

GENERAL SYNOD**Consecration of Women to the Episcopate: Future Process****Note from the Secretary General**

1. With the agreement of the Business Committee I issued in January 2012 (as GS Misc 1012) a description of the remaining stages of the legislative process and a possible timeline. This note provides an updated version.
2. On 20 November the draft Measure and draft Amending Canon are due to be considered at the Final Approval stage. For the draft Measure to pass, two-thirds majorities of those present and voting (abstentions not counting for this purpose) are required in each of the three houses. The Final Approval of the Amending Canon requires the same majority. The motion for its Final Approval will be moved only if the Measure itself has been approved, as the Measure contains the statutory authority for the principal provision made by the Canon.
3. If the Measure is rejected the effect of Standing Order 61(d) is that it cannot be considered again on the First Consideration Stage in the same form until a new Synod comes into being unless the Presidents, the Prolocutors and the Chairman and Vice-Chairman of the House of Laity give permission for such a motion to be moved and make a report in writing to the Synod setting out a summary of the case for reconsideration and their reasons for giving such permission.
4. If the Measure is rejected on 20 November it will, in the first instance, be for the House of Bishops and the Archbishops' Council to consider how best to test the mind of the General Synod on what should happen next. In addition there are Diocesan Synod Motions for the General Synod to consider on the Episcopal Ministry Act of Synod 1993 and the Ordination of Women to the Episcopate. The Business Committee agreed to 'park' these until the conclusion of the current legislative process.
5. If Final Approval is secured, the Measure will stand committed to the Legislative Committee of the Synod, which will send it, with the necessary explanatory material, to the Ecclesiastical Committee of Parliament. It is possible that the Ecclesiastical Committee will be able to meet before Christmas, though it would be the New Year before the House of Commons and the House of Lords were able to debate whether to approve the Measure.
6. It is only once the approval of the House of Commons and House of Lords has been secured, the Royal Assent given and the necessary provisions of the Measure brought into force by the Archbishops that the House of Bishops will be able to make the Code of Practice and bring it to the General Synod for approval.
7. The first scheduled meeting at which the House of Bishops would be able make the Code of Practice would, therefore, be in May 2013. It would also need at the same time to consider the terms of a draft Act of Synod to rescind the 1993 Act of Synod.
8. This would enable the Code and the Act of Synod to be brought together to the Synod under the "Preliminary Motion Procedure" in July 2013. At the same group of sessions the Synod would be able to proceed to a debate on any amendments to either instrument, to which the forty member rule would apply. After the Synod had disposed

of any amendments the Code and the Act of Synod would stand committed to the House of Bishops under Article 7.

9. It would then be open to the House of Bishops to make such further amendments as it saw fit to the Code and the Act of Synod before returning them to the General Synod for Final Approval.
10. The House of Laity and the Convocations would have the opportunity to claim Article 7 references on the Code and the Act of Synod.
11. Subject to the outcome of any Article 7 reference, the Final Approval debates would then follow, subject to the possibility of the Synod passing adjournment motions inviting reconsideration by the House of Bishops. Such a motion could invite reconsideration of the instrument in question, whether generally or in relation to a particular amendment made by the House.
12. More details on the processes at each stage are set out in the attached note from the Legal Office.

William Fittall
Secretary General

October 2012

The Parliamentary stages for the Measure

1. In the event that the Synod gives the draft Measure Final Approval, it stands committed to the Legislative Committee (SO 61(e)).
2. In accordance with its normal practice, the Legislative Committee will prepare ‘Comments and Explanations’ on the Measure and submit them, with the Measure, to the Ecclesiastical Committee of Parliament.
3. The Ecclesiastical Committee may, either of its own motion or at the request of the Legislative Committee, invite the Legislative Committee to a conference to discuss the provisions of the Measure, in which event a joint conference will be held accordingly.
4. If, following the issue of a draft report on the Measure by the Ecclesiastical Committee under s.3 Church of England Assembly (Powers) Act 1919, the Legislative Committee signifies its desire that the report be presented to Parliament, the report will be so presented.
5. Arrangements will then be made for the moving of motions in both Houses of Parliament that the Measure be presented to Her Majesty for the Royal Assent.
6. Provided both Houses pass motions agreeing that the Measure be presented for the Royal Assent, the Royal Assent will be given in the normal way.

Withdrawal and reintroduction of the Measure

7. It is open to the Legislative Committee, at any time before the Ecclesiastical Committee presents its report to Parliament, to withdraw the Measure from consideration by the Ecclesiastical Committee – in which case it must report the withdrawal to the Synod, stating the reasons for it (SO 63(a)).
8. Following such withdrawal, the Legislative Committee can move a motion in the Synod that the Measure be reintroduced to the Synod and, if that motion is carried, the Committee may then move an amendment to any clause, or for the withdrawal of a clause or for the insertion of a new clause (SO 63(b)). Other members can only move such a motion or amendment with the permission of the Chair and the general consent of the Synod.
9. Following consideration of any such motions a motion may be moved for the Final Approval of the reintroduced Measure, in accordance with the requirements of SO 61 (SO 67(b)).
10. Once finally approved, the amended Measure must be referred to the House of Bishops under SO 60 as if the Final Drafting Stage had been completed, but on the basis that the House can only consider those clauses which have been considered by the Synod on the reintroduction of the Measure, and any other clauses relevant to them (SO 63(d)).
11. In the event that the Presidents, Prolocutors and Chair and Vice Chair of the House of Laity determine that any amendments proposed to the Measure on its reintroduction would alter the substance of the proposals in it which had been approved by the majority of the diocesan synods, the Presidents must inform the Synod to that effect and, if any of those amendments are carried, the Measure must be referred again to the

diocesan synods under Article 8 before being referred to the House of Bishops (SO 63(e)).

