

GENERAL SYNOD

DRAFT CHURCH OF ENGLAND (MISCELLANEOUS PROVISIONS) (NO. 2) MEASURE

REPORT OF THE REVISION COMMITTEE

Chair: Mr Carl Fender (Lincoln)

Ex officio members

(Steering Committee): The Ven Pete Spiers (Liverpool) (Chair)
Miss Jane Patterson (Sheffield) *until December 2018*
Dr Mike Todd (Truro)
The Revd Canon Bob White (Portsmouth)
The Revd Canon Priscilla White (Birmingham)

Appointed members:

Mr Clive Scowen (London)
The Ven Michael Everitt (Blackburn)
Ms Alison Fisher (Leeds)
The Reverend Timothy Goode (Southwark)
The Ven Fiona Windsor (Chichester)

References in this report to “the Committee” are references to the Revision Committee.

Unless otherwise indicated, references to clauses of the Measure and paragraphs of the Amending Canon are reference to those clauses or paragraphs as numbered in the Measure and Canon as originally introduced. Where clause or paragraph numbers have changed this is indicated.

1. The draft Church of England (Miscellaneous Provisions) (No. 2) Measure (GS 2104) and draft Amending Canon No. 41 (GS 2105) received first consideration at the July 2018 group of sessions. The draft Measure is the twelfth in a series of Miscellaneous Provisions Measures dealing with matters that do not merit separate, free-standing legislation. The draft Amending Canon also deals with miscellaneous matters.
2. Explanations of each provision of the Measure and Canon were contained in the explanatory memoranda (GS 2104X and GS 2105X).
3. The Committee met on one occasion and completed its remaining business by correspondence under Standing Order 56(4). Mr Carl Fender, the Chair of the Committee, was in the event unable to attend the meeting and the Committee chose one of its appointed members, Mr Clive Scowen, to take the chair on that occasion.
4. The Committee received submissions from eight members, none of whom had exercised their right under Standing Order 55 to attend the meeting of the Committee and speak to their proposals. An additional submission had been received from the Secretary of the Lichfield Diocesan Advisory Committee.
5. The Appendix contains a summary of the amendments considered by the Committee as well as the Committee’s decision on each.

Draft Church of England (Miscellaneous Provisions) (No. 2) Measure

Clause 1 Members of religious communities

6. **Mr Clive Scowen (London)** questioned the way in which “religious community” was defined in the new section 2A(4) of the Extra-Parochial Ministry Measure 1967 that is inserted by clause 1(2). As drafted, the provision provides that “religious community” in section 2A “has the meaning given in the Canons”. Mr Scowen proposed that the definition should identify the specific Canon in question – i.e. Canon DA1 that is proposed to be inserted into the body of the Canons by draft Amending Canon No. 40.
7. The Committee was advised that what Mr Scowen proposed could be achieved without the need for a formal amendment by making a printing change to the definition of “religious community” adding “(see Canon DA 1)”. The Committee agreed that approach.
8. At the request of the Revision Committee for Amending Canon No. 40 (which is concerned with religious communities), the Committee made an amendment to subsection (4) of clause 1. The amendment provides for the continuation of existing arrangements for identifying the religious communities whose members are electors in elections to the House of Laity. Under existing arrangements the communities in question are identified by the Advisory Council for Relations between Bishops and Religious Communities. The Council has now been constituted a committee of the House of Bishops, with the result that subsection (4) as amended gives the function to the House. Equivalent amendments are to be made to Canon H 2 (which provides for the representation of the clergy in the Lower Houses of the Convocations) by Amending Canon No. 40.

