

## GENERAL SYNOD

### DRAFT GENERAL SYNOD (REMOTE MEETINGS) (TEMPORARY STANDING ORDERS) MEASURE

#### Explanatory Notes

The draft General Synod (Remote Meetings) (Temporary Standing Orders) Measure makes provision for the General Synod to meet and transact business remotely, in accordance with temporary special standing orders made for that purpose by the officers of the Synod.

The draft Measure requires that any special standing orders made under it are subject to approval (with or without amendment) by the General Synod at its next meeting. Any special standing orders automatically expire after 12 months unless that period is extended, or any expired standing orders are revived, by resolution of the Synod.

#### Background

1. Coronavirus restrictions mean that it is not practically possible at present to hold a group of sessions of the General Synod in the usual way, with 500 people meeting together in the same place. It is not known when it will again be possible to do so. Nor is it currently possible, under the Synod's Constitution and Standing Orders, for the Synod to transact business remotely, as the Constitution and Standing Orders operate on the basis that the Synod's members will be together in the same place to conduct the Synod's business.
2. There is important business which the Synod needs to address. This includes amending safeguarding legislation to take account of recommendations from the Independent Inquiry into Child Sexual Abuse (IICSA) and the giving of final approval to the Cathedrals Measure (which itself makes safeguarding, as well as other important, provision).
3. Additionally, obtaining the approval by the General Synod of the Archbishops' Council's budget for 2021 is a statutory requirement under the National Institutions Measure 1998. Other time-critical business includes approval of various legislative Orders for 2021. If a new Legal Officers (Annual Fees) Order is not made by the end of this year, diocesan and provincial registrars will not be entitled to be paid annual retainers next year. The Payments to the Churches Conservation Trust Order 2017 expires at the end of March 2021 and must in theory be renewed by February 2021 at the latest, but in practice it needs to be renewed by November 2020 to allow time for it to be laid before Parliament for 40 sitting days.

4. It is therefore necessary for the General Synod to be able to meet and transact business remotely if it still not be possible by November 2020 for it to meet in the usual way. The Government has not been able to make Parliamentary time available for legislation by Bill to enable this. The General Synod itself therefore needs to legislate for it by Measure.
5. It is for that purpose that the Presidents have summoned a special session of the General Synod for 24 September 2020. The Business Committee has made provision in the Agenda so that all the Synodical stages for the Measure (First Consideration, Revision in Full Synod, Final Drafting and Final Approval) can be taken at the special session.

### **The Measure**

6. The draft General Synod (Remote Meetings) (Temporary Standing Orders) Measure makes provision for the General Synod to meet and transact business remotely, in accordance with temporary special standing orders made for that purpose by the officers of the Synod.
7. The draft Measure requires that any special standing orders made under it are subject to approval (with or without amendment) by the General Synod at its next meeting. Any special standing orders automatically expire after 12 months unless that period is extended, or any expired standing orders are revived, by resolution of the Synod.
8. Following the circulation of an initial draft of the Measure (GS 2175) in July, members of the Synod were invited to submit comments and suggestions on the draft to the Steering Committee by 28 August. A number of comments and suggestions were received. These, together with the Steering Committee's consideration of them, are described in GS Misc 1252.
9. The following notes on clauses now refer to the new version of the draft Measure, GS 2176. The new version shows in bold text the additions that have been made to the initial draft on the instructions of the Steering Committee. Other provisions remain substantially as in the initial draft, though some of them have been re-ordered.

### **Notes on the clauses of the Measure**

#### ***Clause 1 Power to make special standing orders for remote meetings of General Synod***

10. Clause 1(1) is the principal provision of the Measure and enables remote meetings of the General Synod to be held. It does so by empowering the officers of the General Synod acting jointly to make temporary special standing orders. Special standing orders may provide for persons to participate in meetings of the General Synod without all the persons, or any of the persons, being together in the same place. Participating in meetings of the Synod includes attending, speaking and voting.

