for members to 'rise in their places'**

13. SO 16(a) requires members to "*rise in their places*", which might amount to disability discrimination in the case of a member who cannot stand. SO 44(a) imposes a similar requirement, but qualified so that a member must rise "*if able*". **Items 22, 29, 41, 55 to 57 and 59** will insert that qualification in all relevant cases.

#### **Item 23 – SO 24: Reconsideration**

14. SO 24(a)(i) provides that amendments or motions "*in the same form*" as ones already decided may not be moved. In principle it seems preferable that it should refer to amendments or motions "*to the same effect*": though that involves a greater exercise of judgement on the part of the office holder or body responsible for deciding the question it is preferable in policy terms for the substance of the amendment or motion, rather than its form, to be the relevant criterion. **Item 23** will alter the position accordingly.

#### **Item 24 – SO 25: Amendments - When permitted / not permitted**

15. When a debate has been adjourned at one group of sessions and resumed at a later one, the practice has been to treat the business in question no differently from any other business on the agenda of the later group of sessions as regards the operation of the application of the Standing Orders for the giving of notice of amendments. As a result, Chairs have allowed notice to be given of further amendments to the motion in question, additional to any of which notice was given at the earlier group of sessions.

16. The question was raised with the Committee as to whether that was the correct approach. The Committee considered that it was, it being arguable that the Standing Orders do allow the giving of notice of amendments to business which is resumed following an adjournment: there is no provision that expressly disapplies, or qualifies the application of, the relevant Standing Order (SO 26) in such circumstances. And the Committee considered that it was preferable in principle to allow a degree of fluidity in debates and that the present practice ought to be maintained. The Committee saw particular advantages in doing so in cases where amendments needed to be made to a motion in order to correct them (eg in cases in which subsequent events meant that the terms of a Private Member's Motion or Diocesan Synod Motion were no longer accurate or appropriate).
17. The Committee consulted the Business Committee, which supported its view, agreeing that it should be possible for further amendments to be moved to motions the debate on which had been adjourned, not least since it was possible that circumstances might have changed since the group of sessions at which that had taken place in such a way as to suggest the making of an amendment the need for which could not have been foreseen at the earlier group of sessions.
18. **Item 24** will put the position beyond doubt by making it explicit that the position is as the Committee considers it to be.

#### **Item 25 – SO 26: Amendments - delivery**

19. SO 26(a) requires the full text of an amendment to be "*signed*" by the mover. It is not clear how this is to be done where notice of the amendment is given by email. **Item 25** will therefore make different provision in the case of amendments of which notice is given by fax or email, authentication in their case being provided by the fact that they are sent from an address previously notified to the Clerk.

#### **Items 26, 34 to 36, 42 and 50 – Amendments to a Schedule in an item of legislative business**

20. SOs 27(a), 53(a), 56 and 63 refer to amendments to Clauses but not to Schedules. It might be possible to argue that the reference to a Clause includes a reference to a Schedule on the basis that a Schedule is introduced by a Clause; but SO 55(b), which refers to Clauses and Schedules, would undermine such an argument. **Items 26, 34, 36, 42 and 50** will provide clarity by inserting references to a Schedule in each of the relevant provisions.
21. Similarly, SO 53(e) makes provision for consideration of Clauses in the course of the Revision Committee Stage along the same lines as that made by SO 55(a) in the case of the Revision Stage, but does not go on to make provision for Schedules, the preamble and the long title along the lines of that in SO 55(b). **Item 35** will do so.

#### **Items 27 and 28 – SO 37: Procedure on Voting**

22. SO 37(d) requires the number of those wishing to record an abstention to be "*counted*". It is arguable that this requirement could be read as meaning that abstentions are to be "*counted*" towards the total number of votes for the purposes of SO 35 (although SO 37(g) does clearly distinguish between voting and abstaining). **Items 27 and 28** will remove any doubt by replacing "*counted*" with "*recorded*".

### **Item 30 – SO 46: Measures providing for Subordinate Legislation**

23. SO 46 requires a Measure that confers power to make “*a subordinate instrument having the force of law of general, as distinct from local, application*” to provide for approval of such an instrument by the Synod and by Parliament. It makes for a very broad provision, which could apply, for example, to a commencement order or an order to make transitional or consequential provision. It is not thought that the provision was intended to be so broad. **Item 30** will therefore remove such orders from its scope.