Clause 2 National clergy register (now national ministry register)

9. **Mr Nigel Bacon (Lincoln)** noted in his submission that clause 2 as drafted had as its principal object the compilation and publication of a national register of clergy who have authority to exercise ministry. The clause made it optional for regulations to make similar provision in relation to lay people who are authorised to exercise ministry. Mr Bacon proposed that the inclusion in the regulations of provision relating to lay people should not be optional. He did so on the basis that the underlying policy of the clause – to protect the public from persons who are not authorised to exercise ministry in the Church of England, and in particular to provide protection against safeguarding risks – was as much applicable to lay people exercising ministry as to clergy.
10. **Mr Scowen’s** submission contained a proposal on similar lines.
11. The Committee considered that there was force in what Mr Bacon and Mr Scowen proposed. However, it noted that making it mandatory for regulations to include lay persons authorised to exercise ministry raised some practical questions. The Committee was advised that the reason the clause was drafted to make it optional for regulations to make provision in relation to lay persons was because it was considered that the compilation and the publication of the register would be a substantial task which would need to be undertaken in two stages. There were already databases in existence (at national and diocesan level) relating to clergy who are authorised to exercise ministry. Similar databases did not currently exist in relation to lay persons who are authorised to exercise ministry and as a result it was expected to take longer to produce a register of authorised lay persons.
12. The Committee decided that the regulations should cover lay persons authorised by a bishop to exercise ministry but that that the compilation and publication of the register of clergy should

not be held up as a result. It therefore agreed that the compilation and publication of registers could take place in two phases and that the Measure should be amended to enable that.

13. The Committee also considered that it might, at some point in the future, be desirable to compile and publish a register of persons who had some other form of authority – conferred, for example, at the parish level to work with children. While there were no current plans for a national register of such persons, the Committee decided that the Measure should be amended to facilitate that in the event that a decision were taken at some point to create such a register.
14. The Committee made amendments to clause 2 accordingly. See clause 2(1) and (6).
15. **Mr Scowen** observed that clause 2(5) left it to regulations to prescribe what information contained in the register was to be published. He proposed that in order to give greater reassurance to those whose details are to be included in the register, the clause should be amended to exclude the publication of addresses and other contact details.
16. The Committee, noting that published registers of other professions – for example the legal or medical professions – did not contain individuals’ home addresses or personal contact information, accepted Mr Scowen’s proposal. The Committee amended the Measure accordingly. See clause 2(5).

Clause 3 (now clause 4) Fees: exemption, reduction or remission

17. **The Dean of the Arches and Auditor (ex officio)** noted, in his submission to the Committee, that if a person was exempted from fees, or if fees were reduced or remitted, the costs of the ecclesiastical court nevertheless had to be met by somebody. The only body realistically in view would be the diocesan board of finance but the Dean considered it to be uncertain whether the clause as drafted conferred the necessary power on the Fees Advisory Commission to include provision in a Fees Order imposing such a responsibility on a diocesan board of finance.
18. The Committee agreed that it would in practice need to be the DBF who met the court costs where a litigant was exempt or where fees had been reduced or remitted. It therefore considered that the clause should provide expressly for that, as the Dean had proposed, and amended the Measure accordingly. See what is now clause 4(2).

Clause 4 (now clause 5) Cathedrals: power to vary or revoke approvals

19. There were no submissions on clause 4 and the Committee was content with the clause as it stood.

Clause 5 (now clause 6) Disused burial grounds in cathedrals: approval for building etc.

Schedule Amendments to the Care of Cathedrals Rules 2006

20. **Mr Clive Scowen** questioned the drafting of clause 5, in particular with regard to the new subsection (2B). He considered that the new subsection (2B) – which states that a requirement for approval for building on a disused burial ground under new subsection (2A) is in addition to any requirement for approval under the existing subsection (1) – was unnecessary.
21. In the light of advice from the Legal Office, the Committee decided that new subsection (2B) should be retained in order to make it clear that an approval under the Measure of a proposal to build on a disused burial ground does not remove the need for approvals which may be required for other reasons. An approval of a proposal to build on a disused burial ground should not, for

example, remove the requirement for an approval that might be required because it was proposed also (in connection with the building proposal) to carry out works that would materially affect any human remains within the precinct of the cathedral church.

