

GENERAL SYNOD

DRAFT CHURCH REPRESENTATION,  
ECUMENICAL RELATIONS AND MINISTERS MEASURE

DRAFT AMENDING CANON NO. 38

FIRST REPORT OF THE REVISION COMMITTEE

- Chair:** Prof. Joyce Hill (Leeds)
- Ex officio members  
(Steering Committee):** The Ven. Dr Jane Steen, Archdeacon of Southwark (Southwark) (Chair)  
Dr Chris Angus (Carlisle)  
The Rt Worshipful Timothy Briden (*ex officio*)  
The Revd Alyson Buxton (Lincoln)  
Canon Dr Addy Lazz-Onyenobi (Manchester)
- Appointed members:** The Revd Canon Sally Gaze (Norwich)  
The Revd Canon Sharon Jones (Manchester)  
Mr David Lamming (St Edmundsbury & Ipswich)  
Dr Lindsay Newcombe (London)  
The Ven. Dr Peter Rouch, Archdeacon of Bournemouth (Winchester)
- Consultant:** Mr Stuart Jones (Diocesan Registrar for the Diocese of Norwich)

*References in this report to “the Committee” are references to the Revision Committee.*

*Decisions taken by the Committee were taken unanimously unless otherwise indicated.*

1. The draft Church Representation, Ecumenical Relations and Ministers Measure (GS 2046) and draft Amending Canon No. 38 (GS 2047) received first consideration at the February 2017 group of sessions. The draft Measure as introduced gave effect to proposals contained in the second report of the Simplification Task Group. It contained provision:
  - replacing the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969 with a new set of Rules,
  - amending the Church of England (Ecumenical Relations) Measure 1988 which provides for the participation of the Church of England in ecumenical activity, and
  - making amendments to the law concerning ordination, and to the statutory provision which prescribes criteria for eligibility for certain ecclesiastical appointments.
2. The draft Amending Canon as introduced made a number of amendments to the Canons, also to give effect to proposals contained in the second report of the Simplification Task Group. It included:
  - amendments concerned with the requirements as to the holding of certain services in parish churches to cover the position of multi-parish benefices and benefices that are held in plurality

- the substitution of a new Canon B 43 for the existing Canons B 43 and B 44 which provide for ecumenical activity
  - amendments to Canons concerned with ordination, certain appointments and with the exercise of ministry.
3. Full explanations of each provision of the Measure and the Amending Canon were contained in the explanatory memoranda (GS 2046X and GS 2047X respectively).
  4. The Revision Committee (“the Committee”) has so far met on one occasion (25<sup>th</sup> September 2017) and has conducted some business by correspondence under Standing Order 56(4).
  5. The Committee received submissions from 15 members (some of whom made more than one submission), and four submissions from non-members (one of whom made more than one submission). Three members exercised the right under Standing Order 55 to attend the meeting of the Committee and speak to their proposals: Mr Nigel Bacon (Lincoln), Mr Adrian Greenwood (Southwark) and Mr Clive Scowen (London).
  6. Most of the submissions related to the proposed new Church Representation Rules; a much smaller number were directed to the provisions of the Measure and the Amending Canon that were concerned with ecumenical relations. Only those in the latter category have so far been considered by the Committee and are addressed in this report.

#### **SUMMARY OF DECISIONS TAKEN BY THE COMMITTEE**

7. The Committee divided the Measure and the Amending Canon so that the provisions concerned with ecumenical relations became a separate Measure and separate Amending Canon. The Committee made a number of amendments to those provisions.
8. The Committee now returns the resulting new draft Ecumenical Relations Measure (GS xxxx) and Amending Canon No. 38 (GS xxxx) to the General Synod.
9. The Committee is in the process of working through the other provisions of the draft Measure and draft Amending Canon as introduced and will report separately on them in due course.
10. The Appendix to this report contains a summary of the amendments proposed relating to the provisions concerned with ecumenical relations along with the Committee’s decision on each.

