

A SUMMARY OF RECOMMENDATIONS

(Figures in parenthesis refer to paragraphs of the Report dealing with these issues).

General Synod

1. The overall size of the General Synod should be in the region of 470 to 480. (14-21)
2. The current formula for calculating the number of elected proctors and lay members should remain. (20)
3. The balance of elected proctors and lay members between the two provinces should be moved from 68/32 to 70/30. (21)
4. The representation of suffragan bishops should be seven (four from Canterbury and three from York). (22-23)
5. When a See is vacant, and provided that a suffragan bishop from that diocese is not already an elected member of the Synod, the bishop charged with responsibility for the diocese during the vacancy should be entitled to attend and speak, but not vote. (24-26)
6. Majority: There should be new special constituencies for archdeacons of eight from Canterbury and four from York, to be elected from all archdeacons in the respective provinces. (32-40)
7. There should be a national constituency for cathedral deans of five. (41-42)
8. Majority: The electorate for proctorial elections to the General Synod should be expanded to include clergy with permission to officiate (who would substantially comprise retired clergy) elected to a diocesan synod, who should also be eligible to stand for election to the General Synod. (43-49)
9. The seat on the Synod for the Chaplain General of Prisons should be retained. (50-51)
10. There should be a constituency of seven for the armed forces: at least three to be clergy and at least three to be lay. They should be elected (apart from the service archdeacons or the Bishop to the Forces, if they were to be included in the clergy numbers), the elections to be conducted using STV if appropriate. The Forces Synodical Council should decide exactly how this constituency should be constituted before each general election. (52-56)
11. There should be no Universities constituency. Instead, provision should be made for theological experts to be appointed at the beginning of each quinquennium (up to a maximum number of three - episcopal, clerical or lay), if required to fill perceived gaps in the breadth of expertise on the Synod. (57-70)
12. Two clergy and two lay representatives should be elected from the Religious Communities. (71-72)

13. The Deans of Guernsey and Jersey should agree between themselves at the start of each quinquennium which of them was to represent the Channel Islands; and the existing special constituency for Channel Islands laity should be retained. (73-74)

Other matters

14. The diocesan secretary should be given a legal *persona* – to be implemented through the current draft Miscellaneous Provisions Measure. (75-78)
15. Eligibility to stand and vote in deanery synod elections should include “*clerks in holy orders having permission to officiate*” with the option of eligibility being on the basis of habitual worship at a church in the deanery for six months alongside that of residence in the deanery. (88-93)
16. Rule 37(1)(a) of the Church Representation Rules (‘CRR’) should be amended to make it clear that it requires compliance only with those aspects of the definition of “*actual communicant*” which deal with issues other than entry on a roll. (97)
17. Rule 37(1)(c) CRR should be amended to substitute (in the case of a cathedral which is not a parish church) a reference to “*persons entered on the roll required to be kept of members of the cathedral community*” for “*habitual worshipper*”. (95-99)
18. The responsibility for copying and posting election addresses should belong entirely to the presiding officer. (100-103)
19. Only those casual vacancies arising within one year of an original election should be filled by recounting the papers of that election. (104-107)
20. Elections to deanery synods should take place one year and four years after new church electoral rolls are prepared. (108-111)
21. In Rule 36(2) CRR the words “*the last day of November in the fourth year*” should be replaced by the words “*the last day of February in the fifth year*”. (113)
22. Rule 36(3) CRR (on the certification of total number of names on electoral rolls before a general election to the General Synod) should be deleted in its entirety. (114-115)
23. Rule 11(7) CRR should be amended so that votes may be given (a) by a show of hands; or if one person objects to a show of hands (b) by a vote conducted using signed voting papers or (c) if 10% of those present and voting so request, by a vote using numbered ballot papers. (116-121)
24. Canon H2 and Rule 46 CRR should be amended to give the relevant clerical or lay members (as the case may be) of the Bishop’s Council a mandatory duty to review their decision annually on allowing a member to retain a seat on ceasing to be eligible. (124-127)

25. Rule 20(2) and (6) of the Clergy Representation Rules and Rule 39(4) and (8) CRR should be amended so that voting papers specify whether a candidate is seeking re-election to the General Synod and, if so, the length of the candidate's previous service on the Synod. (128-132)

An illustration of the revised composition of the General Synod of the Church of England to bring the total to 480 (within the Group's agreed overall total in the region of 470 to 480).

(Full details in Appendix II)

	Existing	Bridge	<i>This Group's Proposals</i>	<i>Change from existing</i>
House of Bishops	54	51	52	-2
Diocesan Bishops	44	44	44	
Suffragan Bishops	9	6	7	-2
Bishop of Dover	1	1	1	
House of Clergy	254	149	206	-48
Elected	183	145	182	-1
Deans	15	0	5	-10
Archdeacons	43	0	12	-31
Armed Forces	3	3	3	
Universities	6	0	0	-6
Religious Communities	2	1	2	
Chaplain General of Prisons	1	0	1	
Dean of Guernsey or Jersey	1	0	1	
House of Laity	252	170	207	-45
Elected	245	162	198	-47
Channel Islands	2	0	2	
Armed Forces	0	3	3	+3
Religious Communities	3	2	2	-1
First and Second Commissioners	2	2	2	
Chairman CBF	0	1	0	
Any House	11	10	15	+4
Seventh Armed Forces	0	0	1	+1
Dean of the Arches and Auditor	1	1	1	
Vicars-General	2	2	2	
Third Commissioner	1	1	1	
Chairman Pensions Board	1	1	1	
Appointed Archbishops' Council	6	0	6	
Appointed Theological experts	0	5	3	+3
TOTAL*	571	380	480	-91

*Excluding co-opted members and Ecumenical Representatives

GENERAL SYNOD

**REPORT OF THE SYNODICAL GOVERNMENT LEGISLATIVE
DRAFTING GROUP**

Chairman: The Bishop of Dover (the Right Reverend Stephen Venner)

Members: Mr Stuart Emmason (Manchester)
Mrs Penny Granger (Ely)
The Reverend Simon Killwick (Manchester)
The Archdeacon of Norwich (the Venerable Clifford Offer)

Background

1. In 1997 the report of the Review Group chaired by Lord Bridge of Harwich, *A Review of Synodical Government in the Church of England* (GS 1252) (“the Bridge Report”), was published. This report was debated at the November Group of Sessions of General Synod later that year, when the Synod took note of the report. A group (“the Follow-Up Group”) was subsequently appointed to make recommendations to the Synod on the implementation of the Bridge Report.
2. The Follow-Up Group, under the chairmanship of the then Archdeacon of Tonbridge (the Venerable Judith Rose), produced two reports. The first (GS 1354) was debated by the Synod in July 1999. Having consulted widely, the Follow-Up Group highlighted in that report those recommendations of the Bridge Report which it considered should be taken forward, and proposed that that should be done in two stages. The first stage would consist of “uncontroversial” proposals - which have been embodied in the Synodical Government (Amendment) Measure (which has now been approved by both Houses of Parliament and is awaiting the Royal Assent).
3. The second report of the Follow-Up Group (GS 1412) (“the Follow-Up Report”) dealt with the remaining, and more contentious, issues dealt with in the Bridge Report, mostly relating to the size and composition of the General Synod itself. This report was debated at the July 2001 Group of Sessions when the Business Committee was asked to bring forward

legislation based on the recommendations in the Follow-Up Report - albeit in a substantially amended form (see Appendix I).

4. At the July 2002 Group of Sessions, the Synod debated a report of the Business Committee (GS 1441), which asked the Synod to clarify its instructions on three specific points (the overall size of the Synod, the size of the Archdeacons' constituency and the representation of retired clergy) prior to legislation being drafted. At the conclusion of that debate the Synod passed a motion to amend paragraph 8 of GS 1441 so as to clarify the basis on which legislation should be drafted. This paragraph, as amended, proposed that the legislation to be introduced to give effect to the Synod's July 2001 decision be drafted on the basis that:

“(a) the total membership of the General Synod shall be no greater than 500;

(b) the special constituencies affirmed in July 2001 (other than that for retired clergy) remain but the number of members allocated to each grouping be reviewed, and new allocations proposed;

(c) [it] shall make no provision for the representation of retired clergy.”

5. Some further recommendations contained in the Follow-Up Report, not relating to the size and composition of the General Synod, were also referred to this Group. These are dealt with, alongside some other related matters, in paragraphs 75 to 93 below.
6. Several miscellaneous amendments to the legislation relating to Synodical Government (in part arising out of the work of the former Elections Sub-Group of the Business Committee) and the diocesan synod motion from the diocese of Sheffield carried at the November 2002 Group of Sessions of the Synod (concerning the election of churchwardens and parochial church councils) have also been referred to this Group by the Business Committee. These matters are dealt with in paragraphs 94 to 121 below.
7. In the course of its deliberations, the Group also considered a number of other matters which are referred to in paragraphs 122 to 135 below.

8. The Group met on four occasions between October 2002 and January 2003.
9. The Group has reached unanimous recommendations on all issues except the representation of archdeacons and whether retired clergy should continue to be ineligible for election to the General Synod. On each of these issues one member (a different one in each case) dissented from the majority view. On both these issues the minority view is contained in this Report.

SIZE AND COMPOSITION OF THE GENERAL SYNOD

General principles

10. The Group started from the position that it firstly needed to establish a view as to the overall size of the General Synod, taking into account the decision of the Synod in July 2002 that the total membership should be no greater than 500, before proceeding to examine all the special constituencies affirmed in July 2001 (except that for the retired clergy which was rejected by the Synod in July 2002).
11. The Group had been instructed by the Synod in July 2002 that all these special constituencies were to remain (see paragraph 4 above), but had been authorised to review the number of members allocated to each and propose new allocations. The Group took this instruction to mean that it should examine not only those constituencies where specific recommendations for change were made by the Synod in July 2001 (such as archdeacons or the armed forces) but also those constituencies where no proposal for change was made by the Synod in July 2001 (such as deans or suffragan bishops).
12. The Group established clear and consistent principles which it applied to all special constituencies when making proposals for their size. It was agreed that such constituencies should be sufficiently large to ensure a fair and balanced representation of churchmanship. (In this connection it relied upon its understanding of STV that three is the minimum number of candidates required for it to be effective in producing fair representation for minorities amongst those elected.) Special constituencies also needed to be large enough to ensure that their voice would be heard effectively. The Group considered that by keeping to these principles it should be possible to reduce the overall size of the House of Clergy while keeping the number of elected proctors roughly

the same as at present. This would not, of course, be the case if any of the special constituencies in the House were larger than they needed to be, in which case the number of elected proctors from the larger dioceses would have to be reduced to compensate.

13. As a principle for determining the number of seats allocated in the Synod to the constituencies for suffragan bishops and deans respectively, the Group agreed that each should have seats in equal proportion to the numbers in their respective electorates - the number of seats for these two constituencies representing approximately ten per cent of their respective electorates. A majority of the Group also agreed that this principle should be applied to the constituency for archdeacons.

Overall size of the Synod

14. The Group agreed that three factors were paramount in considering this issue: firstly, the General Synod could not be seen to be standing alone, above the recent moves to reduce the size and cost of central institutions; secondly, a General Synod reduced in size would need to be so composed as to be representative and workable as an organic whole; and, thirdly, there were positive advantages in reducing the overall size of the Synod.
15. The Group noted that the Bridge Report (page 74) pointed to the fact that the size of the Synod had remained roughly constant at 575 since 1970, whereas there had been significant reductions in the number of clerical electors and members of electoral rolls since that time.[∇]
16. The Bridge Report also recognised that a significant reduction in numbers would encourage a higher proportion of members to engage in discussion and improve interaction between members. It would also reduce costs and demands on time and promote ease of representation. The Bridge Report's overall recommendation was therefore set at 390, retaining the current balance between York and Canterbury.
17. The Follow-Up Report (pages 18-20) rejected the Bridge proposal because it considered insufficient places were left to preserve an equitable representation and sufficient working membership. It arrived at

[∇] The latest figures in that respect are that whereas there were 15,618 clerical electors in 1970, there were only 12,527 in 2000 – a reduction of 20%; and whilst there were 2,562,820 persons on church electoral rolls in 1970, there were only 1,342,193 in 2000 (a reduction of 48%.)

a membership of between 480 and 499, which it considered sufficient to reflect a wider variety of expertise.

