

Thirty-eighth Report of the Standing Orders Committee

Membership of the Committee

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Miss Anne Ashton (Portsmouth)

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The Ven Adrian Harbidge, The Archdeacon of Bournemouth
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This, the Committee's thirty-eighth report to the General Synod, is the first this quinquennium and it has a miscellany of contents. The Standing Orders were thoroughly revised in the 1990s and we have not, accordingly, seen it as our task to repeat that exercise by reviewing the Standing Orders in a systematic way. Rather our approach has been a reactive one responding to suggestions made to us regarding those Standing Orders which were not thought to be working as well as they might and in relation to matters such as Question Time where we are responding to reports that have been endorsed by the

Synod itself. We have also picked up a few – relatively minor - matters that have ‘slipped through the net’ in the past and propose these for correction.

1. Standing Order 4 – Content of the Agenda

Line 5 of paragraph 4(a) refers to SO 116(d). This reference predates the changes to the Standing Orders made as a result of the formation of the Archbishops’ Council. SO 116 related to the functions of the then Standing Committee which were, more or less, transferred to become functions of the Business Committee (now in SO 115). However the particular function of the Standing Committee that was contained in SO 116(d) was ‘abolished’ so the reference becomes surplus to requirements.

2. Standing Order 12 – How Notice is Given

Modern technology has overtaken this Standing Order as notice is as likely to be given by Fax or by Email as in writing and signed by the member. In practice the Clerk accepts notice given by these methods and the change to this Standing Order simply reflects current practice. A new definition of ‘address’ makes clear that a FAX number is included for these purposes.

3. Standing Order 26 – Delivery of amendments

There is at present no deadline for the submission by members of amendments to motions concerning business on the Synod’s Agenda. In practice, the General Synod Office staff have to make a judgement, on a case by case basis, about whether an amendment can be printed in a Notice Paper and made available to Synod members in reasonable time. Once an

amendment appears on a Notice Paper, the mover has, generally, the right to move it. In the case of an amendment that has not appeared on a Notice Paper, this can only be moved with the permission of the Chairman. The present arrangements can lead to a difference of view as to what constitutes a reasonable deadline for the receipt of such an amendment.

The Committee considers that notice of amendments should be given by 4 pm on the day before in respect of the first day of a group of sessions. Thereafter notice should be given by 4 pm on the day before (in the case of business due to be considered at a morning sitting), and by 10 am that day (in the case of business due to be considered at an afternoon or evening sitting). This in fact broadly corresponds with the informal deadlines that the staff need to operate and the Committee does not therefore consider that it need interfere with the rights of Synod members to submit amendments. The Committee also considers that these deadlines should also apply to the submission of following motions to official business.

There can be potential difficulties when business comes on unexpectedly. The Committee considers that, as at present, the chairmen should be able to exercise a discretion to allow an amendment to be moved, notwithstanding that due notice had not been given. It should no longer be a requirement for the full text of an amendment, which was being moved from the floor, to be delivered in writing, and signed by the mover, to the Clerk before it was moved.

The new SO 26(b) provides that an amendment moved from the floor (ie one that has not appeared on a Notice Paper) would, as now, be subject to the chairman's discretion in allowing it to be moved; but this discretion is also extended to

a power to move an amendment in a form different from that in which notice of it had been given to cover those cases where it would be desirable to do so.

In the light of these deadlines, the Committee has also amended SO 10(a) (and, consequentially SO 25) so that the same deadlines apply in relation to notice of business arising out of business already on the Agenda.