22. A further issue relating to the new clause 5 was brought to the Committee's attention. The provision inserted by clause 5(5) employed the concept of a "relative" of a person whose remains have been interred in land on which it is proposed to build. "Relative" was not defined. This was consistent with the approach that was taken when section 4 of the Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure inserted a new section 18A into the Care of Churches Measure 1991 so that building on disused parochial burial grounds could be authorised by faculty. It was also consistent with the approach taken in sections 44 and 63 of the Mission and Pastoral Measure 2011 (schemes providing for the use of certain churches and burial grounds), which takes the same approach as the Pastoral Measures 1968 and 1983.
23. The absence of a definition could give rise to difficult questions in practice. In a recent consistory court case, an objection to building on a churchyard was received from a person distantly related to a person whose remains were interred in the land on which the building was to stand. The court held that taken in context the expression "relative" should not be given too wide a meaning and would not include any person however distantly related to the deceased. But it remained unclear who was and who was not a relative for the purpose of objecting to building on a disused burial ground; and who may object was important because where a burial took place within the past 50 years, a "relative" who objects in effect has a veto.
24. The Committee was advised that the equivalent legislation relating to non-Church of England burial grounds was the Disused Burial Grounds (Amendment) Act 1981. Like the equivalent ecclesiastical legislation, that Act in effect gives a veto to a "relative" of a person whose remains were buried within the past 50 years in land on which it is proposed to build. But in the 1981 Act "relative" is given the following specific definition:

"relative" means in relation to any person whose remains are interred, a spouse or civil partner, parent or grand-parent, or child or grandchild, including a legitimated child, and any person who is, or is the child of, a brother, sister, uncle or aunt.
25. The Committee agreed that clause 5 should be amended to adopt that definition of "relative" for the purposes of the Care of Cathedrals Measure 2011, sections 44 and 63 of the Mission and Pastoral Measure 2011 and the Ecclesiastical Jurisdiction and Care of Churches Measure 2018. See what are now subsections (5), (9), (10) and (11) of clause 6.
26. There were no submissions on the Schedule and the Committee was content with it as it stood.

Clause 6 (now clause 7) Inspection of Churches

27. **The Venerable Dr Jane Steen (Southwark) and the Venerable Luke Miller (London)** submitted that there had not been adequate consultation with archdeacons, diocesan advisory committees and others about the changes clause 6 would make to the statutory provision for the quinquennial inspection of churches. Dr Steen proposed that clause 6 should be left out of the Measure, pending consultation.
28. **The Lichfield DAC Secretary and the Reverend Timothy Goode** proposed that the existing requirement for a PCC to obtain the approval of the DAC for the appointment of a quinquennial inspector be retained. They considered that it was necessary for the DAC to have a veto over the appointment to ensure that an appropriately qualified and experienced person is appointed. They set out detailed reasons in their respective submissions.