### **Items 31, 32 and 54 – Amendments to consolidation texts of the Standing Orders, Consolidation Measures and Consolidation Instruments**

24. There are inconsistencies in the approach taken by the Standing Orders in relation to the ability of members to move amendments to proposed consolidated texts of the Standing Orders, Consolidation Measures and Consolidation instruments, which are dealt with by SOs 39(bb), 49(c) and 69(f) respectively. Whereas in the first case it is possible to move amendments proposing the reinstatement of the existing text or the correction of a textual error in the consolidation, in the case of Consolidation Measures it is not possible to do either and in the case of Consolidation Instruments it is not possible to correct a textual error.
25. **Items 31 and 32** will accordingly bring the position in the case of Consolidation Measures into line with that applying in the case of consolidated texts of the Standing orders, and **item 54** will do the same in the case of Consolidation Instruments.

### **Items 33, 37, 40, 48, 58 and 60 to 62 – motions moved on behalf of a Steering Committee**

26. SO 51A(d) gives a member of a Steering Committee power “*if he thinks fit*” to move a motion, suggesting that the member does so at his or her own discretion and not on behalf of the Committee. Similarly, SOs 55(d) and (f), 62, 77(b) and 79A(a) do not state expressly that, when moving a motion, a member of a Steering Committee does so on behalf of the Committee. And SO 79B(c)(i) and (ii) expressly provide for a member of a Steering Committee to indicate “*his support*” rather than that of the Committee. The intention is that the members act on behalf of the Committee and not unilaterally. **Items 33, 37, 40, 48, 58 and 60 to 62** will provide for that.
27. The amendments do not make corresponding changes to those provisions where a member of a Steering Committee is required to move a motion (for example, in SOs 51A(e) and 55(a)) as it does not seem necessary.

### **Items 38, 39 and 43 – SOs 55(d) and 58 – Further revision in Committee**

28. There is a significant overlap between SOs 55(d) and 58, both of which deal with further revision in Committee. The main difference is that only a member of the Steering Committee can move the motion “*in the course of*” the Revision Stage, whereas any member of the Synod can move it at the end of the Revision Stage. **Items 38 and 43** will remove the duplication and ensure that any member, whether or not a member of the Steering Committee, can move the motion during or at the end of Revision Stage.
29. SO 55(e) provides for a Measure to be considered “*on as many Further Revision Stages as may be expedient*”. But in practice a Measure will be considered on as many Further Revision Stages as the Synod decides, whether or not that is “*expedient*”. On the basis that SO 55(e) adds nothing of value, **Item 39** will remove it.

### **Items 44 to 46 – SO 59: Final Drafting Stage**

30. It is not clear that the definitions of “*Drafting Amendment*” and “*Special Amendment*” in SO 59(g) properly reflect their intended meaning. The definition of “*Drafting Amendment*” seems to us to be too narrow - for example, a corrective amendment might amount to a change of substance. In contrast, the definition of “*Special Amendment*” seems to us to be too restrictive and, partly on account of the reference to a ‘criticism’, somewhat uncertain in its effect.
31. Final Drafting Stage is intended to be a ‘tidying up’ stage, comparable to the Third Reading stage of a Bill in the House of Lords. **Items 44 to 46** will amend the definitions to bring them more into line with how that procedure is expressed to operate under the Lords’ Companion to Standing Orders. Whilst providing greater clarity, the amended definitions will maintain the policy of the present provisions in preventing the making of amendments which reopen issues already decided in relation to the Measure.

### **Item 47 – SO 79: Final Approval Stage**

32. SO 61(d) prohibits a Measure rejected at Final Approval Stage from being brought back “*in the same form*”. But that would appear to allow a Measure to the same effect to be brought back so long as it is in a different form (perhaps just with cosmetic differences of structure etc.) That is not the intention and **Item 47** will instead provide for the prohibition to turn on the effect of the Measure.

### **Items 49 and 51 – Re-introduction of Measures and Canons**

33. SO 63(d) refers to completion of the consideration of “*all the Clauses*” of a Measure but goes on to refer to “*only the Clauses which have been considered*”, suggesting that there are clauses which have not been considered. This provision is concerned with the procedure which enables a particular clause of a Measure to be brought back to Synod where, for example, the Ecclesiastical Committee in Parliament has objected to it. So the only clauses to be considered at this point would be those which need to be considered in light of the Ecclesiastical Committee’s objections. **Item 49** will make that clear. **Item 51** will make the equivalent amendment for the corresponding provisions on Canons.

### **Items 52 and 53 – SO 69: Regulations and other instruments**

34. SO 69(e) provides that it is not in order to seek to amend orders made under specific provisions of particular Measures. However, the reference to section 53 of the Pastoral Measure 1983 is now out of date and should refer to the consolidated provision in section 65 of the Mission and Pastoral Measure 2011. Rather than continuing to refer to specific provisions, the Committee prefers the alternative approach of referring to the instruments concerned in more descriptive or more general terms. **Item 52** will therefore insert a reference to an “*instrument*” rather than an “*order*” and **Item 53** will replace the references to specific provisions with a more general provision based on what is or is not permitted by the Measure conferring power to make the instrument.