18. This Group recognised that the motion carried at the July 2002 Group of Sessions calling for a Synod of a size “*no greater than 500*” gave the Group, in theory, the latitude radically to reduce the Synod to, say, a figure in the 300s. However, it also recognised that the motion as carried had to be seen in the context of the alternative rejected in that debate, namely the amendment calling for membership of the Synod to be reduced to between 381 and 425. The decision of the Synod on these amendments, taken together, suggested to the Group a desire on the Synod’s part to reduce its current size of 571 to below 500, but not to go below 425.
19. Within these parameters, the Group came to the conclusion that an overall size in the region of 470 to 480 would be appropriate. In doing so it took account of the following factors:
 - (a) There needed to be sufficient members to ensure effective reporting back of General Synod decisions.
 - (b) The saving on costs resulting from a reduction in Synod membership was principally in respect of travel and subsistence costs, which were borne by the dioceses. In a smaller Synod, the proportionate cost saving in printing and posting reports and other documents would be negligible.
 - (c) The primary route to membership of the General Synod was by way of election from the dioceses as proctors or lay members. To keep the reduction in seats for these members down to a minimum, the special constituencies should be no larger than was absolutely necessary to ensure their effectiveness.
 - (d) The General Synod needed to continue to function effectively as the representative body expressing the national ‘mind’ of the Church. It therefore needed to keep a breadth of representation and expertise which could be lost if it was too small.
20. With these points in mind, the Group came to the conclusion that the current formula for calculating the number of elected proctors and lay

members (i.e. a minimum of three clergy and three lay people per diocese except Sodor and Man and Europe) should remain. Any amendment to the formula (while keeping the same minimum) could only mean a reduction in the number of seats for the larger dioceses and a disproportionately larger representation for smaller dioceses.

21. The Group did, however, conclude that the balance of elected proctors and lay members between the two provinces needed to be addressed. This currently stood at 68/32, which involved under-representation of the Canterbury province. It was noted that moving from the current split to either 70/30 or 72/28 had a relatively minor effect on the allocations per diocese, although, as would be expected, the effect was more marked in the northern province (see Appendix II). The Group agreed that a move to a 70/30 split should be made as a moderate step towards a fairer division of seats between the provinces.

The House of Bishops

Numbers of Suffragan Bishops

22. Both the Bridge Report (page 60) and the Follow-Up Report (pages 4-5) recommended that the present representation be reduced from nine suffragan bishops (six from Canterbury and three from York) to six (four from Canterbury and two from York). This specific recommendation was rejected by the General Synod at the July 2001 Group of Sessions.
23. The Group was clear that this special constituency was necessary, as otherwise suffragan bishops would have no representation on the Synod. It was also clear that two separate provincial constituencies needed to be maintained so that those standing for election were known to the electorate, and to preserve the coherence of the suffragans collectively, particularly in the northern province. Having said that, the Group was sensitive to the argument that the House of Bishops could not stand aside from any reduction in the overall size of the Synod. Using the formula of a minimum of three to ensure fair representation, the Group therefore agreed that the representation of suffragans should be seven (four from Canterbury and three from York – a reduction of two in the current representation from the southern province).

Representation during a vacancy in See

24. The Follow-Up Report recommended (page 5) that when a See is vacant at the time of a meeting of the General Synod, and provided that a suffragan bishop from that diocese is not already an elected member of the Synod, the bishop charged with responsibility for the diocese during the vacancy should be entitled to attend and speak at sessions of the General Synod, but without voting rights.
25. As its guiding principle, the Group agreed on the desirability of each diocese always having an episcopal voice on the Synod (alongside the clergy and laity), thereby ensuring the complete representation of the diocese. Whereas in the case of the clergy and the laity, a vacancy in either House would not mean that their voice would be lost, this was not the case where there was a vacancy in a diocesan See. The Group therefore endorsed the Follow-Up Group's proposal described in the preceding paragraph.
26. The Group agreed that in such cases the bishop concerned should not have voting rights, as although he could represent the views of the diocese in the Synod and report back to his diocese, the distinction between his position and that of the diocesan bishop needed to be maintained. If a suffragan from the diocese was already on the Synod, it would be necessary for him to adopt a dual role - continuing to represent the wider constituency of suffragans across the province who elected him, as well as representing the diocese in the absence of the diocesan bishop.

Suffragan bishop sitting as an alternate to the diocesan bishop

27. The Bridge Report (page 59) had also raised the possibility of wider provision than that described above for when a bishop was unavoidably absent. The Report had suggested that such provision "*could mirror the provisions which the House of Bishops had already incorporated into its own Standing Orders*". But Bridge felt that that was not a matter for it, being instead an issue which the House of Bishops itself should consider.
28. Subsequently, in the course of the July 2001 debate, the Bishop of Ripon and Leeds raised the possibility of "*the bishops of a diocese choosing one of their number as a Synod member, as archdeacons do now*". In the debate in July 2002 the Bishop of Peterborough also raised the question of diocesan bishops being able to appoint 'alternates'. However, at the meeting of the Standing Committee of the House in September 2002, the Committee did not favour any sort of permanent arrangement under

which a diocesan bishop would be able to nominate a suffragan to take his place in General Synod as a matter of course.

29. The Group, while concurring with that view, had some sympathy with the argument that, if a diocesan bishop did not particularly wish to engage with the work of the General Synod but had a suffragan bishop who did, it might be better for the work of the Synod to allow the suffragan to take his place on the Synod. However, it concluded that the diocesan bishop, as head of the diocese, needed to be at Synod to hear the debates of the national Church and to report back to his diocese.
30. The Standing Committee of the House of Bishops did, however, favour the idea of a suffragan (to be nominated by the archbishop of the province) being able to attend General Synod when the diocesan was ill, on sabbatical leave, or on duty in the House of Lords (this being an extension to the Synod of a provision already provided for meetings of the House of Bishops by Standing Order 12(c) of the House).
31. The Group did not favour this proposal as it felt that to adopt this procedure (with different bishops representing a diocese at different times) could damage the collective and collegiate nature of the House of Bishops. There could also be difficulties if a different bishop represented a diocese when the House met separately from when it met as part of the General Synod.

The House of Clergy

Archdeacons

32. The Bridge Report (pages 65-66) had placed emphasis on the archdeacon's role as one distinct from that of bishops or clergy. But it was nonetheless opposed to the dual route of election that exists at present, and considered that archdeacons would be able to secure election if they stood in the proctorial elections. It therefore proposed the abolition of the archdeacon's special constituency.
33. The Follow-Up Report (pages 8-9) took account of the close engagement of archdeacons in administration; their high profile and electability; and the fact that a smaller group of archdeacons would not adequately reflect the distinctive character of different dioceses. It therefore favoured the retention of the existing constituency of one representative archdeacon per diocese, subject to the abolition of the alternative route of election

and a change to the present arrangements to ensure that, if a proctor became an archdeacon, he or she would not retain his or her seat in the General Synod unless the clergy members of the Bishop's Council agreed.

34. The Follow-Up Group's recommendations were rejected by the Synod in July 2001, in favour of a constituency of the same size as that for suffragan bishops (nine at that time). That decision was, in turn, subject to the Synod's decision in July 2002 as to the size of this, and the other, special constituencies. In the Group's view, amongst the most pertinent points (on both sides) made in the 2001 and 2002 debates were that: the present size of the constituency gave archdeacons a disproportionate influence; one archdeacon per diocese is needed so that archdeacons can implement the Synod's decisions effectively; and having one archdeacon from each diocese, appointed by the others, involves a democratic deficit.
35. The Group was conscious of the points made on the particular role of archdeacons in the drafting of ecclesiastical legislation and the long history of archdeacons sitting in the Convocations (dating back to the thirteenth century). It was also suggested to the Group that, given their particular responsibilities, archdeacons were constantly "in the front line" when it came to advising clergy, PCCs and churchwardens on the implementation and implications of Synodical legislation and decisions, and that this gave archdeacons a comprehensive view of the Church at parish and diocesan level and a sharp perception of what would and would not work on the ground. Whilst there were differences of opinion on the Group as to the merits of the above points, the Group as a whole accepted that archdeacons had a distinctive and valued contribution to make to the work of the Synod.
36. All members of the Group recognised that the view of the Synod as expressed in the two debates was that there should continue to be a special constituency for archdeacons (its size to be determined) and that the alternative route for archdeacons to be elected as proctors should be closed down. The Group recognised that the rationale for the continuance of a special constituency for archdeacons was different from that for most other special constituencies. Rather than being required to ensure representation for a group with a distinctive contribution that otherwise would not be heard, the reason for keeping the special constituency for archdeacons (and closing the avenue of proctorial election) was to ensure that archdeacons, who are well known in their dioceses, did not overwhelm other clergy in the proctorial elections. Indeed, the Group

noted that the inclusion of all archdeacons in proctorial elections would have an inevitable impact on how the archdeacons worked and were perceived in the dioceses. It might also put into question, or at least add a different dynamic to, the position of the archdeacon as an appointee of the bishop. (It was noted, however, that these factors were already in play, albeit to a lesser degree, in the case of archdeacons who stood for election.)

37. The Group considered a proposal from one of its members for the abolition of the archdeacons' special constituency and for the proctorial election to be structured so that only one archdeacon could be elected from each diocese, but noted that this would reduce the prospects of other clergy being elected and would be contrary to the Synod's view that the archdeacons' special constituency should be maintained.
38. If there was to be a special constituency for archdeacons, as the Synod had indicated it wanted, then the next issue for the Group's attention was how this constituency should be constituted. The Group identified one question as central: did there need to be an archdeacon from every diocese for the voice of the diocese to be heard effectively and for the legislation enacted by Synod to be communicated back to dioceses? The majority of the Group concluded that there did not.
39. It was suggested that every diocese ought to be represented by one archdeacon because the situation in each diocese was different, so that it would not be possible for an archdeacon in one diocese to represent the views, perspective and experience of another archdeacon in a different diocese. However, a majority of the Group agreed that rather than having an archdeacon representing each diocese on the Synod, what was needed was an effective voice for the office of archdeacon (enabling it to represent its views, experiences, insights and perspectives) and considered that a 'cadre' of archdeacons elected by their peers could fulfil this role and communicate back effectively to its electorate. Furthermore, the majority of the Group saw no logical reason for the number of places for archdeacons in the Synod to be any larger in proportion to its electorate than for suffragan bishops. Nor was it persuaded that it was appropriate for archdeacons to be elected by regional groups, as they varied considerably in their coherence and effectiveness. This accordingly pointed to constituencies of eight archdeacons from Canterbury and four from York. A majority of the Group felt that this would give a fair, proportionate and effective voice to

archdeacons in the Synod (as well as the Convocations and the House of Clergy).[∇]

40. The Archdeacon of Norwich dissented from this decision. He considered a constituency of twelve archdeacons to be an insufficient number to contribute effectively to the work of the Synod and resource its various committees and working parties. He believed a constituency of not less than twenty four (sixteen from Canterbury and eight from York) was a more appropriate number, equivalent to roughly half the number of archdeacons currently on the Synod.