12. On completion of the Synodical processes in relation to the reintroduced Measure, it again stands committed to the Legislative Committee, which must return it to the Ecclesiastical Committee for further consideration.

Reintroduction of the Amending Canon

13. Under SO 67, before it had been promulgated but following its Final Approval, the Amending Canon could (if the Business Committee considered it necessary) be reintroduced to the Synod, amended and resubmitted for Final Approval. But in that event similar constraints and consequences would apply to those applicable in the event that the Measure were reintroduced and amended, including the possibility of a further reference to the dioceses under Article 8 if the amendments altered the substance of the proposals in the Canon. A further reference to the House of Bishops under Article 7 would also be required, followed, if required by any of them, by further references to the Convocations and the House of Laity.

Making the Code of Practice

14. On the giving of the Royal Assent, the Archbishops will be invited to make an instrument bringing s.5 of the Measure into force so as to enable the House of Bishops to make the Code of Practice under the Measure.
15. The House will then make the Code.
16. The first Code under the Measure will represent Article 7 Business.
17. Having been approved by the House, under s.5(4) of the Measure the Code will then have to be laid in draft before the Synod, which will have power to amend it. The Code will need to be considered under the 'Preliminary Motion procedure' for which provision is made in SO 71. That will firstly involve a debate on the motion that the draft Code 'be considered'. If that motion were not to be carried, consideration of the draft Code at the group of sessions concerned would come to a halt. Were it to be passed, however, the Synod would proceed to debate any amendments to the Code of which notice had been given, subject to the operation of the '40 member rule' (SO 71(b)).
18. Once any amendments had been disposed of, or, if there were no amendments, following the passing of the motion that it be considered, the Code would automatically stand committed to the House of Bishops (SO 71(d)).
19. The House would have power to amend the Code as it thinks fit before returning it to the Synod for Final Approval (SO 84).
20. However, before the draft Code were returned to the Synod for Final Approval, the Convocations and House of Laity could claim a reference under Article 7 (SO 86). Were a reference to be required, the Convocations and House of Laity would need to meet for that purpose before the beginning of the next group of sessions.
21. Subject to the outcome of any Article 7 reference, the Code would return to the Synod for Final Approval, on the basis of a motion that it be 'finally approved', in accordance with the requirements of Standing Order 61 (SO 93). No amendments to that motion

would be in order and the motions for the Closure, the Speech Limit and Next Business could not be moved.

22. It would be open to any member of the House of Bishops to move in the course of the Final Approval debate “*That the debate be now adjourned to enable [the draft Code] to be reconsidered by the House of Bishops*” (SO 94(a)). Unless such a motion had been carried it would also open to any member, provided they had the Chair’s permission, to move that the debate be adjourned to enable the House of Bishops to reconsider any amendment they had made to the Code under Standing Order 60 (SO 94(b)).
23. In the event that either type of motion was carried, the Code would have to be referred back to the House of Bishops, which could amend any part of the text (in the case of the first type of motion) or the part of the text altered by any amendment previously made by the House (in the case of the second type of motion) (SO 94(d)). The Code would then have to be returned to the Synod to enable it to resume the Final Approval debate – but with the possibility of the Convocations and the House of Laity claiming a further Article 7 reference under Standing Order 86 (SO 94(f)).
24. Only a simple majority would be required for the Final Approval of the Code.

Rescinding the Act of Synod

25. As part of the process of implementing the new legislation, the Episcopal Ministry Act of Synod 1993 will need to be formally rescinded, by a further Act of Synod.
26. As it would also represent Article 7 business, the rescinding Act of Synod would (like the Code of Practice) need to be considered under the ‘Preliminary Motion Procedure’ for which provision is made in SO 71. That involves preliminary consideration by the Synod (which could be at the same group of sessions as that at which it gives preliminary consideration to the draft Code) on a motion that it ‘be considered’, before being referred to the House of Bishops and (if they claimed a reference) to the Convocations and the House of Laity.
27. Final Approval could be taken at the same group of sessions as that at which the Code of Practice is submitted for Final Approval. (The rescinding Act of Synod would be drafted so as only to take effect when the Measure came into force.) On its Final Approval the Act of Synod would need to be solemnly affirmed and proclaimed in accordance with the requirements of Standing Order 40.

Promulgation of the Amending Canon

28. At the November 2012 group of sessions the Synod will be invited to approve a petition for Her Majesty’s Royal Assent and Licence to promulge and execute the Amending Canon. The petition would not, however, be submitted to Her Majesty until the Measure had received the Royal Assent and s.1(2) had been brought into force – which would not take place until after the Code had been given Final Approval. The Amending Canon would then be considered by those advising Her Majesty from the point of view of whether advice could be tendered to the effect that the Royal Assent and Licence should be given.
29. Following receipt of the Royal Assent and Licence, the Amending Canon could be promulged. Because the petition for the Royal Assent and Licence could not be submitted until after the Code had received Final Approval and s.1(2) had been brought

into force, promulgation would need to take place at a later group of sessions than that at which the Code had received final approval.

Coming into force

30. Once the Amending Canon had been promulgated, a further commencement instrument would be made so as to bring the remaining provisions of the Measure into force.

The Legal Office

October 2012

**Published by the General Synod of the Church of England
and on sale at the Church House Bookshop**

31 Great Smith Street, London SW1P 3BN

Copyright © The Archbishops' Council 2012

£2