

GENERAL SYNOD

THE RELIGIOUS COMMUNITIES REGULATIONS 2020

Explanatory Notes

The Religious Communities Regulations set out the conditions a community must meet in order to be declared, under Canon DA 1, to be a religious community in the Church of England. They also make provision for related procedural matters.

Background

1. At the February 2018 group of sessions the General Synod resolved: *That this Synod, mindful of the Archbishop of Canterbury's priority for the renewal of the religious life:*
 - (a) *note the historic importance of religious communities in the life of the faithful in this country;*
 - (b) *celebrate the many new expressions of the religious life through Recognised and Acknowledged Communities; and*
 - (c) *call on the Business Committee to introduce a new Canon to the Synod by July 2018 to provide a framework for religious life in the Church of England.*
2. The background to the motion was set out in a paper from the Bishop of Manchester as Chair of the House of Bishops' Advisory Council for Relations Between Bishops and Religious Communities ([GS 2087](#)).
4. Amending Canon No. 40 is to be enacted at the November 2020 group of sessions. It inserts a new Canon DA 1 (Of religious communities) into the body of the Canons of the Church of England. The new Canon provides for the House of Bishops to declare communities to be religious communities in the Church of England. A community has to meet conditions set out in regulations made by the House of Bishops before the House can make a declaration in respect of the community.
7. Regulations made under Canon DA 1 must be laid before the General Synod for approval.
8. The House of Bishops will meet on the evening of Monday 23rd November, following the enactment of Amending Canon No. 40 earlier that day, to make the Religious Communities Regulations 2020 (GS 2192) ("the Regulations"). The Regulations have been considered in draft, and commended by, the House of Bishops Advisory Council on Religious Communities (a committee of the House).
9. The Business Committee has determined that the Regulations should be subject to the procedure for deemed approval under SO 71. (See Special Agenda I for details.)

Notes on regulations

Part 1 (Preliminary)

Regulations 1 to 5 (citation, commencement and interpretation)

10. Regulations 1 to 5 provide for the citation of the Regulations and for their commencement on 26th November 2020. They contain definitions and other provisions concerning the interpretation of the Regulations.

Regulation 6 (general duty)

11. Regulation 6 imposes a duty on a person exercising functions under the Regulations to have regard to (a) the character and purpose of religious life, in particular the provision in that regard that is made by paragraph 1 of Canon DA 1, and (b) the character of the particular community.

Regulations 7 to 10 (conditions for declaration by House of Bishops)

12. Regulation 7 introduces the subsequent provisions, including those which set out the conditions that must be met by a community in order to be declared to be a religious community in the Church of England.
13. Regulation 8 provides that when making a declaration under Canon DA 1 in respect of a community, the House of Bishops must designate the community as a recognised community or as an acknowledged community. In order to be declared a religious community in the Church of England and designated as an acknowledged community, a community must meet the conditions set out in Part 2 of the Regulations. In order to be declared a religious community in the Church of England and designated as a recognised community, a community must meet the conditions in Part 2, and additionally those in Part 3, of the Regulations.

Part 2 (conditions for recognised and acknowledged communities)

14. Part 2 of the Regulations sets out conditions that are common to both recognised and acknowledged communities.
15. Regulations 11 to 13 are concerned with governance and require a community to have a written constitution (even if they do not employ that name for it). A community's constitution must make provision for the matters set out in regulation 13 which include membership and governance, the appointment of a visitor and the holding of visitations, the closure and dissolution of the community and for the notification to the House of Bishops of certain classes of amendments proposed to be made to the community's constitution.
16. Regulation 14 requires that a community's constitution must make provision for the conduct of the community's financial affairs and the ownership and management of its property. But regulation 14 does not apply if a community's property is held by a separately constituted body (such as a charity) rather than by the community itself. In such a case it will be for the governing document of the separately constituted body to make such provision as is needed for that body; such provision is outside the scope of the Regulations.
17. Regulation 16 is concerned with safeguarding. It provides that the constitution of a community must impose requirements on members and officers of religious communities that are equivalent to the statutory requirements imposed on "relevant persons" by the Safeguarding and Clergy Discipline Measure 2016. It also requires that a community's constitution must provide for persons and bodies to have particular

safeguarding responsibilities, and for the community's visitor to have functions in relation to safeguarding.

18. Regulation 17 requires that a community's constitution must make provision for matters such as admission to the community, the taking of vows, release of members and the resolution of disputes.
19. Regulations 18 to 20 are concerned with the number of members a community needs to have. Regulation 18 requires the House of Bishops to be satisfied that a community has sufficient numbers to sustain community life. Regulation 19 enables the House to exempt an established community from that requirement for a specified period, subject to the possibility of subsequent renewals.

Part 3 (additional conditions for recognised communities)

20. Part 3 of the Regulations sets out conditions for recognised communities that are additional to the conditions in Part 2 which are common to both types of communities.
21. Regulation 21 requires that a recognised community must be one whose members make vows or promises of a certain nature.
22. Regulations 22 to 24 require a recognised community to have a "Rule" (as defined in regulation 24) which provides for the ordering of the life of the community.
23. Regulation 25 requires that the constitution of a recognised community must make provision for the role of a chapter in its government.
24. Regulations 26 and 27 require that the constitution of a recognised community must provide for the resolution of disputes by the community's visitor and for members of the community to be entitled to raise matters with the visitor.
25. Regulation 28 requires that the constitution of a recognised community must make certain types of provision for the profession of vows.
26. Regulation 29 requires that the constitution of a recognised community must make provision for transfer of members to or from other religious communities.
27. Regulation 30 requires that the constitution of a recognised community must make provision for the separation of a member from the community, for dispensation from vows and related matters.

Part 4 (procedure)

28. Regulations 31 to 39 make procedural provision concerned with applications by communities for a declaration by the House of Bishops under Canon DA 1, the revocation of such declarations for "grave cause", and for the addition and removal of communities from the list of religious communities in the Church of England which the House of Bishops is required to publish under Canon DA 1.

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November 2020