Deans

41. The Group noted that the rationale for the continuance of the special constituency for cathedral deans was similar to that for archdeacons. Deans brought the distinctive viewpoint of the cathedral to the Synod (alongside cathedral clergy and laity serving on cathedral bodies) but if deans were included in the proctorial elections they, like archdeacons, could only secure election at the expense of the representation of other clergy.
42. The Group agreed that there was no reason why the deans' constituency should be any larger than those for suffragan bishops (or for archdeacons for a majority of the Group) in terms of seats as a proportion of the electorate. This would produce a constituency of five. The Group considered that a national constituency would be appropriate for deans: a constituency of this size was not divisible by three (the minimum number for a constituency to be representative under STV) and deans already met on a national level to discuss issues of mutual interest.

Retired clergy

43. The Group considered the question of retired clergy voting and standing in General Synod elections. The Group noted that the Follow-Up Group (page 16 of its Report) had, by a majority, recommended the setting up of a special constituency of six retired clergy elected from clergy with permission to officiate serving on deanery synods. This proposal had been rejected by the Synod in July 2002 when the Synod had passed an

[∇] The Group agreed that the archdeacons in the diocese in Europe should be included in the electorate for this archdeacons' constituency and therefore the current provision whereby these archdeacons were included in the proctorial election for the diocese of Europe (the second sentence of the proviso to paragraph 4(b) of Canon H2) should be repealed.

amendment, moved by Mrs Penny Granger, stating that legislation “*shall make no provision for the representation of retired clergy.*”

44. In that debate, the Dean of Derby, as Chairman of the Business Committee, had stated that “*if they [Synod members] favour there being no retired clergy in this General Synod, to vote for Mrs Granger’s amendment and to see it narrowly in terms of membership of this Synod*”, giving an additional assurance that the question of the disenfranchisement of retired clergy would be “*followed-up*”.
45. The Group considered that, whatever her intentions in moving it, Mrs Granger’s amendment could have been understood by Synod members in more than one way. Given that the Business Committee’s Report (GS 1441) had talked of legislation continuing “*to provide for representation of retired clergy on the basis set out in paras. 46-50 of GS 1428*”, (i.e. a special constituency for retired clergy), the amendment could have been interpreted by members as merely precluding the representation of retired clergy by means of a special constituency, leaving open the possibility of retired clergy being elected to the Synod by the normal route of proctorial elections.
46. A majority of the Group agreed that the questions of retired clergy voting and standing for General Synod were inextricably linked and that it was unjust that retired clergy with permission to officiate, who made a significant contribution to the Church, should not have a voice in electing the General Synod.
47. No one on the Group advocated a special constituency for retired clergy, but a majority of the Group did favour building on the provisions for representation at deanery and diocesan level to provide an electoral route to the General Synod for retired clergy. Under revised provisions recommended by the Group (see paragraphs 88 to 93 below) those clergy with permission to officiate (who would in practice largely comprise retired clergy) would elect to the deanery synod one of their number for every ten of them resident in or habitually worshipping in the deanery. (This was similar to the existing provision under which retired clergy in receipt of a clergy pension are eligible for election to deanery synods. But it avoided the difficulties inherent in the proposal by the Manchester Diocesan Synod for the amendment of the CRRs, which seemed to the Group to give rise to potential difficulties in identifying what is meant by “*retired*” clergy.) Clergy on deanery synods having permission to officiate could then, under existing provisions, be elected to the diocesan

synod. A majority of the Group proposed that the electorate for proctorial elections to the General Synod should also be expanded to include any such retired clergy elected to a diocesan synod, who would also be eligible to stand for election to the General Synod.

48. The majority of the Group recognised in making this proposal that only a very small number of retired clergy would be likely to take advantage of it. But nevertheless it would allow those interested in synodical government to vote for proctors in the General Synod or to even stand for election themselves. The Group also took account of the fact that retired clergy would only secure election to the General Synod if supported by the clerical electors of the diocese (who would be aware of their age by virtue of the existing requirement that the age of candidates be displayed on voting papers)[∇].
49. Mrs Penny Granger dissented from this proposal. She argued that her amendment, passed in July 2002 by a substantial majority of the Synod, was unequivocal. Its effect was that retired clergy should not be eligible to become members of General Synod by any route. The Chairman of the Business Committee's assurance on the disenfranchisement of retired clergy had referred to voting rights, not eligibility to stand for election. If the objective of this exercise is to reduce the size of the Synod, now is not the time, Mrs Granger argued, to introduce new categories of membership, whether as special constituencies or as diocesan candidates. Any retired clergy elected would be occupying seats that would otherwise have been filled by beneficed or licensed clergy.

Chaplain General of Prisons

50. The Group noted that both the Bridge and Follow-Up Reports had recommended that the *ex-officio* place for the Chaplain General of Prisons should be abolished. However, the Synod rejected the Follow-Up Group's recommendation in July 2001 and thereby indicated that it wished the Chaplain General of Prisons to continue to be an *ex-officio* member of the Synod.

[∇] The Group also noted that it was already possible for retired bishops to vote in and be candidates in elections to the Upper Houses of the Convocations, the requirement for qualification for both being that they had to be "working in" a diocese and members of the House of Bishops of that diocese.

51. The Group recognised that it was unlikely that prison chaplains would be elected to the Synod in the proctorial elections. It was in the nature of their office for prison chaplains to move around quite frequently and to be somewhat separated from the surrounding life of the diocese when in post. Consequently, prison chaplains were unlikely to be sufficiently well known in the wider diocese to be elected. The voice of the prison chaplaincy service needed to be heard on the Synod and the Group agreed that this could best be achieved by the retention of a seat for the Chaplain General.

Other constituencies (across two or more Houses)

Armed Forces

52. The Bridge Report (pages 66-67 and 71) recognised the special position of the clergy and laity in the armed forces and the need for special provisions to ensure their representation. The Report recommended the replacement of the three Service Archdeacons by a service representation comprising three chaplains (one to be elected from the house of clergy of the Archdeaconry Synod of each of the armed services). Bridge also recommended the inclusion of three lay members from the armed forces (one to be elected from the house of laity of the Archdeaconry Synod of each of the armed services). Lay representation for the armed forces was needed, Bridge concluded, for the same reason as for clergy, namely that they are a special case and could not be expected to secure election any other way.
53. The Follow-Up Report (pages 10-11) had accepted the Bridge recommendation, with an additional place being provided for one of the armed forces Archdeacons (elected from among the three) and with the Archbishop of Canterbury or the Bishop to the Forces arbitrating in the case of a disagreement.
54. The Group noted correspondence subsequently received from the Forces Synodical Council, in which the Council had accepted that the Bishop to the Forces need not have a seat on the Synod, as the Ordinary of the armed forces was the Archbishop of Canterbury. However, the Council was concerned at the under-representation of the service archdeacons in the proposed new arrangements, pointing out that the archdeacons were “*best qualified to speak on defence matters and uniquely equipped to deal with single service issues*”. The Group also understood that the services felt that archdeacons should not be included in any elections with other chaplains since they had a “*quasi-episcopal*” role which

would make competition with other chaplains in an election inappropriate – and also be likely to reduce the chance of a chaplain being elected. Finally, the point was also made to the Group that each of the three services needed separate General Synod representation, since they had different identities, problems, chains of command etc., so that it would be impractical for one to represent the other two.

55. The Group was originally minded to conclude that an armed forces constituency of three would be appropriate. However, the Group was conscious that with such a small number it would be very difficult fairly to meet the request of the armed forces for separate representation for the three services, to provide for lay representation and to respect the special position of the service archdeacons. Furthermore, the Group was persuaded that the number of clergy and laity in the armed forces, as well as their collegiate nature (as expressed through, for example, the Forces Synodical Council), warranted representation in the General Synod for the armed forces of at least the same size as for a small diocese.
56. The Group therefore agreed that the armed forces should have a constituency of seven on the General Synod, of which at least three should be clergy and at least three should be lay. It would also be a requirement that members of this constituency would be elected (apart from the service archdeacons if all three were to be included in the clergy numbers or if the Bishop to the Forces was chosen), the elections to be conducted using STV if appropriate. But within those constraints, since the armed forces had an established and stable synodical structure of its own, the Group agreed that it should be left to the armed forces themselves, through the Forces Synodical Council, to decide exactly how this constituency should be made up before each general election.

Universities

57. While noting that theological expertise was not a requirement for standing for election, the Bridge Report (pages 69-70) noted that the existing system of electing six clergy from the universities had brought valuable theological expertise to the Synod. But it was not persuaded that this expertise was necessarily available only through the universities: it was also available from theological colleges in particular. The Report concluded that the present electoral base was small and anomalous and that restricting the eligibility of both candidates and electors to the clergy alone was causing resentment amongst lay theologians in universities. The Bridge Report therefore recommended the abolition of the existing

provisions and that clergy in universities should, instead, be eligible to stand in their diocesan proctorial election.

58. The Follow-Up Report (pages 12-13) assumed that the purpose of the existing constituencies was to provide theological reflection and expertise and noted that the existing arrangement had its origins in the days of fewer universities, when clergy were employed almost exclusively as theological teachers. It saw a number of objections, however, from the point of view of the ability of those constituencies as currently constituted to achieve that aim. With the recent rapid expansion of higher education there were now many more clergy working in universities who were employed in posts other than as teachers of theology but who, under the current system, were eligible to vote in the universities constituency. At the same time, there were other institutions, such as theological colleges and courses, that employed theologians who would be ineligible to vote (unless they happened also to hold a university post). Finally, as pointed out in the 2001 debate, some of the electoral divisions within the constituencies could in practice have extremely small memberships. In addition to all this, the current system excluded the increasing number of lay theologians from participating in this special constituency.
59. The Follow-Up Group therefore concurred with the Bridge recommendation that the universities special constituency should be abolished and added that “*the provision of appropriate theological expertise in General Synod should, ultimately, be ensured by the appointment jointly by the Presidents of not more than five persons as members of General Synod after consultation with the Appointments Committee ...*”. This power would be exercised after the composition of the Synod was known and would have due regard to the theological expertise otherwise available to the Synod.
60. The recommendation of the Follow-Up Group was subsequently overturned by the Synod in July 2001 when it passed an amendment moved by the Reverend Dr Richard Burrige (Dean of King’s College, London) which called for “*one or more special constituencies of university recognised teachers with theological expertise, whether bishops, clergy or laity, male or female*”.
61. The Group recognised that the Synod had instructed it to draft legislation to implement this proposal, which plainly called for a constituency or constituencies comprised of a particular type of teacher with theological

expertise, as opposed to theological experts more generally. In pursuance of this, the Group has investigated how such a constituency might work.

62. Dr Burridge's amendment envisaged, as made clear in subsequent correspondence, that a constituency could be based on an existing database produced by the Association of University Theology and Religious Studies Departments (AUDTRS), a copy of which he kindly made available. It was noted that the database listed "*over 730 academics working in 49 departments of Religious Studies and/or Theology in UK higher Education (university-level) institutions.*" Dr Burridge envisaged that the presiding officer for this constituency would compile an electorate every five years by writing to all of those on this database asking each if they were communicant members of the Church of England and if so, whether they wished to be included in the electorate for this constituency. The constituency would include lay as well as clerical theologians, but exclude university staff without theological expertise.
63. The Group recognised that a constituency composed on these lines would not share some of the perceived problems of the existing constituency: it would comprise lay as well as clerical members; exclude university staff who did not have theological expertise; and provide a larger and more easily identified electorate.
64. The Group was concerned in a number of key respects, however, about the practical application of the AUDTRS database as the basis for a revised universities constituency. Having sought further information concerning the compilation of the AUDTRS database, the Group was satisfied that, so far as it was possible to gauge, it was a securely funded and stable and likely to continue for the foreseeable future. But the Group was concerned that the full review of the membership of the database occurred only every three or four years (with interim reviews every 12-18 months), which meant that it would not always be at its most accurate at the time of elections to the General Synod. Furthermore, under the Data Protection Act, the current arrangements for compiling the database were such that it would not be possible to obtain address labels for the purpose of putting together an electoral constituency for the General Synod. This would mean that an approach to the academics listed on the database in order to compile a list of electors and candidates would have to be undertaken on the basis of the hardcopy of the handbook alone, which would be resource intensive.