29. **Mr Goode** proposed that if the DAC's veto were not retained, the PCC should be under a statutory obligation to have regard to the DAC's advice on an appointment and to inform the DAC whom it had appointed.
30. **Mr Scowen** proposed that a PCC should be required to obtain the archdeacon's consent for an appointment of an inspector on the basis that many PCCs would not have the capacity to form a view as to the qualifications and experience that are needed.
31. Dr David Knight of the Cathedral and Church Buildings Division informed the Committee of the consultation that had been carried out by the Church Buildings Council on the provision contained in this clause. The Committee considered that the consultation had been adequate and that, in any event, the legislative process itself enabled differing views to be taken into account. The Committee accordingly rejected the proposal that the clause be left out.
32. The Committee rejected the proposal that the requirement to obtain the approval of the DAC for the appointment of a quinquennial inspector should be reinstated. It also rejected the proposal that the archdeacon's approval should be required.
33. The Committee considered that the concerns that had been raised would be met by replacing the proposed requirement for a PCC to consult the DAC with a requirement for the PCC to have obtained, and had regard to, advice from the DAC on the appointment. This maintained the policy underlying the clause that the appointment of a quinquennial inspector was the PCC's appointment, with the PCC usually being the party who contracted with the quinquennial inspector. But it would also emphasise the need for PCCs to consider the DAC's advice carefully before making an appointment and to follow that advice unless it had good reasons for not doing so. The Committee amended the Measure accordingly. See what is now clause 7(2).
34. The Committee rejected a proposal from **the Lichfield DAC Secretary** that the existing statutory requirement that an inspector must be either a registered architect or a chartered building surveyor be retained. The Committee was advised that these requirements had been removed on the basis that the Church Buildings Council considered that there was now a wider range of professional qualifications which could equip an individual to carry out quinquennial inspections of churches. It was envisaged that the range of suitable professional qualifications, along with questions of necessary experience, would be dealt with in the Church Buildings Council's statutory guidance that is provided for in the new subsection (4A) inserted by what is now clause 7(4).
35. **The Lichfield DAC Secretary** also proposed that provisions specifying who must be provided with a copy of an inspection report, currently contained in paragraphs (d) and (e) of section 45(2) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, should be retained.
36. The Committee noted that the provisions in question were being retained: they had simply been moved into the new subsections (2A)(c) and (2B)(c) that are inserted by what is now clause 7(2).
37. **Mr Nigel Bacon** proposed that an inspection report should include indicative costs for works the need for which is identified in the report.
38. The Committee considered that this was provision that more naturally had its place in guidance (as provided for in the new subsection (4A)) rather than in the Measure.
39. The Committee rejected a proposal by **Mr Adrian Greenwood (Southwark)** that the words "in advance" be inserted in the new subsection (2A)(b)(i). He presumably intended this to make it clear that the PCC must have consulted the DAC before making the appointment of a

quinquennial inspector. That was, however, already the effect of subsection (2A) as drafted (given the use of the past tense in “has consulted”) and it was not possible to read the provision in any other way.

Clause 7 (now clause 8) Parochial registers

40. **Mr Clive Scowen** asked why the definition of “register books in parochial custody” in clause 8 took a different form from the definition of “records in parochial custody” in clause 7.
41. The Committee was advised that the difference already existed in the current definitions of “register books in parochial custody” and “records in parochial custody” in section 25 of the Parochial Registers and Records Measure 1978. Section 6 of that Measure made provision for the custody of register books in parochial custody. It was not possible, under the provisions of clause 6, for a register book to be in joint custody; accordingly, no provision was made for that eventuality in the definition of “register books in parochial custody”. The 1978 Measure did not make provision for the custody of “parochial records”. The definition of “parochial records” therefore needed to take account of the possibility that they might be in the joint custody of an incumbent and churchwardens.
42. The Committee, at the request of the National Church Institutions’ Head of Research and Statistics, agreed a number of amendments to clause 7 (now clause 8).
43. The Committee noted that clause 7 (now clause 8) amended the 1978 Measure so that its provisions were made consistent with amendments that are to be made to Canon F12 (Of the register book of services) by Amending Canon No. 41. Those changes would permit, but not require, a service register to be maintained in any electronic or other form approved by General Synod. The electronic service register would be facilitated and maintained by the National Church Institutions (NCIs).
44. The Committee agreed amendments to the draft Measure so that what was clause 7 (now clause 8) amends the interpretive provisions in section 25 of the 1978 Measure in a slightly different way from that originally envisaged in clause 7 of the Measure. Since some of the provisions of the 1978 Measure are inapt where a register is maintained electronically, the amended clause, instead of replacing the definition of “register books” in the 1978 Measure, provides for that Measure to apply to electronic service registers “where the context allows”.
45. The Committee also agreed amendments inserting new sections into the 1978 Measure.
46. The 1978 Measure provides that in ordinary circumstances the incumbent will have custody of the service register, or otherwise the diocesan records office will. The 1978 Measure only permits third party access to hard copy registers in certain circumstances (such as for exhibition or research). Accordingly, the new subsection (2) agreed by the Committee will insert a new section 6A in the 1978 Measure to allow the NCIs (and those authorised by them) to have access to the electronic register book for appropriate purposes. Such access is necessary so that the NCIs and relevant third parties, such as the developer of the online application, can facilitate and manage the online system for electronic service registers.
47. New subsection (3), agreed by the Committee, inserts a new section 16A in the 1978 Measure to make provision for the electronic register book of services to be made available for exhibition and research providing certain conditions are met (as the Measure presently allows for hard copy registers). This additional provision is needed since the party facilitating access might be an NCI rather than the incumbent. New section 16A reflects existing section 16 in all material ways (including in terms of the requirements for consent and consultation).

