

GENERAL SYNOD

STANDING ORDERS COMMITTEE

FORTY-SEVENTH REPORT OF THE COMMITTEE

1. The Standing Orders Committee ('the Committee') presents its 47th Report to the Synod.
2. Our membership for the current quinquennium is as follows:

Appointed members:

Mr Geoffrey Tattersall QC (Manchester) (Chair)
 The Ven Christine Allsopp (Peterborough)
 The Revd Canon Sue Booy (Oxford)
 The Revd Canon Simon Killwick (Manchester)
 Canon Elizabeth Paver (Sheffield)
 Mr Clive Scowen (London).

***Ex-officio* members:**

The Ven Christine Hardman (Prolocutor of the Lower House of the Convocation of Canterbury)
 The Revd Canon Glyn Webster (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).

3. Under SO 39(c), proposed amendments to Standing Orders may be made under a 'deeming' procedure if the Business Committee so determines. The Business Committee has determined that all the amendments proposed by the Standing Orders Committee ('the Committee') in this report should be dealt with in that way. However, amendments proposed to be dealt with under the deeming procedure must be debated if (i) not less than five members give due notice of their desire that they should be or (ii) one or more members give due notice of an amendment to the proposed amendment.

Item 15**Standing Order 6 – Private Members' Motions**

4. The Business Committee has given consideration to whether there are ways of making it easier for the Synod to debate topical issues before they lose their relevance, whilst at the same time also ensuring that debates are properly resourced and guarding against any perception that the agenda is overly driven by issues of the moment. As part of that process, the Business Committee invited the Committee to consider whether the Standing Orders could be amended to allow more flexibility in relation to private

members' motions ('PMMs'), with a view to ensuring that the PMM procedure could be used to bring more topical matters before the Synod for debate.

5. The changes proposed by the Business Committee were:
 - to make it possible for PMMs (a) to be submitted and signed throughout a group of sessions and (b) to be submitted and signed electronically between groups of sessions, up to a cut-off date roughly two weeks before the Business Committee meeting which settles the agenda for that group of sessions; and
 - to remove the prohibition on PMMs of which notice is given after 5.30 p.m. on the first day of a group of sessions from acquiring signatures until the following group of sessions.
6. The Committee supports the Business Committee's proposals. So far as the submission of signatures between groups of sessions is concerned, the Committee considered that, rather than having a dual paper-based and electronic system, it would be preferable on grounds of simplicity to make provision for names to be added to a list between groups of sessions by electronic means only – recognising that those Synod members without access to email would be able to ask someone else to communicate an electronic signature on their behalf from that other person's email address provided the Clerk had been notified of that address by the member concerned.
7. **Item 15** accordingly gives effect to the proposals described in paragraphs 5 and 6, and makes a number of consequential changes.

Items 16 and 18

Standing Orders 10(a) and 26(a) – Length of Notice and Delivery

8. Under SO 26(a)(i), the deadline for amendments relating to business appointed for the first day of the February 2012 group of sessions (i.e. the Monday) was 5.30 p.m. on the Sunday. SO 10(a)(i) made corresponding provision in relation to the giving of notice of business arising out of the first day's business (i.e. following motions). As a result of the deadlines falling on a Sunday, staff encountered a number of difficulties in having to establish, out of office hours, whether notice had been given and, if it had, to take the necessary action to process the items of business concerned. The Business Committee noted that such problems could arise in relation to any group of sessions beginning on a Monday and accordingly referred the issue to the Committee for consideration.
9. The Committee accepts that the current arrangements in this respect are unsatisfactory. (It noted that the Standing Orders in respect of the giving of notice in relation to liturgical and legislative business and amendments to the Standing Orders, and in relation to the giving of notice of amendments to an instrument to be considered under the deemed procedure, already take a form which precludes the possibility of notice of amendments being given at the weekend.) It therefore proposes that SOs 10(a)(i) and 26(a)(i) be amended so as to ensure that the deadline in relation to business due to be taken on the first day of a group of sessions does not fall in the course of a weekend. **Items 16 and 18** make provision to that effect.

Item 17

Standing Order 22 - Moving a motion in a form different from that of which notice has been given

10. Reflecting on the fact that at the February 2012 group of sessions two of the PMMs debated (on the Independent Commission on Assisted Dying and on the Reform of the House of Lords respectively) had been overtaken by events which had happened since notice of the motions had originally been given, prompting the need in both cases for a ‘friendly’ amendment, the Committee concluded that it would be desirable in principle to allow the text of both PMMs and diocesan synod motions to be updated before they are debated so as to reflect developments which had arisen since notice of them was originally given: the need to pass an amendment to a motion simply in order to update it added an undesirable element of complexity and could be a considerable waste of the Synod’s time if the procedure was not handled well.
11. However, the Committee recognised that any new procedure must not enable the substance of a motion to be altered in a way which went beyond a simple update: members signed the list in support of a PMM on the basis that it took a particular form, and might not remain in favour of it being debated if its form was changed substantially. However, in that respect, the Committee noted that there would be difficulties with a procedure which allowed a motion to be amended before debate provided the motion would be “*substantially to the same effect*” as it was before amendment, since the amendment of a motion would always alter its effect in some way, and difficulties of discrimination could arise in relation to whether an alteration in its wording involved the effect of the motion being changed ‘substantially’.
12. For that reason, the Committee considered that it would be preferable to follow the same approach as that applying (under SO 26(b)(ii)) to amendments, by allowing a motion to be moved in a different form from that of which notice has been given provided permission was obtained for that. However, as the decision as to whether or not to give permission could be a sensitive one, the Committee favoured conferring that function upon the Chair of the Business Committee rather than, as is the case in relation to amendments, on the Chair of the relevant debate. The Committee also considered that such permission would need to be given before the Business Committee included the motion in the agenda for a group of sessions, so that from that point onwards there was certainty as to the nature of the motion that the Synod would debate.
13. When consulted about this proposal, the Business Committee supported it but considered that it would be preferable for the power to give permission to be vested in the Business Committee as a whole. The Committee accepts that recommendation.
14. **Item 17** accordingly gives effect to the proposals described in paragraphs 12 and 13.

