

GENERAL SYNOD**DRAFT CHANNEL ISLANDS MEASURE****Explanatory Notes**

The draft Channel Islands Measure makes provision for the Channel Islands to be attached to the Diocese of Salisbury. It makes new provision to simplify the process for applying existing Measures to the Channel Islands. It also makes minor and consequential amendments to other legislation.

Introduction

1. The Report of the Archbishop's Commission on the relationship between the Channel Islands and the wider Church of England¹ recommended that the Channel Islands ('the Islands') should be attached to the Diocese of Salisbury (instead of the Diocese of Winchester, as is currently the case) and that a Measure should be introduced to enable this change in oversight.² Further information about the background is contained in the Commission's Report which is being circulated to members under the cover of GS Misc 1241.
2. The Draft Channel Islands Measure has been introduced in the Synod on the instructions of the Archbishops' Council. It gives effect to the above recommendation of the Archbishop's Commission by providing for the Islands to be attached to the Diocese of Salisbury by Order of Her Majesty in Council.
3. The Measure makes new provision to simplify the process for applying existing Measures to the Islands. It also makes minor and consequential amendments to other legislation.
4. At the request of the Archbishops' Council, the Business Committee has made provision in the Agenda to enable all of the Synodical stages for the Measure to be taken at the February 2019 group of sessions.

Notes on clauses**Clause 1**

5. Clause 1(1) provides for Her Majesty by Order in Council to attach the Islands (referred to in the Measure for technical, legal reasons as 'the Bailiwicks') to the

¹ The Report is available at <https://www.churchofengland.org/sites/default/files/2019-10/Report%20-%20FINAL%20-%208-10-19.pdf>.

² See recommendation (7) on page 27.

Diocese of Salisbury instead of to the Diocese of Winchester and to transfer the relevant episcopal jurisdiction from the Bishop of Winchester to the Bishop of Salisbury.

6. There is no prerogative power under English law to alter the extent of dioceses or to change episcopal jurisdiction. For the purposes of English law, the statutory power in clause 1 is therefore needed notwithstanding the prerogative powers Her Majesty has in respect of the Islands.
7. The changes provided for in the Measure will not take effect in the Islands until after the consents of their respective legislatures have been obtained. The Measure does not set out the processes for obtaining the consent of the Islands' legislatures to the making of Orders in Council. There are established processes for that purpose which involve the Islands' legislatures approving the terms of a draft Order in Council prior to its being submitted to the Privy Council Office. Those processes will be followed in respect of Orders to be made for the purposes of the Measure.
8. Clause 1(2) to (5) makes provision for defining the term 'the Bailiwicks' that is used in the Measure to take account of the Islands' particular territorial jurisdictions.
9. Clause 1(6) enables the attachment of the Islands to the Diocese of Salisbury, and the transfer of episcopal jurisdiction, to be achieved by a single Order in Council applying to both the Bailiwicks, or by two Orders, one for the Jersey Bailiwick and one for the Guernsey Bailiwick.
10. Clause 1(7) provides that an Order in Council may make consequential, supplementary, transitional or transitory provision.
11. Clause 1(8) makes it clear that if the attachment of the Islands to the diocese of Salisbury and the transfer of episcopal jurisdiction is carried out for both Bailiwicks under a single Order in Council, the Order may make different provision in relation to each Bailiwick so that any particular provision that may be required in relation to each Bailiwick may be made.

Clause 2

12. Clause 2 makes amendments to other Measures that are necessary in consequence of the attachment of the Islands to the Diocese of Salisbury and the transfer of jurisdiction to the Bishop of Salisbury.

Clause 3

13. The Channel Islands (Church Legislation) Measures 1931 and 1957 provide a process under which Measures passed by the General Synod may be applied to the Islands. That process is a detailed one, involving a number of prescribed steps that have to be taken. Applying Measures to the Islands is often protracted. That has resulted in there being a backlog of Measures passed by the Synod which are yet to be applied to the Islands.

14. Clause 3 will enable any existing Measures to be applied to the Islands more simply, under processes the Islands have created – or will create – under the law of their respective jurisdictions.
15. The statutory procedure under the 1931 and 1957 Measures for applying Measures to the Islands – which provides for the Bishop to take the initiative – will remain available in the event that any difficulty arises in the application of Measures to the Islands under their own processes.