65. In addition to these practical drawbacks, the Group noted that this database did not include teachers of theology working in theological colleges or courses, who the Group felt in all fairness had to be included alongside theological teachers in universities. This led the Group to question the rationale for such a constituency which, in the words of Dr Burridge, was not only to furnish theological expertise but “*to provide representation of the universities and to facilitate the relationship between the Church and higher education*”.
66. The Group had noted that it was evident in the current composition of the Synod that there was a wide body of theological expertise in all three Houses from bishops and from directly elected clergy and laity, before taking into account the universities constituency, and that such a situation was likely to continue in the future. This raised the question of what the proposed new universities-based constituency would be for.
67. Were such a constituency “*to provide representation of the universities and to facilitate the relationship between the Church and higher education*” as Dr Burridge was proposing, then the electorate for this constituency would have to be significantly enlarged to include all sectors of higher education. Furthermore, the Group could not see an argument that higher education could or should be treated as such a special case as are the armed forces or the religious communities. The Group concluded that there are, and will continue to be, people who work in the higher education sector who will gain election to the Synod in the usual way.
68. The Group therefore came to support the Follow-Up Group’s position and concluded that what was at issue was theological expertise alone and that to a large extent this could be reasonably be assured through the normal electoral process. However, the Group agreed that provision should be made for theological experts to be appointed (up to a maximum number of three – whether episcopal, clerical or lay), if required to fill perceived gaps in the breadth of expertise on the Synod, after having taken into account the expertise already on a newly elected Synod. As recommended by the Follow-Up Group, such experts would be appointed at the start of each quinquennium. The Archbishops, as Presidents, would initially consult with the Appointments Committee and then present names to the Synod for approval.
69. The Group acknowledged that this proposal, if implemented, would mean the end of specific representation from Oxford and Cambridge

universities (as of course would a new constituency based on university recognised teachers of theology). But the Group agreed that this could be justified by the much broader field of theological expertise now available to be drawn upon. Indeed it was noted that a precedent had already been set by the National Institutions Measure 1998 which had removed the provision whereby a representative of each of the universities of Oxford and Cambridge was appointed a Church Commissioner.

70. The Group accepted that it was obliged by the result of the July 2001 Synod debate to investigate the best means of creating a constituency comprised of university recognised teachers with theological expertise. This, the Group concluded, it had done. However, in doing so the Group had come to the unanimous view that this was impractical and that, in any event, this was the wrong way to proceed in principle. For these reasons, the Group agreed that it could not recommend draft legislation to the Synod that would create a constituency based on university recognised teachers of theology. Rather, the Group would recommend draft legislation that would provide for a system of appointees (see paragraph 68 above) to ensure that the Synod would contain a sufficient spread of theological expertise.

Religious Communities

71. The Group affirmed that the Religious provided a valued contribution to the life of the Synod and accepted that they were unlikely to secure election through the diocesan route. The Group also accepted the principle first espoused by the Bridge Report that both clerical and lay elections for Religious Communities should be across both provinces (with clergy taking their seats in the Convocation of the province in which their Mother House was situated).
72. The Group agreed that two clergy and two lay representatives should be elected from the Religious Communities to the Synod. This was greater representation for the clergy than recommended by the Follow-Up Group (which had recommended one clergy and two lay places) but the Group felt that two Religious in each of the Houses of Clergy and Laity was a fair and balanced representation of this constituency, while reducing by one the current representation of the Religious on the Synod.

Channel Islands

73. The Group supported the Follow-Up Group's recommendation that the Deans of Guernsey and Jersey should agree between themselves at the start of each quinquennium which of them was to represent the Channel Islands in the General Synod (with the Bishop of Winchester arbitrating in the case of a disagreement). The Group also agreed to provide for the other Dean to serve in General Synod should the Dean of Guernsey, or of Jersey (as the case may be), cease to hold office. This would give greater flexibility and replace the existing rule whereby the deans alternated between themselves at the start of each quinquennium as to which of them would sit in the Synod (with a successor in office filling a vacancy).
74. The Group also noted that the Bridge Report had recommended the abolition of the special constituency for the election of laity from the Channel Islands in favour of the laity in the Channel Islands being included in the Winchester diocesan laity election. The Follow-Up Group had highlighted a number of legal complexities in implementing this proposal, from the point of view in particular of (a) the fact that the Channel Islands were "attached" to the diocese of Winchester and not part of it and (b) the non-applicability of the Canons of the Church of England in the Islands. In view of the legal complexities involved in changing the existing arrangements and the sensitivities that would inevitably be involved, the Follow-Up Group had concluded that the existing special constituency should be retained. This Group, after discussion, concurred.

Other recommendations of the Follow-Up Group and related issues

Position of Diocesan Secretary

75. The Group considered two issues concerning the position of the diocesan secretary. The first issue arose from a recommendation in the Bridge Report (page 49) that the diocesan secretary should have a legal *persona*. The rationale behind this move was that such a legal position would allow for specific tasks to be allocated in law to the diocesan secretary, rather than being delegated to someone else or not being allotted to a specific office holder, as was currently the case. The Follow-Up Report (page 21) had contained a proposed form of words to achieve this (subject to the possibility of refinement by Standing Counsel). The Group agreed that this proposal should be implemented and accepted a draft provision prepared by Standing Counsel (see Appendix III). In order to ensure the maximum degree of flexibility for dioceses, this

makes it clear that the Diocesan Secretary is to perform not only the specified functions but also “*such other functions as may be specified by the Diocesan Synod of the diocese*”.

76. The Group also agreed that as this amendment should be uncontroversial and needed to be given effect by Measure, it would be appropriate to introduce it at the revision committee stage of the Church of England (Miscellaneous Provisions) Measure that was given first consideration in November 2002.
77. The second issue related to whether a diocesan secretary who has been elected to the General Synod should also become an *ex-officio* member of the diocesan synod in the normal way or whether this should be prohibited on the ground that it was inappropriate for the diocesan secretary to be a member of a body of which he or she was the servant. The Follow-Up Report (page 21) canvassed this possibility but made no recommendation.
78. The Group received legal advice to the effect that there would not seem to be any legal objection to a diocesan secretary simply being a member of his or her diocesan synod. Legal principles normally prevented a person subject to fiduciary obligations (such as the member of the governing body of a charity) from being employed by it; but this prohibition would not seem to apply in relation to the position of a diocesan secretary simply acting as a member of the diocesan synod. The Group therefore agreed not to make any recommendations for change in this respect.

Relationship between the diocesan synod and the diocesan board of finance

79. The Group considered two related issues raised in the Follow-Up Report: the propriety of making the members of the diocesan synod the same as the members of the diocesan board of finance (“DBF”) and whether, in cases where that is not done, the DBF can properly be made subordinate to the diocesan synod.
80. The Group noted that lying behind both proposals was a desire to bring together considerations of policy and the allocation of resources (pages 45-46 of the Bridge Report) and that the Follow-Up Report (page 24) had supported “*The implementation of legislation to remove any doubt about the legality of merging [the diocesan synod and the DBF] and to*

enshrine arrangements which would promote the alignment of the work and activities of the diocesan synod and DBF”.

81. On the first issue, the perceived difficulty was one of potential inconsistency between the requirements for membership of a DBF and the requirements for membership of a diocesan synod.[∇]
82. However, the Group was advised that there was no necessary inconsistency between these two requirements: an arrangement under which the number of lay members of a diocesan synod very slightly exceeded the number of clerical members (so as to meet the requirement of section 1 of the Diocesan Boards of Finance Measure 1925) did not seem to be inconsistent with the requirement of the Church Representation Rules that their numbers be “*approximately equal*”. The Group was not therefore persuaded of the need for any legislative amendment on this point. In support of this it noted that, at the time the Bridge Report was published, sixteen dioceses had already changed the Memorandum and Articles of Association of their DBF in order to make its membership the same as that of the diocesan synod, apparently after obtaining legal advice that that was permissible under the terms of the existing legislation. Whilst the Bridge Report questioned the permissibility of this, the Group was not clear that it had been right to do so and agreed to recommend that no legislative change be made in this area.
83. However, the Group was concerned that simply assimilating the membership of the two bodies might mislead those concerned into believing that it achieved a greater degree of assimilation of policy making than was in fact the case. Its understanding, in the light of the views expressed by the Charity Commission in the correspondence referred to below, was that where such an arrangement is adopted, those acting as directors of the DBF continued to owe their primary duty to that body and should not see themselves as bound by any decisions of the diocesan synod. Rather, they would have to approach issues falling for decision by them in their capacity as such from the point of view of the best interests of the DBF. It therefore seemed to the Group that there were advantages in the alternative course of action considered below.

[∇] Under section 1(2)(d)(ii) of the Diocesan Boards of Finance Measure 1925 a majority of the members of a DBF are to be lay people; whereas under Rule 31(8) of the CRRs the number of the Houses of Clergy and Laity in a diocesan synod are required to be “approximately equal”.

84. As to the second issue, the Group noted that the Bridge Report had recommended (page 46) that where the DBF and the diocesan synod are not identical “*the DBF should be subordinate to the resolutions of the diocesan synod*”. However, paragraph 74 of the Follow-Up Report had referred to a possible legal difficulty in making the DBF subordinate to the diocesan synod in that way, given that the DBF has certain statutory financial powers and responsibilities to discharge. That report had therefore suggested that the view of the Charity Commission on the issue should be sought and reported to the General Synod in due course. (The Commission’s interest of course arose out of the position of DBFs as registered charities.)
85. Contact was accordingly made on behalf of the Group with the Charity Commission (which it seemed had not previously been approached about the matter). The Commission’s analysis started from the proposition that charities must make their own decisions and exercise their discretions solely in the interests of the charity. They must not be controlled or directed by anyone outside the charity or comply with any external directions if, in doing so, they would be acting outside the charity’s purposes. The Commission would not therefore consider it to be acceptable for a DBF to be generally subordinate to a diocesan synod (i.e. in a way which allowed the synod to direct the affairs of the DBF without reference to whether what was done furthered the DBF’s charitable purposes or was in its own best interests): that would be inconsistent with the DBF’s charitable status.
86. The Commission went on to draw attention to section 3 of the Diocesan Boards of Finance Measure 1925, which provides that “*A Diocesan Board of Finance for any diocese constituted under this Measure shall in the exercise of its powers and duties comply with such directions as may from time to time be given to the Board by the Diocesan Synod.*” The Commission saw this as unobjectionable, however, because it apparently understood that power as being, by implication, limited in such a way as to comply with the principles stated in the preceding paragraph. It concluded that “*a combination of sections 1(2)(d) and 3 [of the 1925 Measure] (understood within the principles the Commission has set out) may in fact already provide something of an answer to the aspiration to relate the policy of diocesan synods to the actions and allocations of DBFs*”.
87. In the light of the Commission’s view, the Group saw no need to recommend the making of any changes to the present position, thereby

avoiding the need for amending legislation (which might otherwise have been brought before the revision committee for the draft Church of England (Miscellaneous Provisions) Measure currently going through Synod). The power already conferred by section 3 of the 1925 Measure seemed to be both consistent with the charitable status of DBFs and adequate to achieve what the Bridge Report apparently wished to achieve (in so far as that is achievable in the light of the relevant legal principles).