The Committee also considered, at the request of the Business Committee, the perceived difficulties and frustration caused by the growing number of amendments, particularly those which some saw as being submitted solely as a means to guarantee a right to speak in the debate, and the effect this had on the quality of debates. The Committee recalled that this problem had however been largely experienced during particularly complex debates and the large number of amendments could have been due to the highly controversial nature of those debates. The Committee was therefore reluctant to amend the Standing Orders until there was clearer evidence that the problems were symptomatic of an emerging ‘amendments culture’. It was therefore agreed to review the position in the light of further experience as to whether such a culture had emerged and then consider whether means of limiting the right of Synod members to propose amendments should be pursued. In the meantime, the Committee considered that more use should be made by chairmen of debates of the power to order amendments according to their significance rather than in the order in which they struck the text. A skilful use of the closure was another helpful mechanism, which left the choice clearly with Synod rather than at the discretion of individual chairmen. The Committee noted that the closure on the main motion could be moved before all the amendments had been put; this has happened recently (in the resumed debate on

Parliamentary Democracy) but it required careful steering by the chairman of the debate and even then it appeared that the effect had not been entirely clear to the Synod.

4. Standing Order 27 – Content

SO 27(b)(i) refers to a ‘main motion’ whereas in other parts of the Standing Orders (including this one) the phrase ‘substantive motion’ is used. In fact ‘substantive motion’ has a definition in SO 131. The Committee believes that this is what the SO intends and proposes that the wording should be changed accordingly.

5. Standing Order 39 – Motions for amendment to the Standing Orders

At present all motions for the amendment of Standing Orders must be debated by the Synod, although it is possible to take those *en bloc* where no amendment or a wish to speak against any one or more of those motions has been received. The Committee believes that it would be useful if the Standing Orders contained a procedure for amendments to the Standing Orders to be deemed to be approved without debate. As members will be aware, the Standing Orders already contain provision for Measures and Liturgical Business to be deemed to be approved at the First Consideration stage and for Statutory Instruments to be deemed to be approved. In the first case, to request debate, twenty five members of Synod must give notice (the matter will of course return to the Synod for further stages); in the latter case, one member. The Committee propose that to request debate on a ‘deemed’ amendment to the Standing Orders, five members must give notice. The Committee would expect that this provision be used for matters which it judges to be of less significance. If a debate was

requested it would take place in the usual way as part of the Synod's consideration of a report from the Standing Orders Committee.

6. Standing Order 56 –Revision stage following Revision Committee Stage - Amendments

This Standing Order relates to the moving of amendments at the Revision Stage in full Synod. The parentheses in paragraph (c) refer to amendments moved on behalf of the Revision Committee, whereas the parentheses in paragraph (d) refer to amendments moved on behalf of the Steering Committee. However the Standing Orders Committee believes that the subject matter is the same in both cases. This particular Standing Order was changed some time ago so that a function which formerly related to the Revision Committee, became a function of the Steering Committee (a Revision Committee is effectively discharged of its duties once it has reported to the Synod). For this reason, it is thought that the reference to 'revision committee' in SO56 (c) was simply overlooked and that it ought to refer to the 'steering committee'. This amendment is accordingly proposed.

Liturgical Standing Orders

Following the substantial Liturgical Revision in the last quinquennium leading to the compilation of *Common Worship* the Liturgical Commission asked that a review of the Liturgical Standing Orders (some of which had been used for the first time) be undertaken. A joint sub group of members of the Business and Standing Orders Committees was established for this purpose and, following consultation, its recommendations were sent to members of Synod for comment in June 2002. The

recommended changes to the Liturgical Standing Orders which follow, arise from that exercise.

7. Doctrine – New Standing Order 75A

The sub group agreed that the Synod needed to be able to ‘step back’ from the detailed consideration of an item of liturgical business to discuss an important doctrinal matter that arose in the context of the Liturgical Business. In a sense this had happened in the consideration of the Nicene Creed, but that was only after nearly all the Synodical steps had been completed and the business had, in accordance with Article 7 of the Constitution of the General Synod, already been referred to the House of Bishops. The sub group was clear that such a consideration needed to take place before then – at a stage when the Synod was still able to make changes to the Liturgical Business. With this in mind the sub group agreed that such a debate ought to be able to be triggered by the House of Bishops, the Revision Committee for the business (who would have an automatic right to request such a debate) or upon the request of 100 members of the Synod. In the latter case, the process would have some similarities with the threshold for a Private Member’s Motion to be debated. Such a report would then be introduced to the Synod by the House of Bishops under a ‘take note’ motion. Neither amendments nor following motions would be permitted, the intention being to allow a general debate on the point at issue, the fruits of which would be considered at the next stage for that item of Liturgical Business. The Standing Orders Committee accordingly introduces a new Standing Order to this effect.