#### **PROPOSAL TO DIVIDE THE MEASURE AND THE DRAFT AMENDING CANON**

11. The following members of the Synod proposed that the draft Measure should be divided so that those provisions relating to the Church Representation Rules took the form of a separate Measure: **Mr Adrian Greenwood (Southwark)** and **the Revd Paul Hutchinson (York)**. Mr David Lamming, a member of the Committee, had argued for division of the Measure in his speech during the debate on First Consideration.
12. These members proposed division on the basis that the draft Measure covered a wide range of material, and that only clauses 2, 3 and 4 related to Article 7 business, and so ought to form a separate Measure. Article 7 of the Constitution of the General Synod applies to “a provision touching doctrinal formulae or the services or ceremonies of the Church of England or the administration of the Sacraments or sacred rites thereof”. A Measure or Canon which contains such provision must, before being considered by the Synod for Final Approval, be referred to the House of Bishops who may make such amendments as they think fit before it is returned to the Synod.

13. The Committee acknowledged that while it would be possible to divide clause 1 from the others, if clauses 5 and 6 were then included in a separate Measure alongside clauses 2, 3 and 4, the House of Bishops would be empowered to amend – without consultation – all of the clauses, not only those specifically reserved to them under Article 7. Members did not consider this to be entirely satisfactory.
14. The Committee accordingly exercised its power under SO 56(3) to divide the draft Measure and draft Amending Canon so that the provisions concerned with ecumenical relations became a separate Measure and separate Amending Canon. The Measure now returned to the Synod comprises clauses 2, 3 and 4 of the draft Measure as introduced. The draft Amending Canon now returned to the Synod comprises paragraph 4 (containing the new Canon B 43) of the draft Amending Canon as introduced. As required by the Standing Order, the Committee separately considered one of the draft Measures and one of the draft Amending Canons resulting from the division; the Committee will consider the remaining divided provisions in due course.
15. References in this report to clause and paragraph numbers are, except where stated, references to the original paragraph numbers in the draft Church Representation, Ecumenical Relations and Ministers Measure and draft Amending Canon No. 38 before they were divided.

## **DRAFT ECUMENICAL RELATIONS MEASURE**

16. Three proposals for amendment related to what is now the draft Ecumenical Relations Measure and the amendments it makes to the Church of England (Ecumenical Relations) Measure 1988 (“the 1988 Measure”).

*Clause 2 (now clause 1 of the draft Ecumenical Relations Measure)*

*Clause 2(1) (now clause 1(1))*

17. **The Revd Paul Benfield (Blackburn)** submitted that the words “other than a service of Holy Communion, confirmation or ordination” be included at the end of the new section 1(3) of the 1988 Measure so that the provision enabling members of the Salvation Army to preach in the Church of England did not extend to those services. He argued that as the Salvation Army did not celebrate these services, allowing a member of that Church to preach at such a service would be inappropriate.
18. The Committee was advised that the reason for the inclusion of new, specific provision permitting members of the Salvation Army to preach at Church of England services was needed because that Church – although it subscribed to the doctrine of the Holy Trinity – did not administer the sacraments of Baptism or Holy Communion. That meant that the Salvation Army could not be designated as a Church to which the 1988 Measure applies and that members of the Salvation Army were excluded from taking part in public worship in accordance with the forms of service and practice of the Church of England in various ways in which members of other denominations were able to do so.
19. The Committee noted that existing provision in the 1988 Measure and the existing Canon B 43 permitted members of Churches which did not administer confirmation or ordination (e.g. members of the Baptist Church) to preach at those services in the Church of England. The proposed amendment was intended to bring the law, so far as the Salvation Army was concerned, into line with that existing provision.
20. The Committee accepted the rationale for permitting members of the Salvation Army to preach at Church of England services without restriction, considering it to be entirely appropriate in

the light of provision which already existed in relation to other Churches, and voted to reject the proposed amendment.

*Clause 2(2)(a) (now clause 1(2)(a))*

21. **Mr Clive Scowen (London)** submitted that the phrase “local ecumenical co-operative schemes” be amended to “local ecumenical partnerships”.
22. The Committee was advised that the expression ‘local ecumenical co-operative schemes’ had been adopted at the request of the Council for Christian Unity, following discussion with other Churches. The intention was that the expression used in the legislation should merely be descriptive; not that it should specify a formal name for ecumenical initiatives which were, quite reasonably, known by different names in different places. While ‘local ecumenical co-operative scheme’ would be the generic statutory term for such an arrangement in the Church of England’s legislation, it was not expected that they would be described as such ‘on the ground’. In any event, it was not for the Church of England to prescribe for other Churches what ecumenical initiatives should be called. Diocesan ecumenical officers would, in consultation with their colleagues in other Churches, be able to advise how such arrangements be described formally in more suitable ways.
23. The Committee voted to reject the proposed amendment.