Representation of retired clergy on deanery and diocesan synods

88. The Group considered two related issues concerning the representation of retired clergy on deanery synods. The Group noted that Rule 24(2)(e) of the CRRs currently provides for one or more retired clergy who are in receipt of a pension to be members of the deanery synod, with one such person being elected or chosen for every ten retired clergy resident in the deanery and who do not hold the licence of the bishop.
89. A diocesan synod motion from the diocese of Manchester proposing the removal of the requirement “*to be in receipt of a pension in accordance with the provisions of the Clergy Pensions Measure 1961*” (so as to provide for former non-stipendiary clergy as well as retired stipendiary clergy to be eligible to stand and vote for deanery synod membership) was due to be debated by the Synod in February 2003 (having been contingency business that had not been reached in November 2002). An amendment had been tabled on behalf of the Business Committee to refer to this Group the detailed consideration of the proposed changes.
90. However, the Group noted that the Manchester motion would leave those eligible to stand and vote defined as “*retired clergy*” and that such a definition would be difficult to apply in practice. Rather than adopting this definition, the Group agreed to an alternative route previously explored in the Follow-Up Report (page 16), which had considered an amendment to this rule so that it referred to “*clerks in holy orders having permission to officiate*” .
91. A related matter had also come to the Group for consideration arising from the Follow-Up Report (page 24), namely the removal of the residence qualification for retired clergy in relation to standing and voting in deanery synod elections. This requirement was a more stringent requirement than that required for the laity and the Follow-Up Group had wished to bring the requirements for retired clergy into line with the laity in this respect (namely, to introduce the option of eligibility on the basis

of habitual worship at a church in the deanery for six months alongside that of residence). This Group concurred with this desire.

92. The Group consequently recommends that Rule 24(2)(e) of the CRRs be amended on the basis of the preceding two paragraphs. It was felt to be preferable for the Group to deal with this issue in its draft legislation rather than to postpone action until the debate on the Manchester motion. In the light of this decision, the Business Committee has therefore decided to ‘park’ the Manchester motion pending the legislative implementation of the proposals.
93. The Group also noted the concern of the Retired Clergy Association that although it was possible for retired clergy to be elected from a deanery synod to the diocesan synod at present, this was unlikely to happen. The Group did not favour the RCA’s proposal for there to be reserved places for retired clergy on the diocesan synod, which in effect would make it mandatory to have retired clergy on the diocesan synod. Rather, the Group preferred to keep open the current route of election through the deanery synod.

Matters referred to the Group by the Business Committee

94. The Group considered a number of miscellaneous amendments to the legislation relating to synodical government which the Business Committee had agreed should be taken forward by this Group, arising in part out of the work of the former Elections Sub-Group of the Business Committee (“the Sub-Group”).

Eligibility from cathedrals for election to the House of Laity of the General Synod

95. The Group noted that under section 9(3) of the Cathedrals Measure 1999, in the case of a cathedral which is not a parish church, a roll is required to be kept of “*members of the cathedral community*”. These members are defined by section 35 of the 1999 Measure as persons over 16 who (a) worship regularly in the cathedral or (b) are engaged in work or service connected with it in a regular capacity.
96. The Sub-Group had drawn attention to the fact that such a “*member of the cathedral community*” (by virtue of their regularly worshipping at a non-parish church cathedral) would not, as such, be eligible for election to the House of Laity of the General Synod under Church Representation

Rule 37(1). This was because they would not meet the requirements of Rule 37(1)(c), being neither “*entered on the roll of any parish in the diocese*” nor “*declared by the dean of the cathedral church to be a habitual worshipper at that cathedral church*”.

97. The Sub-Group considered that this anomaly should be corrected, possibly by amending the definition of “*actual communicant*” in the CRRs. However, the Group’s attention was drawn to the fact that the drafting of Rule 37(1) was unsatisfactory as it stands.[∇] Thus even if no other change were made, it would be desirable to amend Rule 37(1)(a) to make it clear that it requires compliance only with those aspects of the definition of “*actual communicant*” which deal with issues other than entry on a roll and the Group concurred with this view.
98. The Group then returned to the issue of what the rules should require as regards cathedral ‘membership’. Having discussed various options, the Group agreed to recommend a change to Rule 37(1)(c), to substitute in place of the present reference to a person who is certified by the dean to be an “*habitual worshipper*” at the cathedral, a reference to persons who (in the case of a cathedral which is not a parish church) are entered on the roll required to be kept under the Cathedrals Measure 1999 of “*members of the cathedral community*”.
99. The Group recognised that the difficulty in adopting this approach was that (as noted above) such members of the cathedral roll may include not only those who worship regularly in the cathedral but also those who are engaged in work or service connected with it in a regular capacity (such as voluntary guides or employees) and that furthermore, the roll may not be kept in such a way as to draw a distinction between these different types of member. However, the Group took the view that using membership of the cathedral roll as the basis of qualifying for the electorate to the House of Laity was the only practical way to proceed. It was understandable, it had parity with the parochial system and the Group took the view that in reality the cathedral roll would, in essence,

The term “*habitual worshipper*” is not defined but is taken to mean someone who worships on an occasional but consistent basis (e.g. at major festivals), which may not involve the frequency of attendance implied in the concept of ‘regular’ worship.

[∇] Its requirements are apparently intended to be independent and cumulative, but it seems to deal with inclusion on a roll twice – both in Rule 37(1)(c) (where it is dealt with expressly) and in Rule 37(1)(a) (since one requirement of the definition of “*actual communicant*” prescribed by Rule 54(1) is of course that of entry on a roll).

be comprised of regular worshippers. The Group recognised that, in giving effect to the particular recommendation of the Sub-Group, which was solely concerned with eligibility for elections to General Synod, the question arose of whether a corresponding change should not be made in relation to eligibility for election to deanery and diocesan synods (which can also be founded on certification by the dean of a cathedral to be a habitual worshipper). But that was a wider issue the Group was content to leave to be determined by the Synod in the course of the legislative process; and the draft legislation it has prepared accordingly only addresses the issue of eligibility for election to General Synod.

Election addresses in elections to the General Synod

100. The Clerk to the Synod outlined to the Group a further issue raised by the Sub-Group which, in this case, had emerged from general election to the current General Synod. This was the ability of some candidates to spend considerably more than others in promoting their candidacy. This had led to the suggestion that there should be a limit on expenditure for that purpose; but doubt had been expressed as to whether in practice personal expenditure could be limited and, if it could, how any restriction could be policed effectively. Nevertheless, it had been felt that greater uniformity in the dissemination of election addresses might be desirable – and, indeed, might also avoid the difficulties experienced in the last two General Synod elections when successful appeals were made in relation to this issue. (The Diocesan Secretaries Liaison Group also indicated that it would not favour any further restriction on the size, format or cost of election addresses as it felt that over-regulation might prove counter-productive and administratively burdensome.)
101. The Group noted that, at present, candidates provide election addresses (which must not comprise more than one A4 sheet of paper) themselves. The presiding officer then has a duty, at the request of any candidate, to send a copy to each of the electors.
102. The proposal made by the Sub-Group was that the responsibility for copying and posting election addresses should belong to the presiding officer and that the cost of this should be met entirely by the diocese. A candidate's only responsibility would be to provide one copy of their election address, suitable for copying, in a prescribed format. This proposal would of course have resource consequences for dioceses.

103. The Group supported this proposal and recommends that appropriate amendments be made to Rule 20(4) of the Clergy Representation Rules and Rule 39(6) of the CRRs.

Filling of casual vacancies on the General Synod

104. At present when a casual vacancy occurs within two years of an original election (either a general election or a previous election to fill a casual vacancy using fresh voting papers), that vacancy is filled (subject to there being sufficient continuing candidates) by recounting the papers of the original election.
105. The Sub-Group was divided as to whether this arrangement should continue: some favoured the present provision (which was felt to retain an element of the original ‘representativeness’ of the vote) while others accepted the suggestion that all casual vacancies should be filled by a fresh election (on the ground that, when few continuing candidates remain, someone who had little actual support could find themselves elected). The Business Committee favoured a modest modification of the present Rules under which only those casual vacancies that arose within one year of an original election would be filled by recounting the papers of that election.
106. The Group agreed that the current period of two years was too long, especially if in that period a number of candidates from the original election had moved away. However, the Group also recognised that it would be costly for dioceses to hold a fresh election for every casual vacancy. The Group therefore concurred with the Business Committee’s proposal and is therefore recommending that amendments be made to Rule 23(3) of the Clergy Representation Rules and Rule 48(5)(c) of the CRRs to bring this about.
107. It was brought to the attention of the Group that there was an inconsistency between paragraph 9 of Canon H2 (which says that, “*where a casual vacancy occurs less than 12 months before an ordinary election to the Lower House, the vacancy shall not be filled unless the Bishop so directs*”) and paragraph 23(1) of the Clergy Representation Rules (where the direction is to be given by the clerical members of the bishops council and standing committee). It was noted that the provision in CRR 48(5)(b) for the laity provided for the direction to be given by the lay members of the bishop’s council and standing committee. The Group

agreed that paragraph 9 of Canon H2 should be amended to bring it in line with the Rules and correct this discrepancy.

Elections to deanery synods

108. In the light of the Lincoln Diocesan Synod motion (item 805 of Special Agenda IV) the Group considered the current requirement for elections to deanery synods (under Rule 25(1) CRRs) to be held “*every three years*”. The Group noted that there was no provision relating this cycle to calendar years; but that under CRR 2(4) new electoral rolls had to be prepared every six years after 1990 and that it was the established pattern that deanery synod elections in practice take place in the third and sixth years of that cycle.
109. The perceived problem in the current arrangement was that, under Rule 25(2) of the CRRs, the number of places in deanery synods are allocated in the previous year, on the basis of the numbers then on their electoral rolls. Thus in the case of the election in the sixth year, although new electoral rolls have been prepared, the number of places allocated will not reflect the more accurate figures available from the new rolls but (if parishes have not properly maintained their rolls) what may by then be very outdated information.
110. The Sub-Group noted the proposal contained in the Lincoln Diocesan Synod motion currently before the General Synod to the effect that the CRRs should accordingly be amended to ensure that elections to deanery synods take place one year and four years after new church electoral rolls are prepared, and gave that proposal its support. The rationale for this proposal is that it will ensure that at least one of the elections to deanery synods occurring in the lifetime of a roll will take place as soon as possible after it has been revised.
111. The Group supported this proposal and recommended that changes be made to Rule 25(1) of the CRRs to bring this about. In the light of this the Business Committee has decided to ‘park’ the Lincoln Diocesan Synod motion pending the legislative implementation of this proposal.

Election of the new General Synod

112. The Group noted, independently of the work of the Sub-Group, the need for changes to Rule 36 of the CRRs as a result of the decision normally to hold groups of sessions in February rather than November.

113. The first matter that needed to be changed was the reference in CRR 36(2) to “*the last day of November in the fourth year*” after the last ‘general election’ as the date by which the General Synod has to determine the number of members of the House of Laity to be elected by the diocesan electors. The Group was told that in all probability the resolution specifying this will now be put to the Synod in the following February. The Group therefore agreed to recommend the amendment of this rule to substitute the words “*the last day of February in the fifth year*” after the last ‘general election’ for the current wording as referred to above.
114. It was also put to the Group that Rule 36(3) of the CRRs needed to be changed: this requires diocesan secretaries to certify to “*the secretary [sic] of the General Synod*”, no later than 1st August in the fourth year after the last ‘general election’, the total number of names on electoral rolls in their diocese (for the purpose of ensuring that the number of members of the House of Laity to be elected by diocesan electors is proportionate to the numbers on the electoral rolls of the dioceses).
115. The Group was of the view this would normally now represent an unnecessarily early deadline and would result in inaccurate figures being used. At first sight, it would accordingly seem desirable to postpone the date by which this has to be done. However, the Group understood the intention to be that, with effect from the next general election in 2005, rather than obtaining this data from dioceses, the figures for electoral roll membership collected by the Research and Statistics Unit of the Archbishops’ Council would be used instead. The Group therefore agreed to recommend that Rule 36(3) be deleted in its entirety.

