

## GENERAL SYNOD

## STANDING ORDERS COMMITTEE

## FORTY-EIGHTH REPORT OF THE COMMITTEE

1. The Standing Orders Committee ('the Committee') presents its 48th 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) (to July 2013)  
 The Revd Canon Sue Booy (Oxford)  
 The Revd Canon Simon Killwick (Manchester)  
 Canon Elizabeth Paver (Sheffield)  
 Mr Clive Scowen (London).

(Since July 2013 there has been one vacancy.)

**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)  
 (to January 2013)  
 The Ven Cherry Vann (Prolocutor of the Lower House of the Convocation of York) (from  
 January 2013)  
 Dr Philip Giddings (Chair of the House of Laity)  
 Mr Tim Hind (Vice-Chair of the House of Laity).

3. Under Standing Order 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.
4. However, any amendment proposed to be dealt with under the deeming procedure must be debated if (i) notice is given by not less than five members that they wish the proposed amendment to be debated or (ii) notice is given by any member of an amendment to the proposed amendment.

**Items 15 and 16****Standing Order 10 – Length of Notice - General***Giving notice of business relating to or arising from contingency business*

5. Standing Order 26(a)(ii) provides for notice of amendments to contingency business to be given as if such business were business appointed for the morning sitting of the second day of the group of

sessions. By virtue of SO 26(a)(i) the effect of that is to require notice of an amendment to contingency business to be given not later than 10.00 a.m. on the first day of the group of sessions.

6. No provision of a corresponding kind is made by Standing Order 10(a) in relation to 'business relating to or arising from' contingency business (that is, in practice, following motions). But contingency business can of course take such a form as to give rise to business of that kind. (An example arose in connection with the Committee's own 47th Report, which was included as contingency business for the November 2012 group of sessions and in relation to which Mr Clive Scowen gave notice of a following motion.)
7. It therefore seems desirable to amend Standing Order 10(a) to make express provision for such a situation, and that such provision should, like Standing Order 26(a)(i), require notice to be given by 10.00 a.m. on the first day of the group of sessions.
8. The Committee therefore proposes that Standing Order 10(a) be amended in that way. **Item 15** accordingly makes provision to that effect.

*Giving notice of declarations made by the House of Bishops under s.8(4) Clergy Discipline Measure 2003 as amended*

9. At the 2012 July group of sessions the Clergy Discipline (Amendment) Measure received final approval. It has now received the Royal Assent and its provisions are being brought into force by the Archbishops over time.
10. Once in force, s.1 of the Measure will amend s.8 of the Clergy Discipline Measure 2003 by making it 'unbecoming or inappropriate conduct' for a cleric to be a member of, or to promote, or express or solicit support for a political party or other organisation whose constitution, policies, objectives, activities or public statements are declared by the House of Bishops, under s.8(4) of the 2003 Measure as amended, to be incompatible with the teaching of the Church in relation to the equality of persons or groups of different races.
11. Under s.8(6) of the 2003 Measure as amended, any such declaration by the House will have to be laid before the General Synod and, if at least 25 members of Synod give notice in accordance with Standing Orders that they wish the declaration to be debated, it will not come into force until approved by Synod. If no debate is requested, then the declaration will come into force at the expiry of the period required by Standing Orders for notice to be given that a debate is required.
12. In accordance with the usual practice for laying an instrument before the Synod, a declaration made by the House of Bishops would be included in the Agenda for a group of sessions, with the terms of the declaration and a briefing paper explaining the House's reasoning for making the declaration being sent to Synod members. There would be a note in the Agenda setting out the deadline by which requests for a debate had to be made.
13. Currently, the Standing Orders do not contain any provisions apt to cover this new procedure. The Standing Orders therefore need to be amended to set out the notice period for requesting a debate. To that end the Committee proposes that an appropriate amendment be made to SO 10 (which deals generally with notice periods), by inserting a new provision under which notice of a desire to debate a declaration would have to be given not later than 5.30pm on the first day of the group of sessions at which the declaration has been laid. A deadline of that kind would be consistent with

the notice required under Standing Order 69 in respect of the deeming procedure for certain instruments.

14. **Item 16** accordingly makes provision to that effect.

### **Item 17**

#### **New Standing Order 130A – Circulation of documents**

15. A number of provisions of the Standing Orders require that, before certain kinds of business can be considered by the Synod, copies of the relevant documentation must be sent to every member a specified time in advance of the group of sessions at which it is to be considered.<sup>1</sup> In general these requirements are imposed simply by virtue of the Standing Order in question. The exception to that is the requirement of SO 71A(b), which reflects the corresponding statutory requirement imposed by s.6(7) and (8) Dioceses, Pastoral and Mission Measure 2007.