48. The Committee also agreed an amendment inserting a new subsection (4) in clause 7 (now clause 8) to bring the 1978 Measure up to date, by allowing the service of relevant notices to take place electronically.

Clause 8 (now clause 9) Parochial Records

49. The Committee agreed a drafting amendment to correct the accidental omission of a reference to the parochial church council in paragraph (a) of the definition of “records in parochial custody”.
50. The Committee agreed a further amendment to clause 8 to remove any doubt that where an item would not constitute a “record” because it had been fixed to the fabric of a church or had been displayed in church, the same would be the case where an item had been fixed to the fabric of, or displayed, in an adjoining vestry or church hall.

Clause 9 (now clause 10) Delegation to officers

51. On advice from the Legal Office, the Committee agreed to leave out subsection (1) of clause 9 on the basis that it was unnecessary.
52. The Church Commissioners Measure 1947 already contains provision, in section 6(4), for the delegation to officers of functions of the Board of Governors and Commissioners’ committees. As section 3 of the 1947 Measure provides for the business of the Commissioners (other than business that is reserved to a general meeting) to be transacted by the Board or a committee, there is no need for a further power for the Commissioners themselves to delegate functions.

Clause 10 (now clause 11) Diocesan Advisory Committee: limit on successive terms of office

53. **The Venerable Jane Steen** proposed that clause 10 be left out of the Measure on the basis that the proposal had not been adequately consulted on. **The Venerable Gavin Collins (Portsmouth)** had also made a submission in which he proposed that a consultation exercise be undertaken.
54. The Committee considered that a specific consultation process was not needed and that the legislative process provided adequate opportunity for those concerned to express their views and have them taken into account. The Committee accordingly rejected the proposal to leave out the clause.
55. **The Lichfield DAC Secretary** proposed that any authorisation for a person to serve more than two successive terms of office as chair, or as a member, of a diocesan advisory committee, or as either, should be given by the Bishop, not by the Church Buildings Council.
56. **Mr Adrian Greenwood and the Venerable Dr Jane Steen** proposed that any authorisation to serve more than two successive terms should be given by the bishop’s council, not by the Church Buildings Council.
57. The Committee considered that it would not make sense for the person or body who gives the authorisation to be the same person or body who makes the appointment in question; otherwise the authorisation would become a mere formality, with the person or body who was to make the appointment authorising him/herself to do so. The Committee noted that the chair of a DAC is appointed by the bishop and that the other members are appointed by the bishop’s council. On the basis that a person should not be able to authorise him/herself to make an appointment that

he or she would not normally be able to make, giving the power to grant an authorisation to the bishop or the bishop's council was problematic.