11. The drafting of clause 1(1) closely follows section 78(1)(d) and (2) of the Coronavirus Act 2020 which provides for remote meetings of local authorities. As the Synod's position in this matter has some similarity to that of local authorities – it is a statutory body subject to similar statutory provisions as to how it conducts business – it was decided to follow a recent relevant precedent.
12. An illustrative draft of special standing orders that might be made under clause 1(1) are annexed to these explanatory notes.
13. Clause 1(2) defines the officers of the General Synod as being the Archbishops, Prolocutors and the Chair and Vice-Chair of the House of Laity. These six officers of the Synod already have some specific functions under the Constitution of the General Synod, including acting on behalf of the Synod to cancel or vary arrangements for groups of sessions previously made by the Synod, and conclusively determining certain questions as to whether requirements of the Constitution are met. The making of special standing orders for remote meetings of the Synod in the current situation was considered to be similar in nature to functions the six officers already have.
14. Clause 1(3) enables special standing orders for remote meetings to disapply or modify provisions of the Synod's normal standing orders. This will mean that special standing orders can adjust the Synod's usual procedures in order to accommodate things that need to be done differently when meeting remotely.
15. Clause 1(4) excludes article 7 and article 8 business from the scope of any special standing orders made under the Measure.
16. Article 7 business is synodical business that is concerned with making "provision touching doctrinal formulae or the services or ceremonies of the Church of England or the administration of the Sacraments or sacred rites thereof". Article 7 business is subject to special procedures involving the possibility of references to the Convocations and the House of Laity.
17. Article 8 business is synodical business that is concerned with making a "Measure Canon providing for permanent changes in the Services of Baptism or Holy Communion or in the Ordinal, or a scheme for a constitutional union or a permanent and substantial change of relationship between the Church of England and another Christian body being a body a substantial number of whose members reside in Great Britain". Article 8 business is subject to special procedures that involve references to diocesan synods and, in some cases, special majorities in the General Synod.
18. The effect of clause 1(4) is that it will not be possible for article 7 or article 8 business to be transacted at a remote meeting of the General Synod.
19. Clause 1(5) provides for the possibility of there being a vacancy among the six officers of the General Synod. If that is the case, the power to make special standing orders is exercisable by the holders of those offices which are not vacant.

20. Clause 1(6) defines “the Constitution” by way of reference to the Synodical Government Measure 1969 where the General Synod’s Constitution is set out.

**Clause 2     *Consultation on and publication of special standing orders***

21. Clause 2(1) requires the officers of the General Synod to consult the Synod’s Business Committee and Standing Orders Committee before making special standing orders for remote meetings.
22. Clause 2(2) enables the consultation to be carried out before the Measure comes into force.
23. Clause 2(3) requires the officers of the General Synod to ensure that any special standing orders for remote meetings are published on the Church of England website at least 10 days before the first meeting of the Synod after the special standing orders come into operation (see clause 3(1)). It also requires the officers to ensure that a copy of the special standing orders is sent to each member of the Synod.
24. Clause 2(4) enables the publication of the special standing orders required by clause 2(3) to take place before the Measure comes into force.

**Clause 3     *Operation of special standing orders***

25. Clause 3 makes provision concerned with the operation of special standing orders for remote meetings. It includes certain safeguards which, taken together with clause 4, preserve the General Synod’s ability to control its own proceedings.
26. Clause 3(1) provides for special standing orders for remote meetings to come into operation on the day after the day on which they are made. They initially remain in operation until the General Synod has decided whether to approve them.
27. Clause 3(2) requires that the first business at the first meeting of the General Synod held after special standing orders come into operation must be the question of whether to approve the special standing orders. The Synod’s options will be to approve the special standing orders in the form in which they were made by the officers of the General Synod, to approve them in amended form, or to decline to approve them.
28. Clause 3(3) provides that the approval (with or without amendment) of the special standing orders by the Synod will be subject to the Synod’s procedure for the approval of regulations and other instruments. (See SO 70.) But the requirement in clause 2(3)(a) for the publication of special standing orders at least 10 days before the first meeting of the Synod replaces the usual deadline in the Synod’s standing orders for providing members with draft instruments for approval.
29. Clause 3(4) is a sunset provision. Any special standing orders for remote meetings expire 12 months after they are approved (with or without

amendment) by the General Synod. But that is subject to clause 3(5) which enables the Synod, if it wishes, to postpone the expiry of special standing orders, and to clause 3(6) which enables the Synod to revive special standing orders which have expired.

30. Clause 3(7) provides that special standing orders for remote meetings are to have effect even if there are inconsistencies between the special standing orders and provisions in the Constitution of the General Synod or in its normal Standing Orders. This means that special standing orders will be able to make provision for remote meetings even though doing so will conflict with provisions in the Constitution or normal Standing Orders – for example, by providing that a person may vote without being present (despite it being a requirement of the Constitution that members be present in order to vote).

