

GENERAL SYNOD
DRAFT ECCLESIASTICAL JURISDICTION
AND CARE OF CHURCHES MEASURE
REPORT OF THE STEERING COMMITTEE OF MEMBERS IN CHARGE

Chair: The Rt Worshipful Timothy Briden, Vicar General of Canterbury
(ex officio)

Members: The Revd Alyson Buxton (Lincoln)
Mr Jonathan Cryer (Leicester)
Prof. Joyce Hill (Leeds)
The Revd Christopher Smith (London)

1. The draft Ecclesiastical Jurisdiction and Care of Churches Measure received First Consideration from the General Synod at the July 2016 group of sessions. Having been designated a Consolidation Measure by the Business Committee under SO 47(3), it was deemed to have been given First Consideration without debate pursuant to SO 52(1) and was accordingly not committed to a Revision Committee but stood committed to the Steering Committee in respect of its final drafting (see SO 52(8)).
2. The Steering Committee has conducted its business by correspondence under Standing Order 61(2) and (3). It now returns the draft Measure (GS 2031A) for Final Drafting and Final Approval.
3. Under Standing Order 61, on the Final Drafting Stage the Steering Committee may propose ‘drafting amendments’ or ‘special amendments’ or both. These two categories of amendments are defined in SO 61(6) as follows –

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

“special amendment” means an amendment, other than a drafting amendment, considered necessary or desirable by the Steering Committee and which does not reopen an issue which has been decided by the Synod or any Revision Committee in relation to the Measure or Canon.
4. The Steering Committee has agreed the drafting amendments shown in bold type in GS 2031A, which have been identified on final scrutiny of the draft Measure. Most of the amendments make minor amendments or improvements to the existing law and accordingly are explained in the Drafting Notes prepared by Legislative Counsel that accompany the Measure. An explanation for each of the remaining amendments, which relate more to the drafting of the consolidation Measure itself, is given in the Annex to this report.
5. The Steering Committee does not propose any special amendments.

On behalf of the Committee
Timothy Briden
Chair

December 2016

**EXPLANATION OF DRAFTING AMENDMENTS TO THE DRAFT MEASURE
(shown in bold type in GS 2031A)**

Clause 14

Page 7, line 17

The word “permission” has been substituted for the word “leave” to bring the drafting into conformity with modern usage.

Page 7, line 21

What was subsection (5) of clause 14 in GS 2031 has been omitted on the basis that the provision it made is already covered by clause 15(3) and it was therefore unnecessary.

Clause 15

Page 7, line 40

The word “interim” has been substituted for the word “interlocutory” to bring the drafting into conformity with modern usage.

Clause 38

Page 18, line 35

Subsection (1) has been amended to make its meaning clearer.

Clauses 45 to 48

Page 23-25

These clauses have been substituted for the clauses that were in the draft Measure at First Consideration. The original clauses would have consolidated the provisions of the draft Inspection of Churches Measure which was considered at the First Consideration Stage in July 2016. As the draft Measure did not pass that Stage, it will no longer be consolidated. Instead, the provisions of the Inspection of Churches Measure 1955 are restated at clauses 45 to 48.

Clause 49

Page 25, line 4; page 26, line 3

Subsections (1) and (2) have been amended to make their meaning clearer.

Clause 50

Page 26, line 35

The amendment of subsection (3) is consequential on the restatement of the provisions of the Inspection of Churches Measure 1955 (see above).

Clause 58

Page 32, line 27

This amendment is to ensure that orders made under subsection (6) revoking an order under subsection (2) or (4) are also filed in the diocesan registry.

Clause 77

Page 43, line 25

This amendment inserts a definition of “listed building” which was missing from the draft Measure as introduced.

Clause 83

Page 49, line 4

The amendment of subsection (3) is consequential on the restatement of the provisions of the Inspection of Churches Measure 1955 (see above).

Clause 90

Page 54, line 39-40

These amendments clarify that where a right of burial is reserved by a person who makes a gift of land to enlarge a churchyard, the right of burial belongs to that person and to those who inherit the right from that person.

Clause 99

Page 58, line 33

Subsection (3) enables the Archbishops to make transitional, transitory or saving provision in connection with the commencement of the Measure.

Page 58, line 36

The amendment to subsection (4) is consequential on the insertion of subsection (3): orders making transitional, transitory and saving provision will – like commencement orders – take the form of statutory instruments.

Schedule 3

Page 68, line 15

This new paragraph makes a consequential amendment to the Ecclesiastical Fees Measure 1986 so as to provide a cross reference to relevant provisions in the consolidation Measure.

Page 69, line 28

The amendment of paragraph 18 is consequential on the restatement of the provisions of the Inspection of Churches Measure 1955 (see above).

Page 70, line 40

The amendment adds a revocation of prescribed forms that was omitted from the Measure as introduced as a result of an oversight. Corresponding provision has been added in Schedule 5 (repeals and revocations).

Page 74, line 1-3

These amendments are consequential on the amendments made to clauses 14 and 15 explained above. Corresponding provision has been added in Schedule 5 (repeals and revocations).

Page 74, line 5

The amendment of paragraph 50 is consequential on the restatement of the provisions of the Inspection of Churches Measure 1955 (see above).