

GENERAL SYNOD

DRAFT LEGISLATIVE REFORM (CHURCH OF ENGLAND PENSIONS)  
ORDER 2021

REPORT OF THE SCRUTINY COMMITTEE

**Chair:** The Right Worshipful Peter Collier QC, Vicar General of the Province of York

**Members elected by General Synod:** Carl Fender  
Debrah McIsaac  
Clive Scowen

**Members appointed by the Appointments Committee:** Carolyn Graham  
Tim Hind  
Geoffrey Tattersall QC

**Members appointed by the Archbishops' Council:** Rev. Canon Simon Butler  
Julie Dziegiel

*References in this report to “the Committee” are references to the Scrutiny Committee.*

*All decisions taken by the Committee were unanimous except where indicated. Where decisions were not unanimous, the division is recorded in which case a reference to a decision of the Committee means the decision of the majority.*

*A reference to an article is to an article of the draft Order unless otherwise indicated.*

*This report should be read alongside the Church of England Pensions Measure 2018 and the draft Legislative Reform (Church of England Pensions) Order 2021 as amended by the Scrutiny Committee. It should also be read alongside the Committee’s report on the draft Legislative Reform (Church Commissioners) Order 2021.*

*This report should also be read alongside the explanatory document which accompanied the draft Order as originally laid before the General Synod (GS 2193X).*

## **Background**

1. The Legislative Reform Measure 2018 (“the 2018 Measure”) enables the Archbishops’ Council (“the Council”), with the approval of the General Synod, to make orders removing or reducing burdens that result from ecclesiastical legislation (known as “Legislative Reform Orders”).
2. On 13 July 2020, the Council issued a consultative document on proposals for a Legislative Reform Order to remove or reduce burdens of a procedural nature that arise from the Church of England Pensions Measure (“the Pensions Measure”). The consultation period ended on 31 August 2020. The detail of the proposals is set out

fully in an explanatory document (GS 2193X) which accompanied the draft Order. The draft Order would give effect to six proposals.

3. The Council, acting through its Legislative Reform Committee, considered the numerous responses to the consultation. Following consultation, the Council made two amendments:
  - (1) In **article 2**, which amends paragraph 1 of Schedule 1 to the Pensions Measure (the Board: membership) in new paragraph 1(6) and (7), in connection with the five members who are appointed to the Board for their professional skills and expertise, a requirement that more formal consultation takes place in connection with two of those appointments, to strengthen the links with the General Synod and the Board. One appointment would be made after consultation with the Chair of the Church of England's Appointments Committee and the Chair of the House of Laity of General Synod. The other to be made after consultation with the Chair of the Appointments Committee and the Prolocutors of the Convocations of Canterbury and York.
  - (2) In **article 2**, in new paragraph 1(9), in connection with the proposal for pre-selection, amended provision to provide that the two members appointed to carry out the pre-selection process would be joined by the Chair of the Appointments Committee, or their nominee.
4. On 27 October 2020, the Clerk to the General Synod laid before the Synod the draft Legislative Reform (Church Commissioners) Order 2021 along with the draft Legislative Reform (Church of England Pensions) Order 2021. Both draft Orders automatically stood referred to the Scrutiny Committee.
5. This is the third report of the Scrutiny Committee constituted in accordance with SOs 69A and 69B. The Scrutiny Committee met on one occasion remotely on 6 January 2021 via zoom and completed its remaining business by correspondence pursuant to SO 69F(2).
6. In light of a conflict of interest arising from the fact that the Dean of the Arches and Auditor serves on the Board of Governors of the Church Commissioners, the Vicar General of the Province of York chaired the meeting of the Committee pursuant to SO 69B(3)(b). The Dean was present for part of the Committee's deliberations but did not contribute to the debate or vote.
7. The Committee decided to consider the draft Legislative Reform (Church Commissioners) Order 2021 first with the draft Legislative Reform (Church of England Pensions) Order 2021 to follow.<sup>1</sup>

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<sup>1</sup> This report deals only with the draft Legislative Reform (Church of England Pensions) Order 2021. The draft Legislative Reform (Church Commissioners) Order 2021 will be the subject of a separate report which will be submitted to the General Synod for the July 2021 group of sessions.