*Clause 2(3) (now clause 1(3))*

24. The Committee asked for an explanation of the amendment made by clause 2(3).
25. Clause 2(3) of the draft Measure amends section 4 of the 1988 Measure. The purpose of section 4 of the 1988 Measure as enacted was to ensure that where clergy from any of the United Churches of the Indian sub-continent received permission to officiate in the Church of England under the Overseas and Other Clergy (Ministry and Ordination) Measure 1967, that did not prevent them from continuing to minister in Churches with which the United Churches had established a particular relationship (even if the Church of England did not). Clause 2(3) will extend the effect of section 4 of the 1988 Measure, bringing it up to date, so that in addition to the United Churches, it covers clergy from any other Church with which the Church of England is in Communion.
26. There are, for example, under the 1996 Porvoo Agreement and the 1931 Bonn Agreement with the Old Catholic Churches of the Union of Utrecht, clergy who may be permitted to officiate under the Overseas and Other Clergy (Ministry and Ordination) Measure 1967 on the basis that the Church of England is in communion with those Churches. Those Churches also have their own relationships with other churches with which the Church of England is not in communion. The amendment made by clause 2(3) enables clergy from those Churches who have been given permission to officiate in the Church of England to continue, additionally, to exercise their ministry in any Church with which their own Church has a particular relationship providing for that.
27. **The Revd Paul Benfield (Blackburn)** noted that there was no provision in the 1988 Measure or in the new provision made by clause 2(3) for determining whether a Church was a Church in Communion with the Church of England. He queried whether the 1988 Measure should (now that it was to be amended to make reference to Churches in communion) make similar provision to that found in the Church Representation Rules and in the Overseas and Other Clergy (Ministry and Ordination) Measure 1967 for the Archbishops to determine whether a Church was in communion with the Church of England.

28. The Committee was advised that there was no provision in the 1988 Measure itself – which clause 2 amended – for determining whether a Church was in communion with the Church of England. But as section 4 of the 1988 Measure (as to be amended by clause 2) was concerned with permissions granted under the Overseas and Other Clergy (Ministry and Ordination) Measure 1967, and as section 6 of that Measure did provide for determining that question, there was no need for further provision.
29. The Committee accordingly resolved to reject the proposed amendment.

*Clause 3 (now clause 2)*

30. There were no submissions on clause 3 and the Committee did not make any amendments.

*Clause 4 (now clause 3)*

31. There were no submissions on clause 4.
32. **The Steering Committee**, however, proposed an amendment at clause 4(4), to extend the scope of the Code of Practice to be issued under the 1988 Measure as amended so that the Code could, if desired, incorporate by reference relevant guidance that was set out elsewhere. Any reference to guidance set out elsewhere would have clearly to identify that guidance. Those concerned would then need to have regard to that guidance as well as the content of the Code itself.
33. This provision had been asked for by the Council for Christian Unity on the basis that there might well be other guidance already in existence (for example, guidance on financial matters or safeguarding) which those operating in the ecumenical sphere would need to have regard to without it being duplicated in the Code issued under the 1988 Measure.
34. The Committee voted to accept the proposed amendment.

### **AMENDING CANON NO. 38**

35. Three proposals for amendment related to what is now Amending Canon No. 38 and the new Canon B 43 (Of ecumenical relations) inserted by it. In addition a number of amendments were proposed by the Steering Committee, and one amendment was proposed from within the Revision Committee by the Archdeacon of Southwark.

*Paragraph 4 (now paragraph 1 of draft Amending Canon No. 38)*

*New Canon B 43, new subparagraph (now paragraph 1(3) of new Canon B 43)*

36. **The Steering Committee** proposed an amendment to insert an additional provision enabling invitations to be issued to ministers and lay members of the designated Churches who had not been baptised to perform a limited range of duties. A baptised minister or lay member could – by virtue of paragraph 1(1) of the new Canon B 43 – be invited to perform any of the duties set out in paragraph 1(2). In the case of those who had not been baptised, the proposed new paragraph 1(2A) would mean that an unbaptised minister or lay member could be invited to read the Scriptures or lead intercessions, but not to officiate, preach assist at a baptism or wedding, or assist at the distribution of Holy Communion.
37. The amendment had been recommended by the Council for Christian Unity ('CCU') to address an issue which had arisen in relation to some older members of the Methodist Church who may

