

GENERAL SYNOD

**DRAFT AMENDING CANON NO. 32
THE CONVOCATIONS (ELECTIONS TO UPPER HOUSE) (AMENDMENT)
RESOLUTION 201-
THE CLERGY REPRESENTATION RULES (AMENDMENT) RESOLUTION
201-
THE CHURCH REPRESENTATION RULES (AMENDMENT) [(No. 2)]
RESOLUTION 201-**

REPORT OF THE STEERING COMMITTEE

Membership

Chair: The Revd Canon Simon Butler (Southwark) (Chair)

Members: The Revd Canon Sue Booy (Oxford)
Miss Prudence Dailey (Oxford)
Canon Dr John Mason (Chester)
Mr Geoffrey Tattersall QC (Manchester)
The Revd Canon Tony Walker (Southwell and Nottingham)

1. The draft legislation on Synodical Government received First Consideration at the July 2013 group of sessions of the General Synod. At its July 2014 group of sessions, the Synod completed the Revision Stage for all four items of draft legislation.
2. The Committee now returns the draft legislation to the Synod for Final Drafting.
3. Under Standing Order 59, at the Final Drafting Stage the Committee may propose 'Drafting Amendments' or 'Special Amendments' or both. These two categories of amendments are defined in Standing Order 59(g) as follows:

- “(i) *a Drafting Amendment means an amendment where only the wording of the Measure is altered and not its substance; and*
- (ii) *a Special Amendment means an amendment considered necessary or desirable by the Steering Committee because the Measure is not sufficiently clear or because some criticism not considered by the Synod or any Revision Committee has been brought to the notice of the Steering Committee.*”

Drafting Amendments

The Committee has agreed Drafting Amendments in respect of:

- (a) draft Amending Canon No.32 shown in bold type in GS 1902B, the effect of which is described in Part 1 of Annex A;

- (b) the Clergy Representation Rules (Amendment) Resolution 201- shown in bold type in GS 1904B, the effect of which is described in Part 2 of Annex A; and
- (c) the Church Representation Rules (Amendment) Resolution [No. 2] Resolution, as described in Part 3 of Annex 2

all of which were identified on final scrutiny of the draft Amending Canon and draft Resolutions as necessary corrections to the text.

Special Amendment

- 4. The Steering Committee proposes the Special Amendment to draft Amending Canon No. 32 set out in Part 1 of Annex B, the effect of which is described in Part 2 of that Annex.

**On behalf of the Committee
The Revd Canon Simon Butler
Chair**

July 2014

EXPLANATION OF THE DRAFTING AMENDMENTS

PART 1

Drafting Amendments in respect of draft Amending Canon No. 32 (shown in bold in GS 1902B)

Paragraph 1

The amendment to the new Rule 3(2) to be inserted by paragraph 1(5) is consequential upon the extension of the constituency to clergy employed at theological education institutions ('TEIs').

The amendments to paragraphs 1(6) and (7) reflect the fact that different forms of Canon H 2 apply to the Convocations of Canterbury and York respectively.

The new Rule 1(10) is consequential upon the creation of a single constituency in place of the current four.

PART 2

Drafting Amendments in respect of the draft Clergy Representation Rules (Amendment) Resolution 201- (shown in bold in GS 1904B)

Paragraph 1

The words inserted in the new Rule 12(4) make it explicit that the authority to officiate in a diocese which is a requirement of the 'first condition' of eligibility to vote and stand for election in the constituency involves having such authority from the bishop of a diocese. In consequence it gives clearer effect to the Revision Committee's policy objective (as described in paragraph 62(d) of its Report, GS 1902-5Y).

The effect of the words inserted in the new Rule 12(5)(b) is that, in the case of colleges of Oxford and Cambridge Universities, a 'head of house' (who in many cases will not be a fellow of the college) is to be treated as a fellow for the purposes of the 'second condition' for eligibility to vote and stand for election in the constituency.