#### ***Clause 4    Amendment of special standing orders***

31. Clause 4 makes provision so that only the Synod may subsequently amend or revoke special standing orders for remote meetings. Any subsequent amendments will be subject to the usual synodical procedure for amendments to standing orders. That involves a report from the Standing Orders Committee and the Synod deciding whether to approve proposed amendments. (See SO 40.)
32. The six officers of the Synod will be able to make fresh special standing orders for remote meetings only if there are no such standing orders left in operation. Any fresh special standing orders made by the six officers will be subject to the approval of the Synod (with or without amendment) as provided for in clause 3.

#### ***Clause 5    Short title and commencement***

33. Clause 5(1) provides for the short title of the Measure.
34. Clause 5(2) provides for the Measure to come into force on the day on which it is passed (i.e. the day on which it receives Royal Assent).

#### **Synodical Procedure**

35. Given the urgency of the matter, the Business Committee has allocated space in the Agenda so that all the Synodical stages for the Measure can be taken at the special session which has been summoned by the Presidents for 24 September.
36. The First Consideration Stage is on the Agenda as the first business for the morning sitting. 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.)
37. If that motion is carried, it is expected that the Revision Stage will follow on from the First Consideration Stage. The Synod will consider the Measure

clause by clause together with any amendments of which due notice has been given. The deadline for giving notice of an amendment is **5.30 p.m. on Friday 18 September**. An amendment of which due notice has not been given may be moved only with the permission of the Chair.

38. At the conclusion of the Revision Stage, the Measure will stand committed to the Steering Committee in respect of its final drafting. The Steering Committee will consider during the lunch break whether it wishes to make or propose any final drafting amendments to the Measure.
39. Should the Steering Committee consider that any final drafting amendments are needed, these will be circulated and the Steering Committee will provide a report. The Business Committee has scheduled the Final Drafting Stage, if needed, as the first business at the afternoon sitting. If no final drafting amendments are to be made or proposed by the Steering Committee, the Synod will be informed.
40. The Final Approval Stage for the Measure has been scheduled to follow the Final Drafting Stage in the usual way. (If there is no Final Drafting Stage, Final Approval will be the first business at the afternoon sitting.)
41. Under Standing Order 64, 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. If such objection is made, the Final Approval Stage will not be taken and the draft Measure will not be able to proceed until such time as the Synod is able to meet physically again.
42. At the Final Approval Stage, the Measure will require a simple majority in each House of those present and voting.
43. If the Measure receives Final Approval at the special session on 24 September, arrangements are in place so that the Parliamentary stages for the Measure can be completed expeditiously. This is so that, should it be necessary, special standing orders can be made by the officers of the General Synod to enable a remote meeting of the Synod to take place between 23 and 25 November (i.e. the dates previously assigned for a November group of sessions this year).
44. If the Measure does not receive Final Approval at the special session, the Synod will not be able to meet and transact business remotely and would therefore not be able to transact business until such time as it was possible for it to meet physically in the usual way.

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## Annex

### ILLUSTRATIVE DRAFT OF SPECIAL STANDING ORDERS FOR REMOTE MEETINGS

#### **STANDING ORDERS MADE UNDER SECTION 1 OF THE GENERAL SYNOD (REMOTE MEETINGS) (TEMPORARY STANDING ORDERS) MEASURE**

*These Standing Orders are made on [ ]*

#### **Remote meetings**

- (1) *The Standing Orders of the General Synod apply with the following modifications.*
- (2) *A reference to sessions of the Synod includes a reference to sessions which persons may attend, speak at, vote in, or otherwise participate in without all of the persons, or without any of the persons, being together in the same place.*
- (3) *A reference to a place where sessions of the Synod are held, or are to be held, includes a reference to more than one place, including electronic, digital or virtual locations, web addresses or conference call telephone numbers.*
- (4) *A person is to be regarded as present at sessions of the Synod at any given time if the person is at that time able to hear and be heard, and where practicable see and be seen, by the other persons present and by members of the press and public.*
- (5) *A reference in this Standing Order to being present at sessions of the Synod includes a reference to being present by electronic means, including by telephone conference, video conference, live webcast or live interactive streaming.*
- (6) *This Standing Order has effect in spite of any inconsistent provision in the Standing Orders of the Synod; and any such provision is accordingly to be ignored.*