## **Written submissions**

8. The Committee received submissions from the following (all of whom are members of General Synod):
  - (1) Sam Margrave
  - (2) Stephen Hofmeyr QC
  - (3) Esther Prior
  - (4) The Rev. Canon Stephen Trott
9. As members of General Synod, all those who made representations were by way of SO 69E(3) entitled to attend the meeting of the Committee and to speak to their representations. In advance of the meeting, Mr Margrave had given notice his desire to attend the Committee meeting and to speak to his representations. In the event, Mr Margrave was unable to attend the meeting, but he provided further written submissions on the morning of the meeting which were circulated to the Committee and to which members had regard.
10. In addition, with the consent of the Chair and the Committee Lee Marshall, the Chief of Staff and Assistant Secretary to the Church of England Pensions Board, attended throughout the representations and the Committee's subsequent consideration.
11. As a preliminary matter, the Committee considered whether it would be appropriate for representors to remain present during the Committee's deliberations on their representations. Members noted provisions in the Standing Orders with respect to the conduct of Revision Committees and the conventional practice in those committees (in which the members of such committees consider whether representors should be allowed to remain on a case by case basis) and they considered that similar provisions should, by analogy, apply to the conduct of the Scrutiny Committee. Members of the Committee emphasized their view that, unless compelling circumstances required it, the legislative process should be open and transparent. Accordingly, the Committee allowed representors to remain present, provided that they did not attempt to play any part in the proceedings when their allotted time had elapsed.

## **Oral submissions**

12. The Committee did not hear any particular oral submissions in connection with the draft Order. However, in connection with the Committee's consideration of the draft Legislative Reform (Church Commissioners) Order 2021 the Committee had heard some general points of application across both draft Orders the detail of which is set out in the Committee's report on that draft Order.
13. One member made the preliminary observation that, contrary to the submission made by Mr Margrave, the Pensions Board does not change the value of any pensions; rather it administers the fund in accordance with regulations.

## Consideration

14. The Committee noted that, in accordance with SO 69F(2) and section 6(3) of the 2018 Measure, it must assess:
  - (1) The extent to which the draft Order would remove or reduce burdens as defined by section 1 of the 2018 Measure;
  - (2) The extent to which the conditions under section 2 of the 2018 Measure (so far as relevant) are satisfied;
  - (3) Whether the draft Order includes provision of a kind prohibited by section 3 of the 2018 Measure;
  - (4) The extent to which the consultation required by section 4 of the 2018 Measure has been undertaken; and
  - (5) Whether it is appropriate for the provision contained in the draft Order to be made by way of Legislative Reform Order rather than by Measure.
15. The Committee took into account its deliberations in connection with the draft Legislative Reform (Church Commissioners) Order 2021.
16. The Committee had regard to the power set out in section 1 of the 2018 Measure and the preconditions set out in section 2. Taking into account its discussion in connection with the draft Legislative Reform (Church Commissioners) Order 2021, and the decisions reached, the Committee formed the view that, in principle, the provisions of the draft Order could fall within the scope of the 2018 Measure both in connection with the requirement for the provision to remove or reduce burdens and in connection with the use of a Legislative Reform Measure, so long as on further consideration those provisions met the necessary conditions set out in the 2018 Measure. Accordingly, the Committee agreed to consider the provisions of the draft order article by article in accordance with SO 69F(3).
17. This report sets out the Committee's consideration of the representations made in connection with each article and its response. It then sets out the Committee's assessment of the draft Order taking into account the factors set out in SO 69F(2).

### *Article 1*

18. This article sets out provision in respect of commencement and interpretation.
19. Legislative Counsel introduced an amendment which would insert, after paragraph (3)-

*“(4) This Order has effect in the Isle of Man without exceptions, adaptations or modifications.”*

20. The Committee noted the explanation provided by Legislative Counsel in connection with the like amendment which it had made to the draft Legislative Reform (Church Commissioners) Order 2021. Legislative Counsel confirmed that since the Clergy Pensions Measure 1961 it had been possible for pensions provisions to apply to the Channel Islands but that whether they were applied was a decision for the Channel Islands.
21. The Chair proposed and the Committee agreed to the amendment.
22. No representations were received in connection with this article. Subject to the amendment set out above, the Committee was satisfied that the requirements of SO 69F(2) are met for the reasons set out in paragraph 75 below. The Committee approved the article as a whole subject to the above amendment.

#### *Article 2*

23. This article gives effect to proposals one and two.
24. **Article 2(1)** would substitute a new paragraph 1 of Schedule 1 to the Pensions Measure (the Board: membership), some elements of which are re-enacted unchanged for convenience.
25. **Article 2(2)** reduces the Board’s quorum in accordance with proposal one.
26. New paragraphs 1(6), (7), and (8) of new Schedule 1 provide for the five members appointed to the Board for their professional skill and expertise. Taking account of the Legislative Committee’s amendment, paragraphs 6 and 7 include enhanced provision which strengthens the link between the Board and the General Synod. One member is to be appointed after consultation with the Chair of the Appointments Committee and the Chair of the House of Laity of the General Synod. The other member would be appointed after consultation with the Chair of the Appointments Committee and the Prolocutors of the Convocations of Canterbury and York.
27. New paragraph 1(9) of new Schedule 1 introduces a measure of pre-selection for the four members of the Board specified in new paragraph 3 (member nominated trustees). A person will only be eligible if the two members appointed to carry out the process and the Chair of the Appointments Committee (or their nominee) is satisfied that the person is suitably qualified.
28. The Committee noted that the policy objective behind the proposals was simplification of the Board’s structure and the introduction of elements of best practice in connection with governance.