58. The Committee considered that the power to authorise a person to serve more than two successive terms of office should be conferred on the diocesan synod (instead of on the Church Buildings Council). The Committee nevertheless considered that the person who would make the appointment, if authorisation was granted, should obtain the advice of the Church Buildings Council and that the CBC's advice should be provided to the diocesan synod before it determined whether to grant an authorisation.
59. The Committee amended the clause accordingly. See what is now clause 11(1) and the new sub-paragraphs (5) and (6) it inserts in paragraph 3 of Schedule 2 to the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.
60. **Mr Clive Scowen** raised a question as to the interpretation of the new paragraph 3(4) that is inserted in Schedule 2 to the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 by clause 10 (now clause 11). He considered it to be unclear whether a person who had served two terms as a member would be ineligible to be appointed as Chair of a DAC and proposed that the drafting be considered further.
61. The Committee agreed drafting amendments to make it clear that if a person has served as the chair or as a member, or as either, for two successive terms he or she may not be reappointed either as the chair or as a member without a break of one whole term. See what is now clause 11(1) and the new sub-paragraph (4) it inserts in paragraph 3 of Schedule 2 to the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.

Clause 11 (now clause 13) The Constitution of the General Synod: replacement of outdated terms

62. **Mr Clive Scowen** proposed that the reference to the Standing Committee in article 4(2) of the Constitution of the General Synod be replaced, on the basis that it is outdated, with a reference to the Appointments Committee.
63. The Committee was advised that article 4(2) was in fact substituted by section 8 of the Church of England (Miscellaneous Provisions) Measure 2006 and reads—
 - (2) The Presidents shall, after consultation with the Appointments Committee of the Church of England, appoint from among the members of any House of the Synod a panel of such number of persons as the Presidents may determine, who shall be available to take the chair at meetings of the Synod, being persons who shall be chosen for their experience of chairing and ability to chair meetings; and it shall be the duty of one of the persons on the panel, in accordance with arrangements approved by the Presidents and subject to any special directions of the Presidents, to take the chair at meetings of the Synod at which neither of the Presidents take the chair."

Unfortunately, this amendment has not yet been applied to the text of the Synodical Government Measure 1969 on legislation.gov.uk.

Clause 12 (now clause 14) Mission and Pastoral Measure 2011: correction of cross-reference

64. There were no submissions on clause 12 and the Committee was content with the clause as it stood.

Clause 13 (now clause 15) Short title, commencement and extent

65. There were no submissions on clause 13 and the Committee was content with the clause as it stood.

New clause (now clause 3) Funerals: conduct by lay person

66. **Mr Clive Scowen** proposed the insertion of a new clause to amend section 4 of the Church of England (Miscellaneous Provisions) Measure which received final approval at the July 2018 group of sessions. That provision will make it lawful for any clerk in holy orders who is authorised to officiate in the Church of England to conduct a funeral service in a crematorium or cemetery, at the request of the persons concerned, without the need to obtain the consent of the minister of the parish in which the funeral takes place. The clerk who intends to officiate at the funeral must, so far as practicable, have informed the relevant minister and sought his or her goodwill.

67. Mr Scowen's proposal was that those lay persons who are authorised to exercise funeral ministry in the Church of England – i.e. deaconesses, readers and lay workers who are specifically authorised under the relevant Canons to bury the dead – be put in the same position as clerks in holy orders for this purpose, subject to their obtaining consent of the incumbent of the parish where they are licensed.

68. The Committee agreed that a new clause should be inserted to give effect to Mr Scowen's proposal. See what is now clause 3 of the draft Measure.

New clause (now clause 12) Validity of lease

69. At the request of the Legal Office, the Committee agreed to insert a new clause (now clause 12) to deal with a technical legal issue that results in practical problems where leases are granted by diocesan boards of finance to parochial church councils.

70. The issue arises because, as a result of section 6 of the Parochial Church Councils (Powers) Measure 1956, PCCs are not entitled to hold any interests in land in their own right (other than short leases – i.e. leases for not more than seven years). Instead, such property interests must, generally speaking, be held by (or vested in and then held by) the relevant diocesan authority on the PCC's behalf. The diocesan authority is either the DBF or another body appointed by the DBF for that purpose. The PCC retains the power of management, administration and disposition of the property (subject to the requirement for certain consents) but the legal title to the property is in the diocesan authority.