8. Standing Order 76 – Revision Committee Stage

The sub group was conscious that proposals made to Revision Committees did not always follow a consistent format with the result that submissions varied considerably in their presentation – some were specific, others much more general. In cases where a large number of submissions were made this resulted in difficulties for both the staff, in preparing papers for Committee, and for the Committee in considering them as it made for complications in comparing suggestions made, for example, on the same point. The sub group considered that it would be helpful if a Revision Committee could be given power to specify the format in which submissions to it were to be made. An example of this could be that proposals should specify precisely the change that was sought with the reasoning for this set out below. The Committee, however, thought that this might be difficult to implement. For a start, a Revision Committee was unlikely to be in existence at the material time. A chairman may have been appointed; but that may not always be the case. The alternative appeared to be the Steering Committee, though the Committee doubted that this was entirely appropriate. In any event, the SO which related to submissions to a Revision Committee (53 applied by SO 76 to Liturgical Business) already specified that proposals should be *specific*. The Committee therefore agreed not to take this matter further by way of an amendment to the SOs. Rather the solution appeared to be to make Synod members more aware of the existing requirements regarding submissions to a Revision Committee.

9. Standing Order 77 – Optional Re-committal following Revision Committee stage

The sub group agreed that the current provision in SO 77, which permitted the Synod to recommit an item to the Revision Committee, had proved unsatisfactory in that, where two or more motions affected the same text (but where the reasons for them might be entirely different), there was no clear mechanism for the Synod to be able to judge between them. This had been, to a certain extent, resolved by certain *ad hoc* interpretations; but that was not a satisfactory basis on which to proceed. The sub group agreed that all re-committal motions should be able to be considered by the Synod on an equal basis. To assist the Synod in making a decision, the Committee proposes that the same motion for re-committal may be moved more than once. By doing this and allowing the movers of the motions to speak to the same text but on different points, the Synod will be able to decide which, if any, of those matters should be recommitted to the Revision Committee for further consideration. Both the Synod and the Revision Committee will be clear therefore as to the reasons for the text being recommitted to the Revision Committee. An amendment to Standing Order 77 is therefore proposed on this basis.

10. Standing Order 80 – Continuance or Discontinuance of Services

SO 80 appears to be defective in so far as it applies SO 75 to the procedure for extending or discontinuing the period for which Synod has approved an item of liturgical business. This is because SO 80(b)(i) applies SO 75(a) without modification; and that SO requires a motion remitting the liturgical business for revision in committee whereas (by virtue of SO 80(b)(ii))

the next step in the process is reference to the House of Bishops. The revised version of the SO provides for an appropriate motion for referral to the House of Bishops and also amends the title of the SO to make its wording more consistent with its main provisions.

11. Minor Adjustments to Forms of Service - new Standing Order 79B

One of the matters recommended by the sub group which looked into the Liturgical Procedures concerned the absence of a 'shortened procedure' for dealing with minor amendments to an existing service. They recommended that, where the Business Committee considered that the Liturgical Business in question comprised minor adjustments to an already approved form of service, a 'shortened procedure' should be available, subject to the Synod having power to request the full procedures. This shortened procedure might consist of a first consideration stage at which the Synod could propose amendments to the Liturgical Business, followed by referral of the Business by the Steering Committee to the House Bishops under Article 7, followed by Final Approval. If the Synod disagreed with the decision of the Business Committee to adopt such a shortened procedure, the motion to be moved would be that at the first consideration stage which would, if carried, remit the Business to a Revision Committee. The Committee agree with these recommendations and has, in its Standing Order, provided for the need for 25 members of Synod to give notice for the full procedures to apply. The Committee believes that the Steering Committee ought also to be able to decide that the full procedure should be followed once it has had the opportunity to consider whether any amendments submitted by members are, in the Committee's view, of such significance that, if they were to be carried it would make sense for them to

be given detailed consideration by a Revision Committee in the usual way. In order to accommodate this, the deadline for receipt of such amendments is proposed to be two clear days before the business is due to be considered. In the event of either 25 members for Synod requesting, or the Steering Committee determining, that the full procedures should be followed, the motion to be moved on behalf of the Steering Committee will be that ‘the liturgical business be considered for revision in committee’.