### **Items 63 and 64 – SO 90: Procedure for Reference of Article 8 Business to Diocesan Synods**

35. SO 90(a)(i) refers to such explanatory information circulated on an Article 8 reference “*as may be considered necessary*” but does not say by whom it is to be considered necessary. In practice, this is a matter for the Business Committee. **Item 63** will make that clear.

36. SO 90(b)(iv) requires a diocesan synod to include the bishop's opinion, "*if recorded*", in its response to an Article 8 reference. SO 91(b), dealing with the same issue, refers to the bishop's opinion "*where this has been required to be recorded*". Each provision is based on Rule 34(1)(j) of the Church Representation Rules, which refers to a requirement for the opinion to be recorded. **Item 64** will ensure consistency by referring in SO 90(b)(iv) to a requirement for recording.

#### **Items 65, 70, 73 to 75 and 77 – SO 119: Bodies Answerable to the Synod**

37. Standing Order 119 makes provision for "*bodies answerable to the Synod through the Archbishops' Council*", the identity of which is (by virtue of SO 119(f)) determined from time to time by the Business Committee. In practice such bodies are those committees of the Council<sup>1</sup> on which the Synod is represented.<sup>2</sup>

38. Standing Order 105(a)(v) builds on SO 119 by providing that the bodies of which questions may be asked in the General Synod include the Chair of "*any body answerable to the Synod through the Archbishops' Council*".

39. The Committee has been advised by the Legal Office of possible arguments that a number of aspects of Standing Order 119 may be of a kind that the General Synod does not have the legal authority to make by Standing Order.

40. The power to make Standing Orders is conferred by Article 11(1) of the Synod's Constitution, which reads:

*"The General Synod may make, amend and revoke Standing Orders providing for any of the matters for which such provision is required or authorised by this Constitution to be made, and consistently with this Constitution, for the meetings, business and procedure of the General Synod."*

41. The power therefore relates to the meetings, business and procedure of the Synod itself. There is accordingly a question as to whether the Standing Orders can make provision which purports to impose obligations on the Archbishops' Council, in the way that Standing Order 119 does by:

- requiring the Council to consult the General Synod before determining the constitutions of certain of its committees;
- requiring it to conduct a quinquennial review of its committees and to report on that review to the Synod; and
- prescribing various aspects of the constitutional arrangements of certain of the Council's committees.

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<sup>1</sup> Under paragraph 15 of Schedule 1 to the National Institutions Measure 1998 the Council may establish such committees as it considers expedient and delegate any of its functions to them. The membership of such committees may include persons who are not members of the Council

<sup>2</sup> Those bodies currently are: the Audit Committee, the Board of Education, the Committee for Minority Ethnic Anglican Concerns, the Council for Christian Unity, the Finance Committee, the Ministry Council, the Committee for Ministry of and among Deaf and Disabled People, the Remuneration and Conditions of Service Committee and the Mission and Public Affairs Council.

42. Although not of a legal character, a further objection to the Standing Order is that, by describing committees of the Council as being ‘answerable to the Synod’, it implies that they, and possibly the Council, are accountable to the Synod in a more general sense than is the case in law.
43. Sections 3 and 4 of the National Institutions Measure 1998 do impose certain obligations on the Council in relation to the Synod, in terms of having to lay its audited accounts before the Synod (s.3(4)), to report to it on the work and proceedings of the Council each year and the matters discussed and decisions taken at the Council’s recent meetings (s.4(2)) and to prepare a budget for its approval (s.4(3)).
44. These provisions, and the fact that questions can be asked of the Archbishops’ Council in the Synod, can be seen as creating some measure of ‘accountability’ on its part to the Synod. But the fact remains that, except as provided by the provisions referred to above, the Archbishops’ Council is an autonomous legal entity, and the Synod has no power to direct it in the conduct of its business.
45. It follows that any committees of the Archbishops’ Council are, similarly, not subject to direction by the Synod.
46. Whilst accepting that SO 119 may be problematic from the legal point of view, the Committee acknowledges that the arrangements it contains represented part of the constitutional context in which the Archbishops’ Council was established. It is therefore of the view that disturbing them could give rise to concerns that the relationship between the Council and the Synod was being altered in a way that could disadvantage the Synod.
47. The Committee has therefore devised a way of removing any legally objectionable features of the present position while achieving the same effect in a different way. It involves the following elements:
  - (a) SO 119 will be replaced by a simple provision to the effect that, save with the consent of the Business Committee, no member of the Synod shall (a) serve concurrently on more than one committee of the Archbishops’ Council to which members of the Synod are elected or nominated or (b) stand for election to more than one such committee.
  - (b) SO 105(a)(v) will be amended so that the reference to “*any body answerable to the Synod through the Archbishops’ Council*” is replaced by a reference to “*any committee of the Archbishops’ Council to which members of the Synod are elected or appointed*” – so allowing questions to continue to be asked in the Synod of the Council’s principal committees.
  - (c) The aspects of SO 119 which will not be retained will be carried forward in a different legal form, namely commitments on the part of the Archbishops’ Council by means of a resolution of the Council, which it will place on the Synodical record in due course by way of a GS Misc paper. These will be that:
    - it will review, at least once every quinquennium and after consultation with the Synod, the constitutions of those of its committees to which members of the Synod are to be elected or appointed and to report on the outcome of that review to the Synod;
    - when determining the form of the constitution of any such committee, it will stipulate:
      - the size of each such committee;



