

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. 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 draft 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 an amendment to its constitution, in consequence of the enactment of the Diocese in Europe Measure 2013, and a draft scheme has accordingly been prepared, which is set out in GS1912. The draft scheme was approved by the diocesan synod at its meeting on 12th June 2012. The scheme is now accordingly laid before the General Synod. As none of the amendments to be made by the scheme relates to a provision which requires the scheme to be approved by a resolution of the General Synod, the draft scheme does not require the approval of the General Synod unless a member of Synod gives notice of a wish that the scheme be debated.
3. The proposed amendment to the constitution is intended to give effect to the changes to the procedure for 'Article 8 references' to the Diocese set out in the Diocese in Europe Measure which received Final Approval at the July 2012 group of sessions and received the Royal Assent in March 2013. It will introduce into the constitution a requirement to have a standing order in the terms set out in the amendment, regulating voting on Article 8 references.
4. Article 8 of the Constitution of the General Synod provides that a Measure or Canon providing for permanent changes in the Services of Baptism or Holy Communion or in the Ordinal, or a scheme for a constitutional union or a permanent and substantial change of relationship between the Church of England and another Christian body, cannot be approved by the General Synod unless the substance of the proposals has been approved by a majority of the dioceses.
5. In all other dioceses, matters referred to the dioceses under Article 8 must be considered by their diocesan synods. When the Diocese was established in

1980, it did not have a diocesan synod. The General Synod's Article 8 procedure, therefore, provided for the decision of the Diocese on an Article 8 reference to be made by its Bishop's Council and Standing Committee. Now that the Diocese's Diocesan Synod is well established, it is proposed that the Article 8 procedure within the Diocese be amended to bring it into line with the other dioceses. This will mean that the consenting body for the purpose of Article 8 references will no longer be the Bishop's Council and Standing Committee of the Diocese, but will instead be the Diocesan Synod.

6. Rule 34(1)(h) of the Church Representation Rules (made pursuant to the Synodical Government Measure 1969) requires a diocesan synod to make provision in its standing orders

“that if the votes of the houses of clergy and laity are in favour of any matter referred to the diocesan synod by the General Synod under the provisions of Article 8 of Schedule 2 of this Measure [i.e. the Constitution of the General Synod] that matter shall be deemed to have been approved for the purposes of the said Article”.

This differs from the normal rule under which nothing is deemed to have the assent of the diocesan synod unless all three houses (i.e. those of bishops, of clergy and of laity) which constitute the synod have assented thereto.

7. However, paragraph 37(iv) of the constitution currently requires the Diocesan Synod to make provision in its standing orders

“that subject to paragraph (v) below [relating to the requirements for a vote by houses], nothing shall be deemed to have the assent of the Diocesan Synod unless the three houses which constitute the synod have assented thereto”.

8. The effect of the changes to be made to the constitution by the draft scheme is therefore further to qualify that general rule by requiring the standing orders of the Diocesan Synod to include a requirement (corresponding to that imposed by Rule 34(1)(h) of the Church Representation Rules in relation to mainland dioceses) that, if the houses of clergy and laity of the Diocesan Synod vote in favour of a matter referred to the dioceses under Article 8, that matter will be deemed to have been approved by the Diocesan Synod for the purposes of Article 8. The effect of that will be that voting on Article 8 business will be conducted in the same way as in all other dioceses.

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