29. The Committee noted and considered Canon Trott's submission in connection with proposal one. They noted his suggestion that the cost savings of a smaller Board would be very modest. They also noted his observation that there should be provision for direct election to the Board in which all members of its schemes (including retired clergy) are eligible to stand and vote. They also noted his submission that at least two members of the Board should be elected from those in Holy Orders.
30. Although the Committee's view was not unanimous, against Canon Trott's point the Committee noted that the purpose of the proposal was the greater enfranchisement of the members of the clergy pension scheme putting all clergy members on an equal footing, such that pension members and active members could take part in the vote, rather than the House of Clergy acting as a proxy. One of the member nominated trustees would need to be a member of the House of Clergy in order to retain a link to the General Synod. The majority of the Committee accepted that this was a proportionate means of achieving the policy aim.
31. The Committee divided on the question whether the provisions of article 2(1) other than the pre-selection proposals meet the requirements of SO69F(2) as set out in paragraph 75, with seven members satisfied that the requirements are met, one member unsatisfied, and one abstention.
32. In connection with the proposed quorum, one member sought re-assurance that the reduced quorum was subject to a qualification that there must be a member nominated trustee present. It was confirmed that this is an express requirement of new paragraph 1(8).
33. The Committee divided on the question whether the provisions of article 2(2) meet the requirements of SO69F(2) as set out in paragraph 75, with eight members of the view satisfied that the requirements are met and one abstention.
34. Discussion turned to the pre-selection proposals.
35. The Committee noted and considered Canon Trott's submission that the Board should have no role in the selection of candidates, since election is a democratic process.
36. One member voiced concern that the proposal would add an additional burden (rather than removing a burden). Others queried why this requirement is desirable. Another member queried whether members of the Board were really required to be pensions experts.
37. Against that, a member argued that this was desirable and good governance would lead to improved efficiency of decision making. She reminded the Committee that trustees of commercial pension schemes are expected to bring financial and investment knowledge.

38. Mr Marshall explained that pensions legislation requires that trustees must attain a certain level of knowledge within six months of their appointment which is prescribed by the Pensions Regulator; he added that this level of knowledge is for all trustees regardless of who elects or appoints them. The level of knowledge includes the role and duties of a pension trustee, which contrary to what some potential trustees think, does not include setting pension benefits. A member suggested that the proposal to pre-select candidates would “gold plate” the secular regime. In response, Mr Marshall outlined that the Pensions Regulator’s Trustee Toolkit required individuals to complete around 11 modules of training, of which five were core modules and others were tailored to either Defined Benefit or Defined Contribution schemes. He added that pre-selection may ask candidates for election or appointment to complete the core modules in advance as part of their due diligence into the nature of the role for which they were offering to stand. One member questioned though how realistic that expectation was. Another member observed that Board members elected by members of the schemes should have basic competency; they were not expected to be experts but had to be able to cope with the work required.
39. On the provisions of article 2(1) in connection with pre-selection (new paragraph 1(9)), the Committee divided on the question whether the provisions meet the requirements of SO69F(2) as set out in paragraph 75, with eight members satisfied that the requirements are met, and one abstention.
40. Legislative Counsel spoke to a consequential amendment which would after paragraph (1), insert-
- “(1A) In section 53(3) of the Pensions Measure (power to amend Measure: minimum number of members of the Board to be representatives of pension schemes), for “eight” substitute “four”.”*
41. He explained that section 53(3) of the Pensions Measure refers to eight members, which would, if unamended, be inconsistent with the provisions of Schedule 1 (as amended) which refers to four members.
42. The Chair proposed the amendment and the Committee agreed to it.
43. The Committee approved the article as a whole as amended. The Committee divided with seven members in favour and two against.

### *Article 3*

44. **Article 3** would amend Schedule 1 to the Pensions Measure, substituting provisions which provide that the term length of the Chair and members of the Board should not exceed five years. Consistent with the draft Legislative Reform (Church Commissioners) Order 2021, it makes further provision to limit members of the Board to a ten-year term limit.