Election of churchwardens and parochial church councils

116. At the November 2002 Group of Sessions the Synod carried a diocesan synod motion from the diocese of Sheffield asking “*That legislation be introduced to (a) enable elections at the annual parochial church meetings and the meeting for elections of churchwardens to be conducted on numbered voting papers such as are used in national and local government elections; and (b) remove, in cases where that practice is followed, the requirement that voting papers used be signed by the voter on the reverse thereof*”.

117. The Group has considered how this motion might be implemented. The second part of the motion would require (a) the removal from CRR 11(7)(a) of the words “*which must be signed by the voter on the reverse thereof*”; and (b) the amendment of CRR 12(1) so as to remove the requirement for signature that would otherwise apply as a result of the application of Rule 6(a) of the Single Transferable Vote Regulations (where a decision is taken by an annual meeting that elections be conducted by STV). No particular provision would be required for the elections of churchwardens since the procedure under Rule 11 CRR also applies to them.
118. As regards the first part of the motion it appeared from the debate that what the Diocese of Sheffield had in mind was that it should be open to an annual or other meeting to decide that an election should be conducted by secret ballot using numbered voting papers. What that would involve was described as follows by Professor David McClean: “*As people turn up at an annual meeting, they are ticked off against the roll, a number is put down and they are given a numbered voting paper. As long as the copy of the electoral roll and the ballot papers are kept separate, then the secrecy of the ballot is guaranteed.*”
119. This would need a further amendment of CRR 11 so that, where votes are to be given on voting papers, those papers must be numbered and the identity of the person to whom each numbered paper is given for voting must be recorded. This record might, in the case of an election at an annual meeting, be the roll of the parish but it seemed questionable to the Group whether this provision should specify that it should be. Indeed, such a requirement would be inappropriate in the case of elections of churchwardens under CRR 13(1) since in that case those eligible to vote will also include people resident in the parish whose names are entered on the register of local government electors. On balance, therefore, the Group agreed that it would be preferable for the Rules simply to require the keeping of a separate record of the kind described above, without requiring exactly how that is to be done.
120. In addition to these amendments, the Group noted that there would also seem to be a need to require the parish to keep separate the used ballot papers and the record of the identity of the persons to whom each numbered paper was given. As to how this should be expressed, the Group noted there is no general requirement under the Church Representation Rules to keep used ballot papers at all (though one would expect a prudent parish to retain them until the expiry of the period

during which any appeal against the result of the election could be brought). However, as noted above, if an annual meeting resolves that elections be conducted in accordance with STV, those elections are subject to the provisions of the Single Transferable Vote Regulations, and under Regulation 20 the presiding officer is required to “*ensure that the valid voting papers received by him for the purposes of any election are preserved for a period of not less than six months beginning with the date of the count*”. The Group concluded that this difference would be addressed if the Rules were to provide in effect that, in so far as used ballot papers and the record referred to above are preserved, they must be kept separately in such a way as to preserve the secrecy of the ballot.

121. The Group was also concerned that this new provision should be introduced as a third option alongside the existing two as provided in the current CRR 11(7) (namely, signed voting papers or show of hands). The Group understood that this was what was intended by the motion calling, as it did, for legislation to “enable” this procedure to be introduced. The Group noted that under the existing provision the objection of a single person would require a ballot rather than a show of hands. However, a ballot using numbered ballot papers could be more complex to administer (and in larger parishes could even prove impractical). The Group therefore considered that a higher threshold than one person should be required for this alternative form of ballot to be used, namely a decision to do so by at least 10% of those present and voting. The Group accordingly agreed to recommend amendments to CRR 11(7) so that votes may be given (a) by a show of hands; or, if one or more persons object to a show of hands, by (b) a vote conducted using signed voting papers or (c) if 10% of those present and voting so decide, by a vote using numbered ballot papers.

Other matters

Mandatory retirement age for members of the House of Laity of the General Synod

122. A member of the Group raised the issue of whether a mandatory retirement age for members of the House of Laity should be introduced, so bringing consistency to the position of both the Houses of Clergy (as presently constituted) and Laity. The Group noted that such a proposal had been made in 1984 but had been dropped (after a separate debate in the House of Laity) in favour of the age of candidates appearing on the ballot papers. The Group favoured the continuance of this arrangement as

it left the ultimate decision with the electorate. It also allowed for the experience of long standing members of the Synod to be retained if that was the will of the electorate.

123. Furthermore, any inconsistency between the position in the two Houses would of course be removed by implementing the decision of the majority of the Group to open up a route by which retired clergy could be elected to the General Synod (see paragraphs 43 to 48 above).

Retention of a seat on the General Synod on ceasing to be eligible for membership of it

124. A member of the Group raised the present position for discussion.[∇] It was suggested that if an elected member moved away from the diocese which elected him or her to the Synod then that person should cease to be a member of Synod, otherwise the legitimate interests of a diocese could be frustrated. The Group, in principle, agreed and considered that it was only fair to the electorate concerned that they should retain a local representative who could take note of their views and effectively report back the decisions of Synod to the deaneries.
125. However, it was questioned whether it would be desirable for these provisions to be removed altogether. Whilst the Group was aware of cases in which this power has been exercised to the subsequent disappointment of the diocese, it did not seem to the Group that that was a reason for removing it altogether: there must in principle be (and had in practice been) cases in which the power could be properly exercised. If the power was to be retained, however, dioceses needed to be clear about the circumstances in which they could properly exercise it and that it was in their interests to do so.
126. However, the Group believed that one way in which the current provision could be improved would be for a review procedure to be included. It seemed to the Group that the major defect of the current

[∇] When a proctor in Convocation, or a member of the House of Laity of General Synod, ceases to hold the qualifications required for election as such he or she is deemed to have vacated his or her seat unless the clerical or lay members (as the case may be) of the Bishop's Council and Standing Committee of the diocese in question have determined, before the vacancy occurs, that he or she is able and willing to continue to discharge to their satisfaction the duties of a member of the Lower House of Clergy or House of Laity elected for that diocese. (The relevant provisions are, respectively, paragraph 7 of Canon H2 and Rule 46(5) of the CRRs.)

provision was that it involved a once and for all decision, before the vacancy occurred, as to whether or not the member in question should continue to represent the diocese. If the members of the Bishop's Council misjudged the member, or the member's circumstances changed in a way outside their control, there was currently no provision to require the member to give up their seat. The Group felt that the fulfilment of the duty of reporting back to the diocese, as well as attending meetings of the Synod, was especially important in this regard.

127. The Group therefore recommends that Canon H2 and Rule 46 of the CRRs be amended to give the Bishop's Council a mandatory duty to review their decision annually, with a power to require a member to give up their seat if the Council is of the opinion that the member concerned is no longer "*able and willing to continue to discharge to their satisfaction the duties of a member of the Lower House of Clergy or House of Laity elected for that diocese.*"

Continuous service on the General Synod

128. A member of the Group raised the possibility of a maximum term of office, possibly amounting to two successive periods of five years, for members of the House of Clergy or Laity of the General Synod. The Group noted that at present there is, of course, no restriction on the number of times a cleric can be elected as a proctor in Convocation or a member of the laity can be elected to the House of Laity.
129. The Group agreed that the principal advantage of such an arrangement would be that it would encourage people to stand who might be otherwise deterred from doing so by the prospect of challenging a sitting member (and possibly increase their chances of election). This could make it easier for new members to be elected to the General Synod.
130. However, the Group saw stronger arguments against introducing such an arrangement, namely that –
- ◆ it would mean that the officers of the Houses of Clergy and Laity would only have had one quinquennium's (recent) experience before standing for election;
 - ◆ it could lead to unfilled vacancies;
 - ◆ it could deprive dioceses of representation by members whom they wished to continue and the General Synod of experienced longstanding members; and

- ◆ it might alter the balance between the Houses (in so far as the members of the House of Bishops would not be subject to any such requirement).
131. It had also had to be borne in mind that there was already a substantial turnover of members every five years without this provision and therefore a mandatory requirement for members to stand down on top of this could dangerously weaken the ‘corporate memory’ of the Synod.
132. In the light of these considerations, the Group agreed that it would be better to leave to the electorate the question of whether a candidate who had already served for a number of quinquennia should be re-elected. However, in order to ensure that the electorate was informed on this point the Group recommends an amendment to Rule 20(2) and (6) of the Clergy Representation Rules and Rule 39(4) and (8) of the CRRs to provide that voting papers specify whether a candidate is seeking re-election and, if so, the length of the candidate’s previous service on the Synod.

Comparable sizes of the Houses of Clergy and Laity

133. A member of the Group raised the question of whether the Houses of Clergy and Laity should continue to be the same size, given that the electorate for the House of Laity was larger than that for the House of Clergy, and whether a reduction in the size of the Synod could be brought about by this means. The Group recognised that it had always been a fundamental principle of synodical government that the clergy and laity would have equal representation and believed that this principle should continue to be upheld. It had not been challenged in the Bridge Report or in the work of the Follow-Up Group and it was clearly not within the remit of the Group to recommend such a fundamental change now even if it thought it desirable, which it did not.

Special constituency for the deaf

134. A member of the Group raised the possibility of the creation of a special constituency for the deaf. The Group noted that the Follow-Up Report (pages 17 to 18) had not recommended the creation of a special constituency for the deaf or any other “disability” group. The Group shared the Follow-Up Group’s view and noted that it was not within its remit to recommend the creation of such a special constituency.

Representation of young people

135. The Group noted that in July 2002 the General Synod had referred the question of young people's representation on the General Synod to the Standing Orders Committee, which had been invited to prepare arrangements similar to those existing for ecumenical representatives. Such arrangements would hinge on the setting up a Church of England Youth Council. A member of the Group reported that work to this end had since progressed following the approval of the National Youth Strategy. The Group welcomed these developments which, it noted, would progress independently of its work. The Group hoped that provision could be made for representatives of the General Synod to attend meetings of the Council.

On behalf of the Group
+Stephen Dover
Chairman
27 January 2003

Appendix I

Motion carried at July 2001 Group of Sessions: -

‘That this Synod instruct the Business Committee to introduce legislation based on the recommendations contained in the Report -

- (a) with the exception of the recommendation in paragraph 13 of GS 1412 (suffragan bishops);
- (b) with the exception of the recommendations in paragraph 22 of GS 1412 for the abolition of or, failing that, a reduction in the level of representation for the special constituency of deans and provosts;
- (c) with the recommendation in paragraph 26 for the retention of the existing constituency of one archdeacon per diocese being replaced by a recommendation for a special constituency for archdeacons of the same size as the special constituency for suffragan bishops;
- (d) with the exception of the recommendation in paragraph 36 of GS 1412 (Chaplain-General of Prisons);
- (e) with the recommendation in paragraph 40 for the provision of theological expertise by appointments by the Presidents after consultation with the Appointments Committee being replaced by a recommendation for one or more special constituencies of University recognised teachers with theological expertise, whether bishops, clergy or laity, male or female;
- (f) with the exception of the recommendation of a total membership of the General Synod in the range of 480-490 (plus appointees) in paragraph 62 of GS 1412;

and to explore as a matter of urgency ways in which young people can have an effective voice in this Synod’.