Clause 4

16. Clause 4 makes amendments to the Channel Islands (Representation) Measure 1931 ('the Representation Measure') to bring the provisions relating to the Islands' church electoral rolls up to date, so that they make equivalent provision to the Church Representation Rules.
17. Clause 4(1) accordingly amends section 4 of the Representation Measure so that – as in England – persons who are members of Trinitarian Churches not in communion with the Church as well as being members of the Church of England are qualified for inclusion on the church electoral roll.
18. Clause 4(2) reduces the minimum age requirement for inclusion on the church electoral roll from 17 to 16, in line with the Church Representation Rules.
19. Clause 4(3) substitutes different content for the application form for enrolment on the church electoral roll so that it accords with the amendments that are being made to the qualifications for inclusion on the roll.

Clause 5

20. Clause 5(1) provides for sections 1 and 3 to come into force on the day on which the Measure is given Royal Assent. Orders in Council can then be made at any time after that. The Islands will also be able to proceed immediately to apply any existing Measures under their own legal processes.
21. Clause 5(2) provides for section 2 to come into force on the commencement of the Order or Orders that attach the Islands to the Diocese of Salisbury as it is only at that point that references in other legislation to Winchester will need to become references to Salisbury.
22. Clause 5(3) provides for section 4 to come into force on a day appointed by Order in Council – either an Order made under section 1 or an Order specially for the purpose under section 5.
23. Clause 5(4) provides the Short Title of the Measure.

Synodical Procedure

24. At the request of the Archbishops' Council, the Business Committee has allocated space in the Agenda so that all the Synodical stages for the Measure

can be taken at the February 2020 group of sessions. The Council made the request for the following reasons.

25. First, the Measure is narrowly focussed in policy terms. The question is essentially whether the Islands should be attached to the Diocese of Salisbury. As the answer to that is either in the affirmative or the negative, there would be no detailed questions of policy to be considered by a revision committee. For the same reasons, there would not seem to be any need for several months to elapse between the Revision Stage in Full Synod and the Final Approval Stage to enable members to consider further whether they support the Measure. On that basis, it is unlikely that any advantage would be gained by spreading the various stages of the Measure over two or more groups of sessions.
26. Secondly, the Archbishops' Council, the Islands and the Diocese of Salisbury wish to progress matters as soon as reasonably possible. The recommendations in the report of the Archbishop's Commission have been endorsed by the Deanery Synods of Jersey and Guernsey and by the Salisbury Diocesan Synod. No objection has been raised by the Diocese of Winchester. The Islands have been under temporary episcopal care for a number of years. Until the question of the transfer of the Islands to the Diocese of Salisbury is decided, the Islands are effectively in a state of suspension with only ad hoc arrangements for episcopal ministry and without the ability to plan for the future, in particular the future mission of the Church of England in the Islands. Important decisions concerning the Church in the Islands are unlikely to be taken until the question of transfer to Salisbury has been decided.
27. The First Consideration Stage is on the Agenda for the sitting on Monday 10 February. It will, in the usual way, provide an opportunity to debate the general purport of the Measure. However, at the end of the First Consideration Stage, instead of moving that the Measure 'be considered for revision in committee', a member of the Steering Committee will move that the Measure 'be considered for revision in Full Synod'. (See Standing Order 53.)
28. If that motion is carried, the Revision Stage will take place during the afternoon sitting on Tuesday 11 February. The Synod will consider the Measure clause by clause together with any amendments of which notice has been given. The deadline for giving notice of an amendment is **5.30 p.m. on Wednesday 5 February**. An amendment of which due notice has not been given may be moved only with the permission of the Chair.
29. At the conclusion of the Revision Stage, the Measure will stand committed to the Steering Committee in respect of its final drafting. Should the Steering Committee consider that any final drafting amendments are needed, these will be circulated on a Notice Paper, the Steering Committee will provide a report and the Final Drafting Stage will be taken at the sitting on the morning of Thursday 13 February. If no final drafting amendments are to be made or proposed by the Steering Committee, the Synod will be informed on a Notice Paper.

30. The Business Committee has allocated time at the sitting on the morning of Thursday 13 February for the Final Approval Stage for the Measure. Standing Order 64 provides that it is not in order to move a Final Approval motion at the same group of session as that at which any stage of Revision is concluded if the Chair or 40 or more members object. In the event that such objection is made, the Final Approval Stage will not be taken at the February group of sessions.
31. If the Measure receives Final Approval at the February group of sessions it is intended to make arrangements so that the Parliamentary stages for the Measure are completed expeditiously so that Order(s) in Council can be approved at the July 2020 Meeting of the Privy Council. If the Measure does not receive Final Approval at the February group of sessions, it is unlikely – because of the Parliamentary recess – that it could complete its Parliamentary stages much earlier than Christmas 2020. Were that to be the case, the next meeting of the Privy Council at which Order(s) could be approved would not take place until February 2021 (as the Privy Council does not meet in January).

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