not be baptised (though the Methodist Church is a designated church) with the effect that those individuals would not be able to be invited to perform any of the duties set out in paragraph 1(2) of new Canon B 43. The CCU suggested that this would put them, as members of a designated church, at a greater disadvantage than members of a non-designated, but Trinitarian church, to whom a limited invitation could be given under the new Canon B43 paragraph 1(3). The CCU was keen that non-baptised members of a designated church should be capable of being invited to read the Scriptures and to lead intercessions.

38. The Committee voted to accept the proposed amendment.

*Paragraph 4 (now paragraph 1 of draft Amending Canon No. 38)*

*New Canon B 43, paragraph 1(4) (now paragraph 1(5) of new Canon B 43)*

39. As at paragraph 17 above in relation to clause 2(1) of the draft Measure, **the Revd Paul Benfield (Blackburn)** submitted that the words “other than a service of Holy Communion, confirmation or ordination” be included at the end of the new section 1(3) of the 1988 Measure, as the Salvation Army did not celebrate these services, and so allowing a member of that Church to preach at such a service would be inappropriate.

40. In accord with its decision in regard to Fr Benfield’s proposed amendment to the draft Measure, the Committee voted to reject the proposed amendment.

*Paragraph 4 (now paragraph 1 of draft Amending Canon No. 38)*

*New Canon B 43, paragraph 1(7)(a) (now paragraph 1(8)(a) of new Canon B 43)*

41. **The Archdeacon of Southwark** proposed that the wording “the equivalent duty at the equivalent service in his or her own Church” in the subparagraph be amended to “*a similar duty in his or her own Church*”, thereby restating the text from the existing Canon B 43. She was concerned that the formulation “the equivalent duty at the equivalent service” in the new Canon B 43 would have the effect of restricting duties that an invitee from another Church would be permitted to undertake where there was not an equivalent service in the invitee’s own Church. This was consistent with the decision the Committee had already taken that members of the Salvation Army should be able to be invited to preach at services of ordination or confirmation even though they did not have equivalent services.

42. The Committee considered this suggestion to be helpful and clarificatory, and voted to accept the proposed amendment.

*Paragraph 4 (now paragraph 1 of draft Amending Canon No. 38)*

*New Canon B 43, paragraphs 8ff*

43. As at paragraph 21 above in relation to clause 2(2)(a) of the draft Measure, **Mr Clive Scowen (London)** submitted that the phrase “local ecumenical co-operative schemes” be amended to “local ecumenical partnership”.

44. In accord with its decision in regard to Mr Scowen’s proposed amendment to the draft Measure, the Committee voted to reject the proposed amendment.

*Paragraph 4 (now paragraph 1 of draft Amending Canon No. 38)*

*New Canon B 43, paragraph 8(1)(b)*

45. **The Committee** made a drafting amendment to paragraph 8(1)(b) of the new Canon B 43 which is concerned with local ecumenical co-operative schemes that are established for an area in which a cathedral is situated. The amendment is intended to make it clearer to the reader that the parish of which a cathedral is the parish church can be included in the scheme.

*Paragraph 4 (now paragraph 1 of draft Amending Canon No. 38)*

*New Canon B 43, paragraph 11*

46. **The Steering Committee** proposed drafting amendments to correct cross-references in paragraph 11 of the new Canon B 43.

47. The Committee voted to accept these proposed amendments.

*Paragraph 4 (now paragraph 1 of draft Amending Canon No. 38)*

*New Canon B 43, paragraph 12*

48. Paragraph 12 of the new Canon B 43 sets out conditions which have to be satisfied before the bishop can establish a local ecumenical co-operative scheme.

49. **The Revd Paul Benfield** submitted that this paragraph ought to be amended to prevent a bishop from entering into a local ecumenical co-operative scheme for the whole or part of one or more parishes without obtaining the consent of – a) the incumbent or priest in charge of all relevant parishes, and b) the PCCs of all relevant parishes (including the cathedral chapter in the case of areas where cathedral churches were situated): he did not believe that relying upon a code of practice to protect rights was sufficient. The Canon ought, he suggested, to specify when a resolution of the PCC was required.

