

GENERAL SYNOD

DRAFT AMENDING CANON No. 29

REPORT OF THE STEERING COMMITTEE OF MEMBERS IN CHARGE

Chair: The Right Reverend Stephen Venner (the Bishop of Dover) (until 31 December 2009)

Members: Mrs April Alexander (Southwark)
The Venerable Christine Allsopp, the Archdeacon of Northampton (Peterborough)
The Reverend Canon Clive Hawkins (Winchester)
The Reverend Prebendary David Houlding (London)
Mrs Anne Sloman (ex-officio) (until 31 December 2009)
Mr Geoffrey Tattersall QC (Manchester)

1. The draft Ecclesiastical Offices (Terms of Service) Measure (“the draft Measure”), the draft Ecclesiastical Offices (Terms of Service) Regulations (“the draft Regulations”) and draft Amending Canon 29 (“the draft Canon”) (collectively “the draft legislation”) all received First Consideration from the General Synod (“the Synod”) at the February 2007 Group of Sessions.
2. The draft legislation was committed to a Revision Committee. At the February 2008 Group of Sessions the Synod took note of the Report of that Committee (GS 1637-9Y) and completed the Revision Stage for the draft legislation. The draft legislation then stood committed to the Steering Committee under Standing Order 59(a) in respect of its final drafting.
3. The draft Measure was given Final Approval by the Synod at the July 2008 Group of Sessions. It was subsequently declared expedient by the Ecclesiastical Committee of Parliament and approved by both Houses of Parliament. It received the Royal Assent on 2nd April 2009. Certain enabling provisions in the Measure have since been brought into force.
4. The draft Regulations were re-introduced into the Synod under Standing Order 70 and approved by the Synod at the July 2009 Group of Sessions. The Regulations were subsequently laid before both Houses of Parliament and came into force on 1st January 2010.
5. The Steering Committee now returns the draft Canon (GS 1639B) to the Synod for Final Drafting and Final Approval. The Committee has conducted its business by correspondence under Standing Order 59(f).
6. Under Standing Order 59 the Steering Committee may propose Drafting Amendments or Special Amendments or both. These two categories of amendments are defined in Standing Order 59(g) as follows (and, under Standing Order 64, apply *mutatis mutandis* to a Canon as to a Measure);

- (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.

The amendments proposed by the Committee under that Standing Order are dealt with in paragraphs 7-8 below.

Drafting Amendments

- 7. Some Drafting Amendments were required as a result of decisions made by the Synod at the Revision Stage of the draft legislation in February 2008 - in particular, the decision that the parsonage house of a benefice should remain vested in the incumbent as corporation sole – and the opportunity has also been taken to make minor corrections. The Committee has therefore agreed the Drafting Amendments to the draft Canon which are set out in the Appendix to this report and are shown in bold type in GS 1639B.

Special Amendments

- 8. The Committee gives notice of the following Special Amendments to the draft Canon.
 - (a) **After paragraph 5 insert –**

“6. For paragraph 4 there shall be substituted the following paragraph-

“4. The bishop of the diocese may, if he considers it appropriate in all the circumstances, permit a beneficed priest to reside in a house of residence other than the parsonage house, whether or not that house is situated in the benefice held by that priest”.”

NOTE: In the course of preparing revised guidance on the deployment of clergy couples, the Deployment, Remuneration and Conditions of Service Committee advised the Steering Committee that, in its view, paragraph 4 of Canon C 25 should be amended to take account of changed patterns of clergy deployment. At present, this paragraph makes no allowances for situations where there is a suitable parsonage house in the benefice but particular circumstances make it appropriate that the incumbent should live elsewhere – for example, where incumbents of neighbouring benefices are married to each other and live in one house, or where the incumbent owns, in his or her personal capacity, a suitable house in the benefice. This Special Amendment is therefore put forward to give the bishop a general discretion to permit an

incumbent to reside in a house other than the parsonage house, where he considers this to be appropriate in all the circumstances.

(b) After paragraph 16 add –

“17. This Canon shall come into force as follows –

(a) Paragraphs 1 to 5 and 7 to 13 shall come into force on the day on which Section 1 of the Ecclesiastical Offices (Terms of Service) Measure 2009 comes into force, and

(b) paragraphs 6 and 14 to 17 shall come into force forthwith.”

NOTE: The numbering in this Special Amendment assumes that the previous Special Amendment (incorporating a new paragraph 6 into the Amending Canon) has been approved by the Synod. Should that not be the case, this Special Amendment will be moved in a suitably amended form.

This Special Amendment is brought forward to ensure that those paragraphs of the Amending Canon which are consequential on the introduction of Common Tenure will come into force on the same day as section 1 of the Ecclesiastical Offices (Terms of Service) Measure 2009, which brings Common Tenure into effect. The remaining provisions will come into force upon the promulgation of the Amending Canon.

On behalf of the Committee
Geoffrey Tattersall QC

6th January 2010

APPENDIX

Drafting Amendments

Paragraph 2

Omit the words “particular office” and **substitute** “bishop’s mission order”.

Paragraphs 5, 6 and 7

Omit these paragraphs and **substitute** the following:

“5. Paragraphs 2 and 3 shall not apply to a beneficed priest who is subject to Common Tenure and after paragraph 3 there shall be inserted the following paragraph –

“3A. No beneficed priest who is subject to Common Tenure shall be absent from his benefice except in such circumstances as may be permitted by paragraph 4 or by Regulations made under section 2 of the Ecclesiastical Offices (Terms of Service) Measure 2009.”

Renumber the subsequent paragraphs accordingly.

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