Appendix II - Statistics on revised composition of the General Synod

Details are given in Tables 2 to 4 of the make-up of the three provincial allocations for elected proctors and laity: 68/32; 70/30 (as recommended by the Group) and 72/28.

Table 1 - Revised Composition of the General Synod

	<u>CANTERBURY</u>	<u>YORK</u>	<u>Non-Provincial</u>		<u>Current Total</u>	<u>Revised Total</u>	<u>Change</u>		
	<u>Current</u>	<u>Current</u>	<u>Revised</u>	<u>Current</u>	<u>Revised</u>				
<u>House of Bishops</u>									
Diocesan*	30	30	14	14		44	44	0	
Suffragans	6	4	3	3		9	7	-2	
Bishop of Dover*	1	1				1	1	0	
	37	35	17	17		54	52	-2	
<u>House of Clergy</u>									
Elected Proctors (68/ 32)	125	122	58	60		183	182	-1	
<i>Elected Proctors (70/ 30)</i>		<i>126</i>		<i>56</i>					
Elected Proctors (72/ 28)		130		52					
Archdeacons	29	8	14	4		43	12	-31	
Deans	10	0	5	0	0	15	5	-10	
University Proctors	4	0	2	0		6	0	-6	
Armed Service Clergy	3	3				3	3	0	
Religious Communities	1	0	1	0	0	2	2	0	
Chaplain General of Prisons*	1	1				1	1	0	
Dean of Guernsey or Jersey	1	1				1	1	0	
68/ 32	174	135	80	64	0	7	254	206	-48
<i>70/ 30</i>		<i>139</i>		<i>60</i>					
72/ 28		143		56					
<u>House of Laity</u>									
Elected Laity (68/ 32)	166	133	79	65		245	198	-47	
<i>Elected Laity (70/ 30)</i>		<i>137</i>		<i>61</i>					
Elected Laity (72/ 28)		141		57					
CI Elected Laity	2	2				2	2	0	
Armed Service Laity					0	3	0	3	
Religious Communities	2	0	1	0	0	2	3	-1	
First and Second Church Estates Commissioners*					2	2	2	0	
68/ 32	170	135	80	65	2	7	252	207	-45
<i>70/ 30</i>		<i>139</i>		<i>61</i>					
72/ 28		143		57					

**House of Clergy or
House of Laity**

Dean of the Arches and Auditor*^					1	1	1	1	0
Vicars-General*	1	1	1	1			2	2	0
Third Church Estates Commissioner*^					1	1	1	1	0
Chairman of C of E Pensions Board*^					1	1	1	1	0
	1	1	1	1	3	3	5	5	0

Any of the three Houses

Six Appointed members					6	6	6	6	0
Archbishops' Council									
Appointed theological experts					0	3	0	3	3
Seventh Armed Services					0	1	0	1	1
<u>Totals</u>	382	306	178	147	11	27	571	<u>480</u>	-91

**Co-opted & appointed members
(maximum)**

House of Clergy	3	3	2	2			5	5	0
House of Laity					5	5	5	5	0

Non-voting Members

Ecumenical Representatives					7	7	7	7	0
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* = ex-officio

^ these officers sit in the Canterbury Convocation if they are Clerks in holy orders

Table 2 - 68%/ 32%

<u>Canterbury</u>	<u>Proctors</u>			<u>Laity</u>			<u>York</u>	<u>Proctors</u>			<u>Laity</u>		
	<i>Existing</i>	<i>+/-</i>	<i>Revised</i>	<i>Existing</i>	<i>+/-</i>	<i>Revised</i>		<i>Existing</i>	<i>+/-</i>	<i>Revised</i>	<i>Existing</i>	<i>+/-</i>	<i>Revised</i>
Bath & Wells	4	0	4	7	-1	6	Blackburn	5	0	5	8	-2	6
Birmingham	3	0	3	3	0	3	Bradford	3	0	3	3	0	3
Bristol	3	0	3	4	-1	3	Carlisle	3	0	3	5	-1	4
Canterbury	3	0	3	4	-1	3	Chester	5	1	6	11	-2	9
Chelmsford	6	0	6	9	-2	7	Durham	5	0	5	6	-1	5
Chichester	6	0	6	10	-2	8	Liverpool	5	0	5	7	-1	6
Coventry	3	0	3	3	0	3	Manchester	7	0	7	8	-1	7
Derby	3	0	3	4	-1	3	Newcastle	3	0	3	4	-1	3
Ely	3	0	3	4	-1	3	Ripon & Leeds	3	0	3	4	-1	3
Europe	2	0	2	2	0	2	Sheffield	4	0	4	5	-1	4
Exeter	4	0	4	6	-1	5	Sodor & Man	1	0	1	1	0	1
Gloucester	3	0	3	5	-1	4	Southwell	4	1	5	4	-1	3
Guildford	4	-1	3	5	-1	4	Wakefield	4	0	4	5	-1	4
Hereford	3	0	3	3	0	3	York	6	0	6	8	-1	7
Leicester	3	0	3	3	0	3	Total	58	2	60	79	-14	65
Lichfield	6	0	6	9	-2	7							
Lincoln	4	0	4	5	-1	4							
London	9	0	9	10	-2	8							
Norwich	4	-1	3	5	-2	3							
Oxford	8	0	8	10	-2	8							
Peterborough	3	0	3	3	0	3							
Portsmouth	3	0	3	3	0	3							
Rochester	4	0	4	6	-2	4							
St Albans	6	-1	5	8	-2	6							
St E & I	3	0	3	5	-1	4							
Salisbury	5	0	5	8	-2	6							
Southwark	7	0	7	8	-2	6							
Truro	3	0	3	3	0	3							
Winchester	4	0	4	7	-2	5							
Worcester	3	0	3	4	-1	3							
Total	125	-3	122	166	-33	133							

Table 3 - 70%/ 30%

<u>Canterbury</u>	<u>Proctors</u>			<u>Laity</u>			<u>York</u>	<u>Proctors</u>			<u>Laity</u>		
	<i>Existing</i>	<i>+/-</i>	<i>Revised</i>	<i>Existing</i>	<i>+/-</i>	<i>Revised</i>		<i>Existing</i>	<i>+/-</i>	<i>Revised</i>	<i>Existing</i>	<i>+/-</i>	<i>Revised</i>
Bath & Wells	4	0	4	7	-1	6	Blackburn	5	0	5	8	-2	6
Birmingham	3	0	3	3	0	3	Bradford	3	0	3	3	0	3
Bristol	3	0	3	4	-1	3	Carlisle	3	0	3	5	-1	4
Canterbury	3	0	3	4	-1	3	Chester	5	0	5	11	-3	8
Chelmsford	6	0	6	9	-2	7	Durham	5	0	5	6	-2	4
Chichester	6	0	6	10	-2	8	Liverpool	5	0	5	7	-2	5
Coventry	3	0	3	3	0	3	Manchester	7	-1	6	8	-1	7
Derby	3	0	3	4	-1	3	Newcastle	3	0	3	4	-1	3
Ely	3	1	4	4	-1	3	Ripon & Leeds	3	0	3	4	-1	3
Europe	2	0	2	2	0	2	Sheffield	4	0	4	5	-1	4
Exeter	4	0	4	6	-1	5	Sodor & Man	1	0	1	1	0	1
Gloucester	3	0	3	5	-1	4	Southwell	4	0	4	4	-1	3
Guildford	4	-1	3	5	-1	4	Wakefield	4	0	4	5	-1	4
Hereford	3	0	3	3	0	3	York	6	-1	5	8	-2	6
Leicester	3	0	3	3	0	3	Total	58	-2	56	79	-18	61
Lichfield	6	0	6	9	-2	7							
Lincoln	4	0	4	5	-1	4							
London	9	0	9	10	-2	8							
Norwich	4	0	4	5	-1	4							
Oxford	8	1	9	10	-2	8							
Peterborough	3	0	3	3	0	3							
Portsmouth	3	0	3	3	0	3							
Rochester	4	0	4	6	-1	5							
St Albans	6	0	6	8	-2	6							
St E & I	3	0	3	5	-1	4							
Salisbury	5	0	5	8	-1	7							
Southwark	7	0	7	8	-1	7							
Truro	3	0	3	3	0	3							
Winchester	4	0	4	7	-2	5							
Worcester	3	0	3	4	-1	3							
Total	125	1	126	166	-29	137							

Table 4 - 72%/ 28%

<u>Canterbury</u>	<u>Proctors</u>			<u>Laity</u>			<u>York</u>	<u>Proctors</u>			<u>Laity</u>		
	<i>Existing</i>	<i>+/-</i>	<i>Revised</i>	<i>Existing</i>	<i>+/-</i>	<i>Revised</i>		<i>Existing</i>	<i>+/-</i>	<i>Revised</i>	<i>Existing</i>	<i>+/-</i>	<i>Revised</i>
Bath & Wells	4	0	4	7	-1	6	Blackburn	5	-1	4	8	-2	6
Birmingham	3	0	3	3	0	3	Bradford	3	0	3	3	0	3
Bristol	3	0	3	4	-1	3	Carlisle	3	0	3	5	-1	4
Canterbury	3	1	4	4	-1	3	Chester	5	0	5	11	-4	7
Chelmsford	6	1	7	9	-1	8	Durham	5	-1	4	6	-2	4
Chichester	6	0	6	10	-2	8	Liverpool	5	-1	4	7	-2	5
Coventry	3	0	3	3	0	3	Manchester	7	-1	6	8	-2	6
Derby	3	0	3	4	-1	3	Newcastle	3	0	3	4	-1	3
Ely	3	1	4	4	-1	3	Ripon & Leeds	3	0	3	4	-1	3
Europe	2	0	2	2	0	2	Sheffield	4	0	4	5	-2	3
Exeter	4	0	4	6	-1	5	Sodor & Man	1	0	1	1	0	1
Gloucester	3	0	3	5	-1	4	Southwell	4	0	4	4	-1	3
Guildford	4	0	4	5	-1	4	Wakefield	4	-1	3	5	-2	3
Hereford	3	0	3	3	0	3	York	6	-1	5	8	-2	6
Leicester	3	0	3	3	0	3	Total	58	-6	52	79	-22	57
Lichfield	6	0	6	9	-1	8							
Lincoln	4	0	4	5	-1	4							
London	9	1	10	10	-2	8							
Norwich	4	0	4	5	-1	4							
Oxford	8	1	9	10	-1	9							
Peterborough	3	0	3	3	0	3							
Portsmouth	3	0	3	3	0	3							
Rochester	4	0	4	6	-1	5							
St Albans	6	0	6	8	-1	7							
St E & I	3	0	3	5	-1	4							
Salisbury	5	0	5	8	-1	7							
Southwark	7	0	7	8	-1	7							
Truro	3	0	3	3	0	3							
Winchester	4	0	4	7	-2	5							
Worcester	3	0	3	4	-1	3							
Total	125	5	130	166	-25	141							

Appendix III

Legal *persona* for the Diocesan Secretary

- 1.(1) There shall be, for each diocese, an officer, to be known as the Diocesan Secretary, who shall exercise the functions conferred by or under this section and such other functions as may be specified by the Diocesan Synod of the diocese.
- (2) The Diocesan Secretary shall be the chief administrative officer of the diocese.
- (3) The Diocesan Secretary may be appointed by the Diocesan Synod to act as the secretary of the diocesan synod appointed in accordance with rule 34(1)(b) of the Church Representation Rules.
- (4) The Diocesan Secretary may, if the terms of his appointment so provide, act as the Secretary to the Board of Finance for that diocese.
- (5) Subject to subsections (2) to (4) above the manner and terms of appointment of the Diocesan Secretary shall be such as may be determined from time to time by the Diocesan Synod.
- (6) In this section “Diocesan Board of Finance” means, in relation to a diocese, the board of that name constituted under the Diocesan Boards of Finance Measure 1925 for that diocese or recognised under section 9 of the Diocesan Stipends Funds Measure 1953 as being the board of finance for that diocese for the purpose of that Measure.