71. As a result, where a DBF grants a lease (other than a short lease) to a PCC, of glebe or other diocesan property to be used, for example, as a church hall, the leasehold interest that is granted to the PCC has to be vested in the DBF. As a result, where a DBF grants a lease to a PCC, and the PCC's leasehold interest is vested in the DBF, the DBF appears to be granting a lease to itself.

72. At common law, a person cannot grant a lease to himself and any such grant does not create a valid lease (*Rye v Rye* [1962] AC 496). This rule has resulted in the Land Registry taking the view that they must, in the absence of any specific statutory provision enabling them to do so, refuse to register leases granted by DBFs to PCCs.

73. New clause 12 provides the necessary statutory provision to enable leases granted by a DBF to a PCC to be treated for all purposes as valid, with the result that they can be registered by the

Land Registry. The clause also covers the case where the diocesan authority is a body other than the DBF. Clause 15(2) (commencement) has been amended so that the new clause will come into force on Royal Assent being given.

74. The Land Registry have been consulted on the clause and are content with it.

Draft Amending Canon No. 41

Paragraph 1 Register book of services

75. **Mr Nigel Bacon** proposed that it should cease to be a requirement that “the amount of any alms or other collection” be recorded in the register book of services.

76. The Committee agreed that the register book of services was not the appropriate place for collections to be recorded and amended the draft amending Canon so that the list of matters Canon F 12 requires to be recorded will no longer include “the amount of any alms or other collection”. See paragraph 1 of the draft Amending Canon.

77. The Committee itself proposed and made an amendment to paragraph 1 so that any electronic form of service register would have to be approved by the General Synod before it could be used under Canon F 12 in its amended form.

78. The Committee noted that as drafted, the amendments being made to Canon F 12 provided for the form in which the register book of services was to be kept to include “electronic form and any form approved by the General Synod”. The Committee was concerned that without any requirement for synodical approval of an electronic form of the register book, parishes might use electronic forms that were unsuitable for the purpose of recording and making the relevant information available in the way that was intended. By requiring synodical approval of “any electronic or other form”, the Synod could ensure that a suitable electronic form was used. The amendments made by the Committee are contained in the new paragraphs 3 and 4 being inserted in Canon F 12 by paragraph 1 of the Amending Canon.

Paragraph 2 (now paragraph 3) Ministers exercising their ministry

79. There were no submissions on paragraph 2 and the Committee was content with the paragraph as it stood.

Paragraph 3 (now paragraph 4) The Ecclesiastical Courts etc: updated statutory references

80. There were no submissions on paragraph 3 and the Committee was content with the paragraph as it stood.

Paragraph 4 (now paragraph 5) General Synod and Convocations: replacement of outdated references

81. There were no submissions on paragraph 4 and the Committee was content with the paragraph as it stood.

Paragraph 5 (now paragraph 6) Minor corrections

82. There were no submissions on paragraph 5 and the Committee was content with the draft paragraph as it stood.

New Paragraph (now paragraph 2) Language of divine service

83. At the request of the Steering Committee, the Revision Committee agreed to insert a new paragraph amending Canon B 42 (Of the language of divine service).

84. Paragraph 3(1) of Canon B 42 makes provision for the approval of translations of authorised forms of service for use in a parish in respect of which the bishop has given written permission for the use of an approved translation. Paragraph 3(1) currently provides for such approval to be given by the Standing Committee of the House of Bishops. The Standing Committee of the House of the Bishops had asked that the provision be amended so that it did not refer specifically to the Standing Committee or any other committee of the House. The Canon would then simply provide for approval of translations of forms of service to be given by the House of Bishops. That would mean that the House could either choose to exercise the function itself, or to delegate it to any of its committees in accordance with its standing orders.