12. Expedited Further Revision Stage – new Standing Order 78A

The sub group considered that it should be possible, where the Synod has reached the re-committal stage under SO 77 and one or more re-committal motions had been carried, for the further Revision Stage (SO 79) to take place at the same group of sessions. This would involve a ‘telescoped’ Further Revision Committee stage (SO 78) taking place during that group of sessions but without the right of Synod members to make further submissions to the Revision Committee once the re-committal stage had been completed. The sub group considered that this would be an exceptional occurrence in cases where the matter recommitted was not likely to need detailed scrutiny. In this case, the Steering Committee would give notice to the Synod of its intentions; but the consent of the Revision Committee would be needed to bring forward the Further Revision Stage at the same group of sessions. The Revision Committee would make a report of its findings to the Synod, before the Synod went on to consider the Business on the Further Revision Stage. This could not of course happen without the consent of the Synod. The Committee accordingly brings forward a new Standing Order along these lines.

13. Final Revision Stage – new Standing Order 79A

Some members will recall the exceptional (third) revision stage in the previous quinquennium in relation to Eucharistic Prayer H. In that case, there being no provision in the Standing Orders to permit this, the matter had to be dealt with outside the Standing Orders and a motion to suspend them (which required a three quarters majority of members present and voting) took place in order to permit this. This new Standing Order would permit a (further) further revision stage (to be known as a final revision stage). Because this is an exceptional provision, the Committee proposes that it should require a two thirds majority of those present and voting in each House.

14. Standing Orders 95 to 96

The Synod's Panel of Chairmen has asked the Committee to look afresh at the way in which debates on ordinary reports are structured. The problem for the Chairmen has been the difficulty of effectively guiding such a debate in the case where a report is debated under Standing Order 95 and there are two (or more) motions to be moved and debated. The first is the 'take note' debate on the report itself, the second being an officially sponsored following motion (to which amendments are permitted). Further motions can of course be moved after this by any member. The difficulty occurs in dividing the time available between the various debates and this becomes particularly tricky when there are a number of amendments to the substantive motion to consider. A decision often has to be made whether to allow the movers to speak to these (but not to move them) in the 'take note' debate or in the debate on the substantive motion. In these sort of circumstances the debate can become unnecessarily 'bitty' whereas what is sought is the

ability to hold a single debate that can be structured in an appropriately measured way.

At present the procedure when reports are presented under SO 95 must be as follows:

- (a) The motion '*That the Synod do take note of this Report*' is moved to which no amendment may be moved. If carried, the motion does not commit the Synod to the acceptance of any matter contained within the report. If lost, the report cannot be further discussed within the lifetime of the Synod and the business of the Synod proceeds as if the report had not been brought before it.
- (b) If the motion referred to in subparagraph (a) is carried, two types of further motions may be moved in sequence. First any motions in relation to any recommendations contained in the report may be moved. Amendments to such motions may be tabled. Secondly, a further motion expressing approval or disapproval of the whole or part of the report or a motion which is relevant to and within the scope of its subject matter may be moved. In practice one or other of these types of further motions is moved.

There is however a different procedure when a presentation on a report is to be made to the Synod under Standing Order 95A. In this case although the motions set out in paragraph (b) above may still be moved, there is no requirement to move the motion set out in paragraph 2(a) and this does happen in practice. It is also the case that, in Diocesan Synod and Private Members Motions, there is always only one motion to consider, although

they are, by their nature, about a particular subject, not a report. The Committee considers that the permissive power to move a ‘take note’ motion in relation to a report conferred by SO 95A should be extended to all cases where a report was submitted to the Synod for debate. The decision to dispense with this requirement would rest with the Business Committee which has concurred with this analysis.

