

GENERAL SYNOD**ILLUSTRATIVE DRAFT REGULATIONS UNDER CANON DA 1:
THE RELIGIOUS COMMUNITIES REGULATIONS 2020**

1. This paper contains an illustrative draft of Regulations that might be made under Canon DA 1 (which is to be inserted into the Canons by Amending Canon No. 40).
2. The illustrative draft has been the subject of consultation with representatives of religious communities. It has not, at the time of going to print, yet been considered by the House of Bishops' Advisory Council on Religious Communities (the committee of the House to which consideration of matters relating to religious communities is delegated).

Background

3. Amending Canon No. 40, which is being considered on the final approval stage at the July 2019 group of sessions, inserts a new Canon DA 1 (Of religious communities) into the body of Canons.
4. Canon DA 1 makes provision for a community to be declared by the House of Bishops to be a religious community in the Church of England. It provides that the House of Bishops may not make a declaration to that effect unless it is satisfied that the community meets such conditions as the House shall specify in regulations.
5. Canon DA 1 provides that regulations may, in particular, specify conditions relating to governance, financial affairs, safeguarding children and vulnerable adults, the making of vows or promises, and the minimum number of members required for a community to be eligible for a declaration. Regulations may make further provision about religious communities.
6. Regulations cannot be made until the Canon has been enacted, following receipt of the Royal Assent and Licence, which is expected to be in February 2020. The Steering Committee for draft Amending Canon No. 40 considered that it would be of assistance to members of the Synod to be able to see, at this stage, an illustrative draft of what such regulations might look like.
7. The illustrative draft which follows has been the subject of consultation with representatives of religious communities. It has not, at the time of going to print, yet been considered by the House of Bishops' Advisory Council on Religious Communities (the committee of the House to which consideration of matters relating to religious communities is delegated).
8. The illustrative draft is not an item of business for debate: regulations made by the House of Bishops will be laid before the Synod for approval in due course. But members are welcome informally to send any comments they may have to the Secretary to the Legislative Commissions and Committees of the General Synod at the Legal Office, Church House, London SW1P 3AZ.

THE RELIGIOUS COMMUNITIES REGULATIONS 2020

The House of Bishops makes the following Regulations under Canon DA 1.

PART 1

Preliminary

Citation, commencement and interpretation

1. These Regulations may be cited as the Religious Communities Regulations 2020.
2. They come into force on [].
3. In these Regulations–
 - “the Canon” means Canon DA 1 of the Canons of the Church of England;
 - “constitution” means the written constitution of a community required by regulation 11;
 - “child” and “vulnerable adult” have the same meaning as in the Canon;
 - “religious community” has the same meaning as in the Canon;
 - “visitor” means the person entitled to exercise visitatorial powers in respect of a community (irrespective of how that person may be described by the constitution) and “visitation” is to be construed accordingly.
4. Where a community is established in more than one country, a reference in these Regulations to its constitution is a reference to the constitution of the community as it applies in England.
5. Any question as to whether a Church is in communion with the Church of England is to be determined, for the purposes of these Regulations, by the Archbishops of Canterbury and York acting jointly.

General duty

6. A person exercising functions under these Regulations must have regard to the character and purpose of religious communities, and in particular to the provision made by paragraph 1 of Canon DA 1.

Conditions for declaration by House of Bishops

7. These regulations–
 - (a) specify, for the purposes of paragraph 4 of the Canon, conditions a community must meet in order to be declared by the House of Bishops, under paragraph 2(1)(c) of the Canon, to be a religious community in the Church of England and
 - (b) make provision for related procedural matters.
8. When making such a declaration in respect of a community, the House of Bishops must designate the community as a recognised community or as an acknowledged community.
9. A community must meet the conditions specified in Part 2 in order to be declared a religious community in the Church of England and designated as an acknowledged community.
10. A community must meet the conditions specified in Part 2 and in Part 3 in order to be declared a religious community in the Church of England and designated as a recognised community.

PART 2

Conditions specified in respect of recognised and acknowledged communities

Governance

11. The community must have a written constitution (by whatever name that document is known by the community).
12. The constitution may be contained in more than one document provided that the documents which together comprise the constitution are readily identifiable as such.
13. The constitution must—
 - (a) make provision for the membership and governance of the community;
 - (b) provide for the appointment as visitor of a person who—
 - (i) is in episcopal orders and holds ecclesiastical office in the Church of England or in another Church which is in communion with the Church of England; and
 - (ii) is not a member of the community or otherwise involved in its regular life;
 - (c) require that a visitation be carried out by the visitor not less frequently than every five years;
 - (d) empower the visitor to carry out a visitation at any time on the visitors own initiative;
 - (e) make provision for the closure and dissolution of the community, including for the application of any property of the community in the event that it is closed;
 - (f) provide that before a decision is taken to amend the constitution so far as it relates to any of the matters provided for in these Regulations, the proposed amendment must be notified to the House of Bishops and that regard must be had to advice given by the House of Bishops in relation to the proposal.

Financial affairs and property

14. The constitution must make provision for—
 - (a) the conduct of the financial affairs of the community;
 - (b) the ownership and management of the property of the community.