- the number and manner of appointment of the members;
- if there are to be elections, the number to be elected by the Synod or by each House (as the case may be); and
- the maximum number of members (if any) which each such committee may co-opt;
- it will include in the constitutions of all such committees provisions to the effect that:
  - the members will continue in office until the expiry of any fixed term prescribed by the constitution or, in the case of a committee constituted for temporary purposes, the fulfilment of that committee's purpose;
  - where a casual vacancy arises among the elected members of a committee it should be filled in accordance with the provisions of SO 120(e) of the Synod's Standing Orders; and
  - where a casual vacancy arises among the appointed members of a committee it may be filled by a further appointment made by the committee which made the original appointment.

48. The proposals set out above have been considered and agreed by the Archbishops' Council, which will accordingly enter into the commitments described above in the event that the Synod agrees to amend SO 119 in the way proposed. The Business Committee has also been consulted about the proposals and given its agreement to them.

49. **Items 65 and 70** will accordingly amend SOs 105(a) and 119 respectively in the way described above. **Items 73 to 75 and 77** will make necessary consequential amendments.

#### **Items 66 and 76 – Procedure for Reply to Questions for Oral Answer at Groups of sessions**

50. The view has been taken previously that if the Chair of a body to which a question is put under SO 105(a)(v), (vi) or (ix) is not a member of the Synod then he or she cannot answer it and should exercise the power conferred by SO 108(c) to call on another member of the body concerned, who is a member of the Synod, to do so. In part this has been as a result of the perceived application of SO 129(b), which contains a general provision to the effect that "*no person other than a member of the Synod shall address the Synod*". (Whilst certain Standing Orders are excluded from the effect of that provision, none of the other Standing Orders relating to questions are among them.)

51. However, SO 105(a) envisages a question being put to the Chair of the body concerned, without any reference to his or her status as a member of the Synod, and SO 108(c) does not itself require the Chair to direct another member of the body to answer the question: it only confers a power on him or her to do so. Furthermore, SO 108(c) only applies to questions for oral answer. Thus in the case of a question for written answer, the answer should be given by the Chair whether or not he or she is a member of the Synod.

52. The Committee takes the view that, as a matter of principle, questions ought to be answered by the Chair of the body to whom the question was put, whether or not the Chair is a member of Synod; and that view has been endorsed by the Business Committee.

53. **Item 66** will therefore ensure that the Chair of a body of which a question had been asked can give an oral answer to it, whether or not he or she is a member of Synod.

Similarly, **Item 76** will provide that the Chair of a body may direct that a question be answered by another member of the body, whether or not that member is also a member of Synod.

#### **Items 67 and 68 – SO 115: Membership of the Business and Appointments Committees**

54. SO 115(a)(v) does not specify how and by whom it is to be decided which two members of the Archbishops' Council will be members of the Business Committee. The same point arises on SO 116(a)(v) in relation to the Appointments Committee. SO 116(c) refers to there being an appointment "*in accordance with the procedures referred to*" in SO 116(a)(v), but there is no reference there to any procedure. The position in practice is that the Archbishops' Council decide who is to be appointed and **Items 67 and 68** will make that clear.

#### **Item 69 – SO 118: Membership of the Legislative Committee**

55. Under SO 114(a) the Legislative Committee is to have no more than three 'appointed members', who must be members of the Synod who are also members of either House of Parliament. SO 118(d) provides for an appointed member to cease to be a member of the Legislative Committee on ceasing to be a Member of Parliament. The House of Lords Reform Act 2014 provides for various cases in which a person ceases to be a member of the Lords, and **Item 69** will reflect that possibility.