The Committee also considers that SO 95A should also give the Business Committee greater flexibility in relation to the use of presentations to facilitate Synod business. In particular, the Committee believes it should be possible:

- (a) to make presentations in relation to annual as well as other reports and, indeed, in relation to any other business before the Synod (including material put to Synod for information, on which there might be no debate or motion); and
- (b) to ask questions at any presentation. Although in practice this happens during presentations, there is no specific power in the current SO for this. The Committee accordingly proposes such provision.

The Committee also proposes that the sequence of SOs 95, 95A and 96 should be changed. Standing Order 95 (ordinary reports) will be followed by SO 96 (annual reports – with some minor drafting changes). The SO on presentations (currently numbered 95A) will follow SO 96 (as, in this proposal it will apply to both ordinary and annual reports) and be numbered 97 (currently a vacant slot). The heading ‘Financial Business’ will therefore appear before SO 98.

15. Standing Order 98 – Reports

Standing Order 98 deals with the way in which the Synod can be given information about the financial significance of business before the Synod. The reason for the proposed change is that the present Standing Order is considered to be too prescriptive: in some cases the Council or the Commissioners (as the case may be) would not consider it necessary to add anything to the contents of the report which they had submitted to the Synod. It would suffice for the Chairman of the sitting to draw to the attention of members what was said in the report.

16. Questions: Standing Orders 105 to 109

At the July 2002 group of sessions, the Synod debated the Business Committee's report on reform to question time (GS 1456) and carried the motion "That this Synod invite the Standing Orders Committee to introduce changes to the Standing Orders reflecting the recommendations contained within the report.". The changes to the Standing Orders before the Synod reflect this request with one exception (and one additional provision) as noted below.

The exception is the provision referred to in paragraph 10 (viii) of GS 1456. This was in fact tried experimentally at the November 2002 group of sessions and the experience showed that, because often more questions are submitted than can realistically be answered in the time available, it was likely that questions to the bodies mentioned in block (c) would not always be reached. The situation could arise therefore that questions to some of those bodies would be rarely, possibly never, reached and the Committee considered that this possibility would not be attractive to Synod members. We accordingly are not proposing a formal change to the Standing

Orders to reflect this and we understand that, in practice, questions will be rotated amongst all the persons and bodies that answer questions as they have in the past. The additional provision relates to a suggestion made by the Bishop of Woolwich that the texts of answers should be made available to questioners before question time. We are content that this should happen; but we have been advised that the additional burden on the staff requires that for this to take place the deadline for questions must be advanced by one day. We accordingly propose the change to SO 10(b) set out in the Notice Paper.

Finally, we also propose an adjustment to the wording of SO 106 to clarify the position as regards the asking of questions concerning legal issues. Reflecting what we understand to be the position applying to Parliamentary questions of this kind, the revised SO 106(b) will preclude the asking of a question which seeks an expression of opinion on a question of law, whether or not the issue is of an ‘abstract’ nature.

We intend to bring further proposals relating to SO 105 – to whom questions may be addressed – in a future report.

17. Standing Order 112 – Addresses by Invited Speakers

The Committee believes that this SO is unnecessarily restrictive in relation to who may address the Synod and that it would be helpful to introduce a mechanism to enable any suitably qualified person to address the Synod. The restriction on the officers or staff of the Synod being unable to address the Synod (the Committee noted that this restriction did not extend to staff of the other national church institutions) no longer seemed to have a purpose since the Standing Orders had, in

other respects, widened the opportunities for staff to speak before the Synod. It would continue to be the responsibility of the Presidents to make the decision as to who should address the Synod under this Standing Order. The Committee also proposes that the provision relating to the questioning of invited speakers should follow the new provision in Standing Order 95A.