85. New paragraph 2 accordingly amends paragraph 3(1) of Canon B 42 to remove the reference to the Standing Committee.

Carl Fender

Chair of the Revision Committee

December 2018

Summary of proposed amendments and the Committee's decisions

DRAFT CHURCH OF ENGLAND (MISCELLANEOUS PROVISIONS) (NO. 2) MEASURE

Clause in original draft Measure (GS 2104)	Clause in draft Measure as revised (GS104A)	Name	Summary of proposal	Committee's decision
1	1	Mr Clive Scowen	Provide reference to specific Canon in definition of "religious community"	Printing change
1(4)	1(4)	Revision Committee for Amending Canon No. 40	Include provision so that religious communities continue to be designated for purposes of elections to House of Laity	Accepted
2	2	Mr Nigel Bacon; Mr Clive Scowen	Require regulations to make provision for national register of lay persons holding bishop's licence	Accepted
2	2	The Committee	Enable regulations to make provision for register of other persons exercising ministry	Accepted
2	2	Mr Clive Scowen	Require omission of home address and personal contact details from published register	Accepted
3	4	Dean of the Arches	Include express provision for fees to be payable by DBF	Accepted
4	5	--	--	--
5	6	Mr Clive Scowen	Questioned drafting of clause 5	No action
5	6	The Committee	Include definition of "relative"	Accepted
6	7	The Ven Dr Jane Steen; the Ven Luke Miller	Leave out the clause	Rejected
6	7	The Rev Timothy Goode; Lichfield DAC Secretary	Retain requirement for DAC approval of appointment of quinquennial inspector	Rejected
6	7	The Rev Timothy Goode	If DAC approval not required, impose obligation on PCC to have regard to DAC's advice on appointment	Accepted
6	7	Mr Clive Scowen	Require archdeacon's approval for appointment of quinquennial inspector	Rejected
6	7	Lichfield DAC Secretary	Retain statutory requirement that inspector must be registered architect or chartered building surveyor	Rejected
6	7	Mr Nigel Bacon	Require inspection report to include indicative costs	Rejected
6	7	Mr Adrian Greenwood	Insert "in advance" in new subsection (2A)(b)(i)	Rejected

7	8	NCIs Research & Statistics	Amend provisions of Parochial Registers and Records Measure 1978 differently, to take full account of electronic forms of register and to allow electronic service of notices	Accepted
8	9	The Committee	Drafting amendments	Accepted
9	10	The Committee	Leave out subsection (1)	Accepted
10	11	The Ven Jane Steen; the Ven Gavin Collins	Leave out clause 10	Rejected
10	11	Lichfield DAC Secretary	Give power to authorise more than 2 successive terms to Bishop	Rejected
10	11	Mr Adrian Greenwood; the Ven Dr Jane Steen	Give power to authorise more than 2 successive terms to bishop's council	Rejected
10	11	The Committee	Give power to authorise more than 2 successive terms to diocesan synod, with benefit of CBC advice	Accepted
10	11	Mr Clive Scowen	Clarify effect of new paragraph 3(4)	Accepted
11	13	Mr Clive Scowen	Replace reference to standing committee in article 4(2)	No action
12	14	--	--	--
13	15	--	--	--
New clause	3	Mr Clive Scowen	Amend section 4, Church of England (Miscellaneous Provisions) Measure 2018 to cover funerals conducted by authorised lay persons	Accepted
New clause	12	The Committee	Make provision for validity of leases granted by DBF or other diocesan authority to PCC	Accepted
Schedule	Schedule	--	--	--

DRAFT AMENDING CANON NO. 41

Paragraph in original draft Canon (GS 2105)	Paragraph in draft Canon as revised (GS2105A)	Name	Summary of proposal	Committee's decision
1	1	Mr Nigel Bacon	Remove from Canon F 12 requirement to record "the amount of any alms or other collection"	Accepted
1	1	The Committee	Require synodical approval of electronic forms of service register	Accepted
2	3	--	--	--
3	4	--	--	--
4	5	--	--	--
5	6	--	--	--
New paragraph	2	The Steering Committee	Insert new paragraph in Canon B 42.3(1) to remove reference to the Standing Committee	Accepted