50. The Committee had queried whether any such consent seeking exercise could be included in the code of practice. It was advised that if it considered that obtaining such consents should be mandatory, provision should be made in the Canon rather than left to the Code of Practice. The Committee considered that such consents should be mandatory, not least because it would not in practice be possible to operate a scheme in respect of a parish unless the incumbent and PCC were supportive.

51. The Committee accordingly agreed to make the amendment.

52. **The Steering Committee** proposed an amendment to paragraph 12(2) to require a bishop to give notice of any proposal to revoke an agreement under paragraph 8 or 9 of the new Canon B 43 (local ecumenical co-operative schemes). The Code of Practice would specify the notice period and the manner in which it was to be given. This requirement would be procedural and require the giving of notice; it would not limit the circumstances in which the bishop could revoke an agreement for a local ecumenical co-operative scheme.

53. The Committee voted to accept the proposed amendment.

**Professor Joyce Hill**

Chairman of the Revision Committee

December 2017





### Summary of proposed amendments and the Committee's decisions

# – proposed in Committee by a member of the Committee

\* – attended the Revision Committee meeting and spoke to their submission under Standing Order 53(b)

#### DRAFT CHURCH REPRESENTATION, ECUMENICAL RELATIONS AND MINISTERS MEASURE

Clause in original draft Measure (GS 2046)	Name	Summary of proposal	Committee's decision
-	Mr Adrian Greenwood (Southwark) *	Divide the Measure so that those provisions relating to the Church Representation Rules take the form of a separate Measure.	Partially accepted.
-	The Revd Paul Hutchinson (York)	Divide the Measure so that those provisions relating to the Church Representation Rules take the form of a separate Measure.	Partially accepted.
2(1)	The Revd Paul Benfield (Blackburn)	Include the words “other than a service of Holy Communion, confirmation or ordination” at the end of the new section 1(3) of the Church of England (Ecumenical Relations) Measure 1988.	Rejected.
2(2)(a)	Mr Clive Scowen (London) *	Amend the phrase “local ecumenical co-operative schemes” to “local ecumenical partnerships”.	Rejected.
2(3)	The Revd Paul Benfield (Blackburn)	Wording equivalent to that found in the supplementary material at the end of <i>The Canons of the Church of England</i> regarding the power of the Archbishops to determine whether a Church was in communion with the Church of England ought to be included.	Rejected.
4(4)	Steering Committee	Extend the scope of the Code of Practice so that it could, if desired, incorporate by reference relevant guidance that is set out elsewhere.	Accepted.

## AMENDING CANON NO. 38

Paragraph in original draft Amending Canon No. 38 (GS 2047)	Name	Summary of proposal	Committee's decision
4 (New Canon B 43, paragraph 1(4))	The Revd Paul Benfield (Blackburn)	Include the words "other than a service of Holy Communion, confirmation or ordination" at the end of the new section 1(3) of the Church of England (Ecumenical Relations) Measure 1988.	Rejected.
4 (New Canon B 43, paragraph 1(7)(a))	The Ven. Dr Jane Steen, Archdeacon of Southwark #	Amend the words "the equivalent duty at the equivalent service in his or her own Church" to " <i>a similar duty</i> in his or her own Church".	Accepted.
4 (New Canon B 43, new subparagraph 2(a))	Steering Committee	Insert an additional provision enabling invitations to be issued to ministers and lay members of the designated Churches who had not been baptised to perform a limited range of duties.	Accepted.
4 (New Canon B 43, paragraphs 8ff)	Mr Clive Scowen (London) *	Amend the phrase "local ecumenical co-operative schemes" to "local ecumenical partnerships".	Rejected.
4 (New Canon B 43, paragraph 11)	Steering Committee	Drafting amendments to correct cross-references.	Accepted.
4 (New Canon B 43, paragraph 12)	The Revd Paul Benfield (Blackburn)	Amend to prevent a bishop from entering into a local ecumenical co-operative scheme without obtaining the consent of: a) the incumbent or priest in charge of all relevant parishes, and b) the PCCs of all relevant parishes (including the cathedral chapter in the case of areas where cathedral churches were situated):	Accepted.
4 (New Canon B 43, paragraph 12(2))	Steering Committee	Require a bishop to give notice of a proposal to revoke an agreement under paragraph 8 or 9 of the new Canon B 43.	Accepted.