#### **Items 71 and 72 – SO 120: Elections**

56. SO 120(d)(iv) provides that, following an election, a copy of the result sheet is to be deposited in accordance with the rules made under the Standing Orders. As part of the Synodical Government amendment exercise last year, the relevant provisions in the rules were amended to provide for the full return to be displayed along with the result sheet – see Rule 20(10) of the Clergy Representation Rules as substituted by paragraph 14 of the Clergy Representation Rules (Amendment) Resolution and Rule 39(12) of the Church Representation Rules as substituted by paragraph 13 of the Church Representation Rules (Amendment) Resolution. **Item 71** will ensure that the Standing Orders are consistent with those amendments.
57. SO 120(e)(ii) provides for a casual vacancy to be filled "*as soon as practicable and not later than six months after the occurrence*". It does not say what happens if the vacancy is not filled by the end of that period. **Item 72** will require the Business Committee to give directions. That is based on the corresponding provisions in Rule 7 of the Convocations (Elections to Upper House) Rules, Rule 23(1) of the Clergy Representation Rules and Rule 48(5)(a) of the Church Representation Rules.

## **PART II: OTHER MATTERS**

### *Delegation of responsibility for answering questions*

58. In the course of considering the proposed amendments described in paragraphs 50 to 53 above, the Committee noted the existence of a degree of frustration on the part of members of the Synod, shared by some members of the Committee, that questions they expected to be answered by the Chair of the body concerned were in fact answered by someone else, as a result of responsibility for the answering of the question being delegated in exercise of the power conferred by SO 108(c). The question was raised of whether the scope of that power should be restricted in some way – eg so that delegation

had to be with the leave of the Chair for the sitting or to make it plainer that responsibility for answering a question should only be delegated exceptionally or in certain specified circumstances. The Committee accordingly sought the views of the Business Committee on these possibilities.

59. The Business Committee agreed with the Committee that, where possible, Chairs of bodies of which questions had been asked should answer questions themselves rather than delegating that responsibility to others. However, a majority of its members agreed that it was acceptable for the responsibility of answering questions to be delegated, even in the case of the House of Bishops and the Archbishops' Council.
60. The Business Committee noted that that in the case of nearly all the bodies of which questions can be asked delegation only takes place if the Chair is unable to be present to answer the question (including, to date, in the circumstance that he or she is not a member of the Synod). But delegation is more routine in the case of questions to the Chairs of the House of Bishops and the Archbishops' Council (to whom the power conferred by SO 108(c) is also available). But there is good reason for that: requiring them all to be answered by the Archbishop of Canterbury in the first case, or by one of the Archbishops in the second case, would place an extremely heavy burden on the Archbishops. Furthermore, delegation also often allows the question to be answered by a bishop or member of the Archbishops' Council (as the case may be) who is more closely engaged in the matter in question than either Archbishop and who would for that reason be better placed to give a fuller response to any supplementary questions that might arise.
61. To require the consent of the Chair of the sitting for the delegation of responsibility for answering a question put to the Chairs of the House of Bishops or the Archbishops' Council could accordingly have significant implications in relation to the position of both Archbishops. But it would also have wider practical implications, given the complex and pressurised nature of the questions process. Thus even if the principle of this particular proposal were accepted, in practice it could only be implemented if the period for the giving of notice of questions were extended in order to provide the time needed for to obtain the agreement of the chair of the sitting.
62. In subsequent discussion by the Committee, some members again raised the possibility of making any delegation under SO 108(c) dependent upon the leave of the Chair of the sitting. This would require the Chair to be convinced that there were exceptional circumstances, or at least some good reason, justifying the transfer of responsibility for answering the question. However, the majority of members considered that this would be too complex to facilitate in practice. They also noted that it did not have the support of the Business Committee. The Committee therefore agreed not to make an amendment to the Standing Orders in this respect.

#### *Participation by members with disabilities*

63. In the course of considering the proposed amendments described in paragraph 13 above, the Committee noted that its proposed amendments would simply remove a discriminatory obstacle to the effective participation of members with disabilities in the life of the Synod. It considered that there was scope for a wider range of positive steps to be taken that might promote that end. But responsibility for sensitively exploring the scope for that lay elsewhere, with the Business Committee. The Committee will accordingly be writing to the Business Committee inviting it consider what further steps

might be taken to ensure that all members of the Synod were empowered to act effectively. Should changes to the Standing Orders be needed to that end, the Committee stands ready to assist in bringing them forward.

On behalf of the Committee:  
**Geoffrey Tattersall QC**  
Chair

January 2015