Appendix IV

Explanatory Memoranda on draft legislation (GS 1484, GS 1485, GS 1486 and GS 1487)

Draft Amending Canon No. 26 (GS 1484)

Paragraph 2

1. Sub-paragraph (a) reflects, in the case of the province of Canterbury, the creation of a single deans constituency of 5, with a membership elected from both provinces. (See paragraphs 41 to 42 of the Report.) It provides for “not more than 5” to be elected since the new constituency will cover both provinces, with those elected joining the Lower House of Convocation of the relevant province, so that the number in each Convocation will fluctuate. Corresponding provision is made for the province of York.
2. Sub-paragraph (b) provides for a new constituency of 8 archdeacons in the Province of Canterbury, to be elected in accordance with the Clergy Representation Rules. (See paragraph 39 of the Report.)
3. Sub-paragraph (c) provides firstly for not less than three nor more than four persons in holy orders to be elected or chosen from among the chaplains of the armed forces in such manner as may be determined by the Forces Synodical Council. Taken together with the number of lay persons from the Armed Forces to be so elected or chosen, the maximum representation for the armed forces must not exceed seven. (See paragraph 56 of the Report.) Sub-paragraph (c) secondly preserves the exceeding ex-officio membership of the Chaplain General of Prisons. (See paragraph 51 of the Report.)
4. Sub-paragraph (d) reflects, in the case of the province of Canterbury, the creation of a constituency of 2 clerical members of religious communities. (See paragraph 72 of the Report.) It provides for “not more than” 2 to be elected since the new constituency will be elected from both provinces, with those elected joining the Lower House of the Convocation of the province in which the mother house of their community is situated. Thus a Convocation may contain both, one or neither of such persons. Corresponding provision is made for the province of York.
5. Sub-paragraph (e) makes provision, in the case of the Convocation of the province of Canterbury, for the appointment of persons having theological expertise. The appointment will be made jointly by the Archbishops after consulting the Appointments Committee and will be subject to the approval of the General Synod. Corresponding provisions are included in relation to the Upper House of the Convocation of Canterbury, both Houses of the Convocation of York and the House of Laity; and the proviso to each provision makes it clear that the total number of persons appointed under this power must not exceed three. (See paragraph 68 of the Report.)

Paragraph 3

6. For sub-paragraph (a), see the comment on paragraph 2(a) above.

7. Sub-paragraph (b) provides for a new constituency of 4 archdeacons for the Province of York, to be elected in accordance with the Clergy Representation Rules. (See paragraph 39 of the Report.)
8. For sub-paragraph (c), see comment on paragraph 2(d) above.
9. For sub-paragraph (d), see comment on paragraph 2(e) above.

Paragraph 4

10. This is consequential on the addition of appointed theological experts.

Paragraph 5

11. Sub-paragraph (a) specifies the new total number of clergy directly and specially elected to the two Lower Houses on the basis of an overall membership of 480.
12. Sub-paragraphs (b) to (d) make consequential amendments.

Paragraph 6

13. This abolishes the Universities constituencies. (See paragraph 70 of the Report.)

Paragraph 7

14. Sub-paragraph (a) reflects the fact that there are no longer any provosts.
15. Sub-paragraph (b) makes consequential amendments.
16. Sub-paragraph (c) adds to those entitled to vote in the proctorial elections clergy with permission to officiate who have been elected from a deanery synod to a diocesan synod. (See paragraph 47 of the Report.)
17. Sub-paragraph (d) removes the entitlement of archdeacons in the Diocese in Europe to vote in its proctorial election, on the basis that they will be entitled to vote in the elections for the new archdeacons constituency in the Province of Canterbury. (See paragraph 39 of the Report.)

Paragraph 8

18. This removes the existing entitlement of archdeacons to stand in proctorial elections. (See paragraph 36 of the Report.)

Paragraph 9

19. This makes amendments consequential on the abolition of the Universities constituencies.

Paragraph 10

20. Sub-paragraph (a) makes a consequential amendment.
21. Sub-paragraphs (b) and (c) amend paragraph 7 of Canon H2 so that, where the clerical members of the bishop's council have decided that a proctor can continue to hold his or her seat even though he or she has ceased to be eligible to represent the diocese, the council must review that decision annually and determine whether the proctor continues to be able and willing to discharge the duties of a member of the Lower House for the diocese to the council's satisfaction. (See paragraph 127 of the Report.)

Paragraph 11

22. This amends paragraph 9 of Canon H2 so has to give to the bishop's council, rather than the bishop, responsibility for deciding whether or not to fill a casual vacancy occurring less than twelve months before a 'general election' to the Synod. (See paragraph 107 of the Report.)

Paragraph 13

23. Sub-paragraph (a) makes provision for the Bishop to the Forces to be a member of the Upper House of the Convocation of Canterbury if the Forces Synodical Council determines that he should form part of the armed forces representation in the General Synod. (See paragraph 56 of the Report.)
24. For sub-paragraph (b), see comment on paragraph 2(e) above.
25. Sub-paragraph (c) provides for the suffragan bishop charged with responsibility for a diocese during a vacancy in the see to attend and speak, but not vote, at meetings of the Upper House. (See paragraphs 24-25 of the Report.)

Paragraph 14

26. For sub-paragraph (a), see comment on paragraph 2(e) above.
27. For sub-paragraph (b), see comment on paragraph 13(c) above.

The draft Church Representation Rules (Amendment) Resolution 200- (GS 1485)

Paragraph 1

1. This gives effect to the Sheffield Diocesan Synod Motion passed at the November 2002 Group of Sessions by introducing an additional form of voting at annual parochial church meetings and meetings to elect churchwardens. If at least 10% of those present and voting so request, voting will take place on numbered ballot papers. A record will be kept of the identity of the person to whom each numbered voting paper is issued and any such record will be kept separate from the used voting papers. (See paragraph 121 of the Report.)

Paragraph 2

2. This provides that, where the alternative voting procedure described above is used, it will not be necessary for those voting to sign on the back of their voting paper. (See paragraph 117 of the Report.)

Paragraph 3

3. This amends Rule 24 to make clergy holding permission to officiate eligible for election to a deanery synod in place of retired clergy receiving clergy pensions. It also allows such clergy to stand for election in a deanery in which they have habitually attended public worship in the preceding 6 months. (See paragraphs 88 - 92 of the Report.)

Paragraph 4

4. This adjusts the cycle of elections to deanery synods so that they take place in the first and fourth years following the year in which the new electoral roll is prepared. (See paragraph 110-111 of the Report.) Because this will involve a postponement of elections to deanery synods, sub-paragraph (2) provides for the terms of office of those in office at the date the new provision comes into effect to be extended accordingly.

Paragraph 5

5. Sub-paragraph (a) provides for there to be a single constituency of 2 lay members of religious communities. (See paragraph 72 of the Report.)
6. Sub-paragraph (b) provides for not less than three nor more than four members to be elected or chosen to the House of Laity in such manner may be determined by the Forces Synodical Council. (See paragraph 56 of the Report.) It also makes provision for the appointment of not more than three members of the House of Laity on account of their theological expertise. (See the comment on paragraph 2(h) of draft Amending Canon No.26.)

Paragraph 6

7. Sub-paragraph (a) specifies the new maximum numbers to be elected to the House of Laity in each province.
8. Sub-paragraph (b) alters the date by which the number of members of the House of Laity to be elected for the next quinquennium is determined, consequent upon the recent decision that General Synod should normally meet in February rather than November. (See paragraph 113 of the Report.) It also alters the proportions in which seats are to be allocated between the provinces from 68:32 to 70:30. (See paragraph 21 of the Report.) Finally, it also makes a change consequential upon that made by sub-paragraph (c)
9. Sub-paragraph (c) removes the requirement for secretaries of diocesan synods to certify the total number of names on the rolls of the parishes of their diocese for the purpose of calculating the distribution of seats in the General Synod, given that the necessary

information will in future be obtained by other means. (See paragraphs 114-115 of the Report.)

10. Sub-paragraph (d) makes a change consequential on the change in the date by which the number of members of the House of Laity to be elected for the next quinquennium is determined.

Paragraph 7

11. This amends the qualifications for election to the House of Laity of General Synod. Sub-paragraph (a) firstly makes it plain that the requirement that a person be ‘an actual communicant’ does not require compliance with that part of the definition relating to inclusion on a church electoral roll. (See paragraph 97 of the Report.) Sub-paragraph (b) makes it possible for someone whose name is not entered on a church electoral roll to stand for election if they are entered on the roll of members of the cathedral community required in the case of a cathedral which is not a parish church. (See paragraph 98 of the Report.) Sub-paragraph (c) makes a consequential amendment.

Paragraph 8

12. Sub-paragraph (a) requires nomination forms for elections to the House of Laity to specify whether the candidate is seeking re-election and, if so, the length of their previous service in General Synod. (See paragraph 132 of the Report.)
13. Sub-paragraph (b) transfers responsibility for the production of the election addresses of such candidates from the candidates to the presiding officer. (See paragraphs 102-103 of the Report.)
14. Sub-paragraph (c) makes provision for voting papers in elections to the House of Laity to specify the information described in the note on sub-paragraph 8(a) above. (See paragraph 132 of the Report.)

Paragraph 9

15. This makes a change consequential upon that made by paragraph 7(b).

Paragraph 10

16. Currently, where a casual vacancy arises in the House of Laity within two years of the last ‘general election’ or of an election to fill a casual vacancy where a fresh election took place, the election to fill the casual vacancy is conducted using the voting papers of the previous such election. Paragraph 10 will reduce that period from two years to one year. (See paragraph 105-106 of the Report.)

The draft Clergy Representation (Amendment) Rules 200- (GS 1486)

Paragraph 1

1. This makes changes consequential upon the facts that there are no longer any provosts and that there will be a single constituency for deans from both provinces numbering 5.

Paragraph 2

2. This makes the Registrar of the Province of Canterbury the presiding officer for the election to the new deans constituency.

Paragraph 3

3. This makes an amendment consequential upon the changes to the deans constituency.

Paragraph 4

4. This provides for the Deans of Guernsey and Jersey in future to decide which of them is to represent the Channel Isles in the Lower House of the Convocation of Canterbury, with the Bishop of Winchester taking the decision in the absence of any such agreement. (See paragraph 73 of the Report.)

Paragraph 5

5. This provides for the other Dean to serve in General Synod should the Dean of Guernsey, or of Jersey (as the case may be), cease to hold office. (See paragraph 73 of the Report.)

Paragraph 6

6. This makes provision for elections to the two new archdeacons constituencies.

Paragraph 7

7. This revokes the arrangements for elections to the Universities constituencies, consequent upon their abolition. (See paragraph 68 of the Report.)

Paragraphs 8 to 12

8. These make amendments consequential upon the creation of a single new constituency for clerical members of religious communities. (See paragraph 71 of the Report.)

Paragraph 13

9. This amends the Rules in ways corresponding to the changes made by paragraph 8 of the Church Representation Rules (Amendment) Resolution.

Paragraph 14

10. Sub-paragraph (b) amends the Rules in a way corresponding to the change made by paragraph 10 of the Church Representation Rules (Amendment) Resolution.

11. Sub-paragraph (b) makes a number of consequential changes.

The draft Religious Communities (Lay Representatives) (Amendment) Rules 200- (GS 1487)

These make provision for a number of amendments consequential upon the creation of a single new constituency for lay members of religious communities. (See paragraph 71 of the Report.) Amongst other changes, the registrar for the Province of Canterbury is made the presiding officer for elections to the new constituency.