

## GENERAL SYNOD

## FIFTY-SIXTH REPORT OF THE STANDING ORDERS COMMITTEE

1. The Standing Orders Committee ('the Committee') presents its 56<sup>th</sup> Report to the Synod.
2. Our membership for the current quinquennium is as follows:

Appointed members:

Mr Geoffrey Tattersall QC (Manchester) (Chair)  
 The Revd Prebendary Simon Cawdell (Hereford)  
 Mr David Coulston (Europe) (from May 2018)  
 Mrs Mary Durlacher (Chelmsford)  
 Mr David Robilliard (Channel Islands)  
 Mr Clive Scowen (London).

Ex-officio members:

The Revd Canon Simon Butler (Prolocutor of the Lower House of the Convocation of Canterbury)  
 The Ven Cherry Vann (Prolocutor of the Lower House of the Convocation of York) *until September 2019*  
 The Revd Canon Christopher Newlands (Prolocutor of the Lower House of the Convocation of York) *from November 2019*  
 Dr Jamie Harrison (Chair of the House of Laity)  
 Canon Elizabeth Paver (Vice-Chair of the House of Laity).

**Absence from diocese and vacancy in see**

3. SO 123 (vacancy in see) currently makes provision for the situation where there is a vacancy in see so that a suffragan bishop who is temporarily exercising the functions of the diocesan may attend and speak (but not vote) in place of the diocesan at a group of sessions. The Committee was asked to consider widening the scope of SO 123 (vacancy in see) so that it covers the situation not only where a see is vacant but also in other situations where the bishop of a diocese issues an instrument delegating the functions of the diocesan to another bishop under section 14 of the Dioceses, Pastoral and Mission Measure 2007. Those other situations include those where the diocesan bishop is unable to discharge any or all of the bishop's functions by reason of disability, illness or absence from the diocese.
4. The Committee considered that there was merit in doing so. It seems to us that where a diocesan bishop is unable to carry out duties owing to disability or illness, or is absent – for example on sabbatical – the diocese should nevertheless have an episcopal voice in the General Synod.
5. Items 18 to 20 on the First Notice Paper make amendments to SO 123 accordingly. They generalise this Standing Order so that it applies to all cases of delegation by instrument

under section 14 of the Dioceses, Pastoral and Mission Measure 2007 and not just those cases where there is a vacancy in see.

6. The amendments also ensure that the provision applies to delegations to any bishop who is not a member of the House of Bishops, rather than just a suffragan who is not an elected member of the House.
7. In consequence of those changes, item 18 changes the title of the Standing Order.

### **Election appeals**

8. At the July 2019 group of sessions the Synod approved an amendment to SO 132 concerned with the scrutiny by the Clerk of nominations for “relevant elections” (i.e. elections in which the Synod or its Houses, or the Convocations, constitute the electorate and elections to bodies whose constitutions provide for the Synod’s Standing Orders relating to elections to apply: see SO 131). Items 21 to 23 further amend SO 132 so that the proposer and seconder, in addition to the candidate, are informed of a ruling by the Clerk that a nomination is not valid and the reasons for the ruling.
9. The First Notice Paper for the July 2019 group of sessions also contained a set of amendments concerned with appeals arising from relevant elections. These had been brought forward by the Committee following comment made by an appeal tribunal in its determination of an appeal concerning an election of members of the House of laity to the Crown Nominations Commission. The appeal tribunal considered that the existing provisions relating to appeals were inadequate in various respects.<sup>1</sup>
10. The sitting at which the proposed amendments to the Standing Orders were to be taken ended before they could be moved. We consider that to have been fortuitous, as it has given us the opportunity to give further consideration to the proposed Standing Orders relating to election appeals, including amendments that had been tabled to a number of them at the July 2019 group of sessions.
11. The Committee has, following further discussion, decided to propose a more developed approach to the way in which election appeals are dealt with. Items 24 to 26 on the First Notice Paper accordingly provide for new rules on election appeals.
12. These rules provide for several new matters. They clarify rights of appeal relating to eligibility of a voter and the validity of a nomination (see SOs 135 and 135A). They introduce two new procedures (see SOs 135C): a fast-track procedure (**‘summary appeal’**) for cases which raise a point of law (for example, whether a vote should have been allowed); and a full procedure with a hearing by a panel (**‘full appeal’**) for cases which involve disputes of fact (for example, whether the conduct of the election affected the result). The new rules also make detailed specific provision about the findings which are possible on each type of appeal (see SOs 135F and 135M).
13. The amendments provide that a candidate who is not an elector should not have a right of appeal against a decision that his or her nomination was not valid or that any other nomination was valid. Rather, any elector could bring the appeal and, for that purpose, the decision on the validity of the nomination will be sent to the proposer and seconder as well as the candidate (see items 21 and 22).
14. On a **summary appeal**, there is to be a two-day period for bringing the appeal and the appeal is to be determined within seven days. A summary appeal is to be heard by the Dean of the Arches and Auditor or, if he or she is not available, either of the Vicars-General

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<sup>1</sup> See further the [Fifty-Third Report of the Committee](#) and the [Fifty-Fifth Report of the Committee](#).

or, if neither of them is available, a diocesan chancellor nominated by the Dean of the Arches and Auditor (see SO 135E).

15. On a **full appeal**, there is to be a 14-day period for bringing the appeal. A full appeal is to be heard by a panel appointed by the officers most appropriate in the particular case – so, for example, the panel for an appeal relating to an election by the House of Clergy is to be chosen by the Prolocutors of the Convocations (see SO 135H). The panel is to consist of three members of the Synod who, between them, must have suitable legal or other expertise (see SO 135I).
16. The rules also provide for a preliminary assessment as to whether there are arguable grounds of appeal in any given case (see SO 135J).
17. These rules dealing with appeals relating to “relevant elections” (i.e. elections from within the Synod) correspond to the new rules relating to elections to the General Synod which are being brought to the February 2020 group of sessions in time for the elections following the dissolution later in the year.<sup>1</sup> A consultation on those rules has recently finished and no amendments are required in consequence.
18. Items 25 and 26 are consequential amendments to the interpretation provisions.

### **Procedure**

19. The Business Committee has determined under Standing Order 40(5) that the proposed amendments to the Standing Orders set out in the First Notice Paper do not need to be debated.
20. If amendments set out in the First Notice Paper are approved, they will take effect on 14<sup>th</sup> February 2020 (i.e. after the end of the February group of sessions).

On behalf of the Committee:

**Geoffrey Tattersall QC**

Chair

January 2020

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<sup>1</sup> See the Church Representation Rules (Amendment) Resolution 2020 (GS 2155), the House of Laity Election Rules 2020 (GS 2164), the Clergy Election Rules 2020 (GS 2165) and the Convocations (Elections to Upper House) Rules 2020 (GS 2166).