

GENERAL SYNOD

**DRAFT VACANCIES IN SUFFRAGAN SEES
AND OTHER ECCLESIASTICAL OFFICES MEASURE****Explanatory Memorandum****Introduction**

1. At the group of sessions in February 2008 the General Synod approved a set of recommendations contained in a report from the Archbishops on Crown Appointments (GS 1680). This followed a consultation carried out in the light of General Synod's endorsement of the recommendations contained in *Talent and Calling* ('the Pilling Report') (GS 1650) and the publication of the Government's Green Paper, *The Governance of Britain* (Cm 7170).
2. One of the recommendations approved in February was that the requirement in the Suffragan Bishops Act 1534 for the names of two candidates to be presented to Her Majesty in relation to an appointment to a suffragan see should be replaced with a requirement for just one (recommendation (b)). Another recommendation called for the introduction of legislation to change the position in relation to rights which the Crown currently has in certain circumstances to exercise patronage that is not ordinarily in its gift (recommendation (1)). This draft Measure gives effect to those recommendations.

Notes on clauses**Clause 1: Amendment of Suffragan Bishops Act 1534**

3. This clause modifies the effect of section 1 of the Suffragan Bishops Act 1534 so that only one name, rather than as at present two, will need to be presented to Her Majesty in relation to the appointment of suffragan bishops. There is a long-standing convention that the Prime Minister advises Her Majesty to appoint the first-named candidate when names are presented under the current provisions of the 1534 Act. The provision in clause 1 will remove the need for the Crown to exercise even a formal choice between candidates for appointment to suffragan sees.

Clause 2: Appointments by the Crown during certain vacancies

4. When a diocesan see is vacant, the patronage belonging to that see is exercisable by the Sovereign. Clause 2 provides that during a vacancy in see such patronage will be exercised by the "relevant bishop" on behalf of Her Majesty. The "relevant bishop" will be either the suffragan or assistant bishop to whom the diocesan's patronage is normally delegated, or, where there is no such person, the bishop to whom the spiritualities of the diocese have been delegated during the vacancy in see. The provisions of sub-clause (3) make it clear that the Sovereign's right to exercise patronage during a vacancy in see is delegated, rather than transferred, under these provisions.

Clause 3: Abolition of Crown's rights in relation to cession

5. The Sovereign currently has the right to exercise patronage not normally in his or her gift -

- a. where a vacancy arises as a result of the holder of a benefice (or other ecclesiastical office) being appointed a diocesan bishop (for example, where the Vicar of X is appointed to diocesan see Y, then the Sovereign has the next right of presentation to benefice X irrespective of who would normally have the right of presentation); and
- b. where there is a vacancy in a benefice (or other office) which is ordinarily in the gift of the holder of another benefice, and that other benefice is vacant as a result of its holder having been appointed a diocesan bishop. (For example, if the Vicar of X – who is the patron of benefice Y – is appointed to diocesan see Z, then the Sovereign has the right to present to benefice Y should it be vacant during the vacancy in benefice X occasioned by the Vicar of X becoming the Bishop of Z.)

Clause 3 abolishes the rules of law which give rise to the above rights on the part of the Crown. The result of that will be that the patron of the living in question will present in the normal way.

Clause 4: Citation, commencement and extent

6. Clause 4 makes provision with respect to the Short Title of the Measure, the procedure for bringing it into force, and its territorial extent.

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