18. Representatives of the Church of England Youth Council – New Standing Order 113A

The Committee has followed up the request, made by the Synod in July 2003, that it should prepare a Standing Order, similar to that which relates to the Representatives of Other Churches, providing for members of the Church of England Youth Council (or any successor body) to attend Synod as observers. The Committee proposes that three members of the Youth Council should be invited by the Business Committee to attend a group of sessions of the Synod. The members would be given the right to speak in any debate and to table questions but not to move any motion or amendment or to exercise any voting rights.

19. Standing Order 120 - Elections

The Committee has taken the opportunity to revise this Standing Order (which deals with the detailed provisions for elections to Synodical bodies) for the following reasons:

- (a) As it stands, the SO is based on the presumption that it applies only to bodies where the Synod as a whole, or its houses, form the electorate. However this is not always the case as some elections where these provisions are used have other electorates. These

include the Church of England Pensions Board (in the case of the Church Workers constituency), the Inter Diocesan Finance Forum (in the case of the election of members of the Forum to the Finance Committee and to the DRACS Committee) and the Church Commissioners (in the case of the Deans' constituency). Thus the revised version contains provision for widening the classes of constituencies in the case of Synod members and making specific provision for it to apply in cases where the constitution of a body provides for it to do so. The SO also contains revised provisions in the case of an appeal to make it consistent with these provisions.

- (b) To make provision for nomination forms which may be returned within an extended period of at least 21 days to be returnable by post, in person, by FAX or by e-mail. There will be a new definition of address in Standing Order 131.
- (c) To confirm that the Clerk to the Synod (as is provided by the Single Transferable Vote Regulations 1990 and 1998) is the presiding officer for the purpose of elections conducted in accordance with the Standing Order.
- (d) To provide for casual vacancies to be filled when notice that a vacancy will occur has been given rather than having to wait until the vacancy actually occurs. This would, in cases where a vacancy needed to be filled by a fresh election, allow the new member to take up office as soon as the vacancy occurred.

20. Standing Order 124 – Registrar

This Standing Order, which deals with the duties of the registrar, includes provision (paragraph (e)) for him to keep a register of Synod members. He does not in fact do this and probably has not done so for some time. Instead the register is kept by the Synod Support Unit under the direction of the Clerk to the Synod. The Committee agrees that this duty should be moved to SO 123A, which deals with the Clerk to the Synod.

21. Other matters considered by the Committee

Time Limits on speeches

The Committee has given preliminary consideration to a request from the Business Committee, who in turn had received suggestions from members of the Synod, that the speech limit should, in the case of the mover of a motion, be no longer than ten minutes, and in the case of any other speech, be no longer than five minutes; but subject to the discretion of the chair to permit a longer speech where that would be justified. This would allow more speakers to contribute and discourage repetition of what had appeared in a report or had been said in a previous speech. The Committee shared the Business Committee's view that speech limits should be appropriate to the contribution being made. However, it was concerned that sufficient time should be available for members of Synod to make such necessary and appropriate contributions and believed that what was being sought could already be achieved within the Standing Orders as they stood. The Committee noted that chairs of debates were already more inclined to move to an early five minute speech limit and three minute speeches were much more frequent than they had been in the past. This was

seen by many as an encouraging trend. However the Committee's initial view was that the flexibility that is implicit in the current provisions was the best servant of the Synod and it was not immediately attracted to a formal change to the speech limits in the SOs. However this is a matter that the Committee wishes to discuss further with the Business Committee and understands that, in any event, this may form part the report referred to in paragraph 9 of the Business Committee's report (GS 1522).

The Previous Question

The Committee had been asked to consider reintroducing the procedural motion known as 'The Previous Question' (the motion was 'that the question be not now put') which had been abolished in the 1990s. The Committee however considered that the decision to dispense with this motion had been the correct one. The procedure of the Synod was already sufficiently complex without making it more so. Although it was said that 'next business' was not a kind motion, as had been shown in the case of Gender Neutral Titles, it was not terminal. On the other hand the effect of 'the adjournment' was not so dissimilar to 'the Previous Question' that it made sense having both motions. The Committee accordingly agreed not to recommend the reintroduction of this procedural motion.

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