16. However, in order to save money on copying and postage, and avoid circulating documents in paper form which members are content to receive in electronic form, the Business Committee has now adopted a policy (described in its letter of 24<sup>th</sup> January 2013 to Synod members) of allowing members to elect either to:

- (a) receive in print **only** a copy of the Agenda (and any books that Church House Publishing or other suppliers are unable to supply in a format suitable for electronic readers) and to download other papers and books electronically; or
- (b) to receive in print **only** a copy of the Agenda and all books, and to download other papers electronically.

17. There is a potential inconsistency between this policy and the requirements of the Standing Orders, in so far as the latter require certain documents (a) to be ‘delivered’ or ‘sent’ to all members and (b) such delivery or sending must take place by a certain date. (Thus in order to avoid any question arising as to the propriety of the Synodical process, before the July 2013 group of sessions every member was sent the documentation required by the 2007 Measure to be circulated in connection with the Yorkshire reorganisation scheme, even if they had opted for one of the courses referred to in the preceding paragraph.)

18. In order to remove any potential difficulty from this point of view the Standing Orders Committee proposes that an additional interpretative provision be inserted in Standing Orders to make it clear that the requirement for the circulation of documents does not extend to material which members have themselves agreed need not be sent to them. (The Standing Orders Committee notes that the policy of the Business Committee will need to be revisited if and when the Standing Orders are amended in this way so as formally to except from the usual arrangements material relating to diocesan reorganisation schemes - which will still have to be circulated as required by virtue of the 2007 Measure).

19. In more detail, what is proposed is that a new Standing Order 130A be added which provides that, notwithstanding any provision of the Standing Orders relating to the circulation, posting, delivery or sending of documents, a member of the Synod may by notice in writing addressed to the Clerk

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<sup>1</sup> The provisions in question, and the nature of the documents concerned, are: SO 48(a) and (b) (Measures); SO 54(c) (Revision Committee reports); SO 68(a) (instruments falling within the scope of SO 68); SO 71A(b) (draft reorganisation schemes and archbishops’ statements of reasons); SO 73(b) ( liturgical business); SO 100(b) (Archbishops’ Council’s budgets and proposals for apportionment); and SO 101(b) (proposals for supplementary apportionments).

to the Synod elect only to receive certain documents in paper form, in accordance with arrangements made from time to time by the Business Committee.

20. **Item 17** gives effect to that proposal.

### **Revision committee procedures**

21. In its 47th Report (GS 1884) the Committee addressed a number of issues relating to the procedures of Revision Committees for draft legislation, including that of whether such committees should meet in public. The committee explained (in paragraph 28 of its report) that it was not of one mind on this issue, recognising that there are competing considerations in play, and went on to say:

*“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).”*

22. A ‘take note’ debate on the 47th Report was included in the agenda of the November 2012 group of sessions as contingency business, as were the motions approving the various amendments it proposed – but under the ‘deeming procedure’. In the event, that business was not reached. There

was accordingly no opportunity to debate either the ‘take note’ motion on the report or the following motion arising out of it, of which notice was given Mr Clive Scowen. (That motion called for the amendment of Standing Orders so as to require Revision Committees to meet in public unless, for good reason, they considered it necessary not to do so.) However, by virtue of the operation of Standing Order 39(c)(i), the Committee’s proposed amendments to Standing Orders set out in the First Notice Paper for the November group of sessions were deemed to be approved. In consequence, the Business Committee did not consider it necessary to schedule the Committee’s report, or Mr Scowen’s following motion, for debate at the July group off sessions.

23. Whilst recognising that the issue of whether Revision Committees should meet in public could be put before the Synod for debate by an individual member by means of a Private Members’ Motion, the Committee regrets the fact that the Synod did not have the opportunity to address that issue in November by debating Mr Scowen’s following motion. In so far as that position flowed from the decision by the Business Committee to include the report as an item of contingency business, the Committee expresses the hope that that approach to the scheduling of its business should not become the norm. The Committee also suggests that, if its business is to be scheduled as contingency business again, it would be helpful if more explanation could be given to the Synod about the consequent procedural implications.

On behalf of the Committee:

**Geoffrey Tattersall QC**  
Chair

October 2013

**31 Great Smith Street, London SW1P 3BN**  
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