Safeguarding

15. The constitution must—
 - (a) impose a duty on members and officers of the community (including the visitor) to have due regard to guidance issued by the House of Bishops on matters relating to the safeguarding of children and vulnerable adults;
 - (b) make provision as to the persons or bodies who have particular responsibility in relation to the safeguarding of children or vulnerable adults;
 - (c) make provision for the visitor's functions in relation to the safeguarding of children and vulnerable adults;

Admission etc.

16. The constitution must make provision for—
- (a) admission of persons to, and their dismissal from, the community;
 - (b) the taking of vows or the making of promises that are to be taken or made by members of the community;
 - (c) the release of members of the community from vows or promises;
 - (d) the resolution of disputes between a member and the community or between its members.

Numbers

17. The House of Bishops must be satisfied that the community has sufficient numbers to sustain community life.
18. Regulation 17 does not apply in the case of a community which, immediately before the coming into force of these regulations, was registered with the Secretary of the House of Bishops Advisory Council for Religious Communities as a recognised or acknowledged religious community.

PART 3

Additional conditions specified in respect of recognised communities

Nature of community

19. The community must be a community—
- (a) whose members make vows or promises of—
 - (i) stability, conversion of life and obedience, or
 - (ii) poverty, chastity and obedience; and
 - (b) which has a Rule which provides for the ordering of the life of the Community in accordance with which the members share in a common life and live together (though not necessarily all in one place).

Rule

20. The constitution must make provision as to the persons to whom the Rule applies and how, if it all, it may be changed.

Chapter

21. The constitution must make provision for—
- (a) the role of a Chapter in the government of the community;
 - (b) the membership of the Chapter and the rights its members have to participate in its decisions.

Resolution of disputes

22. The constitution must provide for the resolution of disputes (including the hearing of appeals) by the visitor.

Profession etc.

23. The constitution must make provision for the profession of vows within the community, including the formulae of profession and any stages of commitment to the life and practice of the community a member will undertake.

Separation etc.

24. The constitution must make provision for the separation of a member from the community and for a member's dispensation from vows (secularisation).

PART 4

Procedure

Provisions of documents and other information

25. A religious community which seeks a declaration by the House of Bishops that it is a religious community in the Church of England must provide the following to the House of Bishops—
- (a) a written request for a declaration under paragraph 2(1)(c) of the Canon stating whether, if a declaration is made, the community wishes to be designated as a recognised community or an acknowledged community;
 - (b) a brief written statement as to—
 - (i) how the community meets the requirements of paragraph 2(1)(a) and (b) of the Canon;
 - (ii) the date on which the community was founded;
 - (iii) whether immediately before the coming into force of these regulations it was registered with the Secretary of the House of Bishops Advisory Council for Religious Communities as a recognised or acknowledged religious community and, if so, on what date it was so registered;
 - (c) a copy of its constitution;
 - (d) if it has one, a copy of its Rule;
 - (e) any other document or information the House of Bishops may request in connection with the request for a declaration.

Decision to make declaration

26. If the House of Bishops decides to make a declaration under paragraph 2(1)(c) of the Canon in respect of a community it must—
- (a) send the community a written notice which declares the community to be a religious community in the Church of England;
 - (b) require the secretary to the House of Bishops, or the secretary of a committee exercising the functions of the House under these regulations, to file a copy of the written notice;
 - (c) add the community to the list of religious communities compiled, maintained and published by the House of Bishops under paragraph 6 of the Canon.

Decision not to make a declaration

27. If the House of Bishops decided not to make a declaration under paragraph 2(1)(c) of the Canon in respect of a community it must–
- (a) send the community a written notice stating that it has decided not to make such a declaration;
 - (b) include in the written notice a summary of the reasons for its decision.

Notification of grounds for revocation

28. If the House of Bishops considers that there may, under paragraph 5 of the Canon (revocation for grave cause), be grounds for revoking a declaration made under paragraph 2(1)(c) it must–
- (a) notify the community concerned of those grounds; and
 - (b) afford the community a reasonable opportunity to make written representations, specifying the time by which any representations must be received by the House of Bishops.

Proceedings following consideration of representations

29. Having considered any representations made by the community within the time allowed, the House of Bishops may decide–
- (a) to revoke the declaration made in respect of the community under paragraph 2(1)(c) of the Canon;
 - (b) not to revoke the declaration;
 - (c) that it requires further information in order to decide whether or not to revoke the declaration.

Further information and oral representations

30. If the House of Bishops decides that it requires further information in order to decide whether or not to revoke the declaration it may–
- (a) seek further information in writing from the community concerned or from any other person it considers likely to be in possession of relevant information;
 - (b) invite the community to make oral representations.

Proceedings upon consideration of further information or oral representations

31. Having further considered the matter, including any further information or any oral representations, the House of Bishops must proceed to a decision under paragraph 25 a. or b.

Notice of decision

32. Written notice of a decision under paragraph 25 a. or b. must be sent to the community concerned and to such other persons as the House of Bishops may direct.

Removal from list of religious communities

33. If a decision is made under paragraph 25. a. (revocation of declaration), the House of Bishops must remove the community concerned from the list compiled, maintained and published by it under paragraph 6 of the Canon.

These Regulations were made etc.