The effect of the new Rule 12(7) and (8) is that clergy who are employed by, or a Canon or Student (ie fellow) of, Christ Church, Oxford are to be treated as if employed by, or a fellow of, a college of Oxford University, so as to make them eligible to vote and stand for election in the constituency. However, the new Rule 12(8) does not extend eligibility to the Dean of Christ Church (who is eligible to vote and stand for election in the Deans' Constituency of the Lower House of the Convocation of Canterbury).

The new Rule 14D inserted in paragraph 1 in the course of the Revision Stage, in order to extend the effect of the references to universities in the new Rules 14A and 14B to TEIs, has been omitted on the ground that its effect has been achieved by other means – namely, by amending all the individual references to universities in those provisions so that they refer expressly to TEIs.

All the remaining amendments are consequential upon the extension of the constituency to clergy employed at TEIs.

PART 3

Drafting Amendment in respect of the Church Representation Rules (Amendment) [(No.2)] Resolution 201-

The reference in the new Rule 48(12) (to be inserted by paragraph 15) to Rule 48(7) has been omitted on the ground that it was mistaken.

SPECIAL AMENDMENT

PART 1

Special Amendment in respect of draft Amending Canon No. 32

After paragraph 1(1) insert—

“(1A) In Proviso (a) to paragraph 2 in the form which it takes in relation to the Province of Canterbury, for “136” substitute “133”.

(1B) In Proviso (a) to paragraph 2 in the form which it takes in relation to the Province of York, for “59” substitute “58”.”

PART 2

EXPLANATION OF SPECIAL AMENDMENT

The Special Amendment addresses the consequence of one of the amendments made to the Amending Canon in the course of the Revision Stage, which amended proviso (a) to Canon H 2.2.

The effect of the amendment (item 530 on Order Paper II) was to remove the proctors elected to what is now the constituency for universities and TEIs from the category of ‘proctors specially elected’, who are included in calculating the number of proctors to be allocated to the Lower Houses of the Convocations. That amendment was necessary because:

- in its previous form, in order to know the maximum number of places available for the election of ‘proctors directly elected’ by the dioceses it was necessary to know how many ‘specially elected proctors’ there were; and
- whilst previously the number of proctors specially elected from the university constituencies to the Lower House of both Convocations was fixed, following the amendments passed by the Synod in the course of the Revision Stage that will no longer be the case: the number to be elected will vary between one and three, according to the location of the universities and TEIs concerned.

The potential problem in that respect has been removed by the amendment made to proviso (a) to Canon H 2.2, the effect of which is to make the number of members elected for the constituency for universities and TEIs additional to the numbers referred to in the first proviso, by adding them to the same category as proctors elected by the religious communities and the Armed Forces Synod: those members are not taken into account in calculating the maximum number of directly and specially elected proctors in each Convocation.

However, as indicated on behalf of the Steering Committee when it moved item 530, that gives rise to an issue as regards the maximum number of proctors directly and specially elected in each Convocation provided for in the proviso (a) to Canon H 2.2.

If no further amendment is made to that provision, the size of the House of Clergy would be increased by four places. That would be inconsistent with the principle of close parity between the sizes of the Houses of Clergy and Laity. (In the current quinquennium, the House of Clergy has 206 places and the House of Laity 207 places.)

The Steering Committee therefore proposes that proviso (a) to Canon H 2.2 be further amended so that the maximum number of proctors directly and specially elected in each Convocation should be reduced by four. The effect of its amendment will be that:

- the current size of the House of Clergy will be maintained; and
- an extra two places will be available for directly elected proctors (as a result of the overall reduction in the number of those representing the universities and TEIs).

As to the allocation of the reduction between the provinces, the Steering Committee proposes that the maximum numbers should be reduced as closely as possible in proportion to the current 70/30 apportionment between the Convocations, the maximum number of proctors directly and specially accordingly being reduced in the case of the Convocation of Canterbury from 136 to 133 and in the case of the Convocation of York from 59 to 58.