Item 19

Standing Order 123A – Register of members

15. The Business Committee has agreed that a list of General Synod members and those with speaking rights at groups of sessions should be published on the Church of England website. (That publicly available list would be in addition to the current paper-

based *List of Members*, which is supplied only to members.) The Business Committee accordingly invited the Committee to amend Standing Order 123A – which currently requires the Clerk to the Synod to “*keep a register of members of the Synod*” - so as to impose a suitably worded obligation, extending to the publication (including on the website) of the names of members and those having speaking rights.

16. The Committee agreed that it is desirable in principle that the names of Synod members should be readily available to the public, not least given the role of the Synod as a legislative body. Most members already allow their names and contact details to be published in the *Church of England Year Book* (which is available in print but not online).
17. The Committee also noted, however, that apart from being arguably desirable in principle, an amendment to Standing Order 123A to that effect could have practical advantages, in terms of removing the need under the Data Protection Act for every member and person with speaking rights to give their explicit consent to the publication of their names before that can lawfully be done.
18. Accordingly, the Committee proposes that SO 123A should be amended in the way set out at **Item 19**.

Revision committee procedures

19. In its 44th Report (GS 1763), the Committee reported that it had reviewed the provisions of SO 53 in relation to the procedure of revision committees, and proposed a number of changes to that Standing Order, which the Synod accepted.
20. When the Report was debated in February 2010, notice was given of three amendments to SO 53, which would have had the effect, respectively, of:
 - (a) conferring a right on any member attending a meeting of a revision committee to speak to his or her proposal and to receive a copy of all documents before the Committee which related directly to his or her proposals;
 - (b) removing the power conferred on the Chair by SO 53(i) conclusively to determine questions of order, business and procedure; and
 - (c) requiring a Revision Committee to conduct business in public.
21. In the course of the debate on the 44th Report, the Chair of the Committee undertook to review the operation of SO 53 when the Revision Committee for the draft legislation on women in the episcopate had completed its work, with a view to considering whether any further amendment was required in respect of the issues raised by the three amendments. He went on to encourage members to write to the Committee with any comments or proposals they might have. In the light of that undertaking the amendments were not moved.
22. The Committee has accordingly considered the operation of SO 53, in accordance with the Chair’s undertaking. In doing so, it has taken account of the fact that the Revision Committee Stage for the draft legislation on women in the episcopate was an atypical process, and considers that revisions should not be made to the Standing Orders, nor

guidance issued for revision committee chairs, which is based solely on the experiences of that exercise.

23. The Committee's conclusions are as follows:

Revision committee papers

24. The Committee considers that Synod members attending revision committee meetings to speak to their submissions should be entitled to see the papers produced for the committee by staff which analyse and comment on proposals before the revision committee (or at least redacted versions of them), since meetings are more efficient if the member has seen the analysis of his or her proposal.
25. The Committee was given to understand that the position in that respect was not consistent: whereas in the case of liturgical revision committees members attending a meeting to speak to their submissions always received copies of the committee's papers, that was not always the case when members attended legislative revision committees to speak to their submissions.
26. However, the Committee has concluded that a change to the Standing Orders is not needed at this point. Rather, it believes that the issue should be drawn more sharply to the attention of revision committees (which, under SO 53(h), are able to regulate their own business and procedure). If the practice of providing papers is not adopted as the default position, the Committee will re-consider whether there is a case for making amendments to the Standing Orders.

Chair's power to determine questions of order, business and procedure

27. The Committee sees no case for the removal of this power, which in its view is necessary for the efficient conduct of revision committee meetings.

Meeting in public

28. The Committee was not of one mind on this issue, recognising that there are competing considerations in play.
29. On the one hand, it can be argued that it is a matter of *principle* that revision committees dealing with legislative business should meet in public: they are tasked with a function of an essentially public character; and they should be accountable for their actions – which might suggest that all members of the General Synod, at the very least, should have the right to attend their meetings.
30. However, it can also be argued that although the Revision Committee Stage is part of a public process, the Synod is *in practice* in a different position from Parliament, in that it is trying to give effect to the mind of the Church, through a process of discernment. If meetings were held in public, there could well be a danger that that process of discernment would be compromised by making it harder to test and explore ideas: in the case of some sensitive issues it might not be possible to discuss matters in a frank and open way that allowed the development of new approaches in the manner that might be needed to take matters forward. (This could have been the case, for example, had the

revision committee for the draft legislation on women in the episcopate had to meet in public.)

31. The Committee considered, but rejected, the possibility that Standing Orders might generally require revision committees to meet in public, whilst allowing them to meet in private in certain circumstances – partly because of the difficulty in determining what those circumstances should be.
32. In the light of these conflicting arguments, the Committee has concluded that the Standing Orders should not be amended so as to *require* a revision committee to meet in public but that any such committee should be encouraged at its first meeting to *consider the possibility of sitting in public*, in the light of the circumstances surrounding the particular business with which it is concerned.
33. In taking this position, the Committee recognised that (as in relation to any other matter on which Standing Orders bear) it would be open to any member to give notice of a motion to test whether the Synod wished to take a more directive approach (e.g. to propose an amendment to the Standing Orders so as to impose an obligation on all revision committees to consider the possibility of meeting in public, or so as to require all revision committees to meet in public as matter of course).

On behalf of the Committee:

Geoffrey Tattersall QC
Chair

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