45. The Committee noted and considered Canon Trott's submission that there should be no limit on terms. They noted that his argument substantially reflected submissions which others had made in connection with the draft Legislative Reform (Church Commissioners) Order.
46. The Committee took into its account its earlier discussion in connection with the draft Legislative Reform (Church Commissioners) Order. The Committee noted that it had already considered the relevant questions before it, taking into account submissions made, in connection with that draft Order.
47. On the provisions of article 3, the Committee divided on the question whether the provisions meet the requirements of SO69F(2) as set out in paragraph 75, with five members satisfied that the requirements are met, with four unsatisfied.
48. Mr Scowen proposed an amendment to the effect that those members of the Board elected under article 2(1)(3) (member nominated trustees) should not be subject to the ten-year limit specified in article 3(1).
49. The Committee rejected that amendment, with four members in favour and five against.
50. The Committee approved article 3 as a whole without amendment. The Committee divided with five members in favour and four against.

#### *Article 4*

51. **Article 4** would repeal section 38 of the Pensions Measure (Clergy (Widows and Dependants) Pension Fund) with consequential amendments.
52. The Committee had received no submissions in connection with this proposal (save that Canon Trott had indicated his approval).
53. The Committee was satisfied that the requirements of SO 69F(2) are met for the reasons set out in paragraph 75 below.
54. The Committee approved article 4 as a whole without amendment.

#### *Article 5*

55. **Article 5(1)** would amend section 50 of the Pensions Measure (audit) in order to remove provision which requires the auditor of the Pensions Board to report to the General Synod on the audited accounts.
56. The Committee noted and considered Canon Trott's submission that the Pensions Board must remain answerable to the General Synod and, he argued, that the present requirement provides for a means of information which ought to remain.



57. Some members queried whether the requirement to make the audited accounts available amounted to a burden. Other members argued that the Pensions Board should be required to provide a similar amount of information to the General Synod as the Council is required to provide.
58. Mr Marshall explained his view that the requirement amounted to an administrative burden on the basis that the report is lengthy (over 100 pages) and the Pensions Board engages with General Synod in other ways. He noted that General Synod has never sought a debate. Mrs Dziegiel explained that the Legislative Reform Committee did consider the requirement a burden because there was an additional cost to the auditor which had to be paid for. The auditors were required to report to trustees not General Synod, she added.
59. The Committee had regard to the two-fold obligation under section 50 of the Pensions Measure: the auditor must report to the General Synod on the audited accounts, and the Board must also report to the General Synod. A member suggested that it was a small, simple step to provide a link to the audit report. Others suggested that this could be achieved by an entry on the order paper.
60. Mr Scowen proposed an amendment to article 5(2)—
- “(2) *For subsection (3) of that section substitute—*
- (3) *The Board must each year lay before the General Synod a copy of the annual report prepared for it under section 162 of the Charities Act 2011 for the preceding financial year (within the meaning of that Act).”*
- (3) *In the title to that section, after “Audit” insert “and annual report”.*”
- (this gives rise to a printing correction to the title to article 5 of the Order so that it refers to “Audit and annual report”)
61. The Committee was satisfied that this was a proportionate amendment which would meet the objectives of the Pensions Board and meet the concerns raised by Canon Trott and some members.
62. The Committee approved the amendment.
63. The Committee was satisfied that the requirements of SO 69F(2) are met for the reasons set out in paragraph 75 below.
64. The Committee approved article 5 as a whole as amended.
- Article 6*
65. **Article 6** would repeal section 51 of the Pensions Measure (diocesan widows and dependants committee).

66. The Committee noted that the objective of this provision was to remove the requirement, of which at least some dioceses were unaware, to have in place a widows and dependants committee.
67. The Committee noted and considered Canon Trott's submission that this provision ought not to be removed without being re-enacted elsewhere.
68. Some members were concerned that the Committee did not have before it a full background to the history of the provision. Legislative Counsel indicated that it originated in the Clergy Pensions Measure 1961.
69. The Deputy Official Solicitor pointed out that section 51 provided both for the committee and for diocesan boards of finance to continue to appoint diocesan widows and dependants officers. However, the balance of opinion in the Committee suggested that the provision could be repealed on the basis that there would be nothing to prevent a diocese from continuing to employ a diocesan widows and dependants officer if they wished to do so. The Committee noted that no diocese had said during consultation that they wanted to retain the provision.
70. On the provisions of article 6 the Committee divided on the question whether the provisions meet the requirements of SO69F(2) as set out in paragraph 75, with seven members satisfied that the requirements are met, one not satisfied, and one abstention.
71. The Committee approved article 6 as a whole without amendment. The Committee divided with five members in favour and four against.

#### *Article 7*

72. Article 7 makes transitional provisions.
73. The Committee was satisfied that the requirements of SO 69F(2) are met for the reasons set out in paragraph 75 below.
74. The Committee approved article 7 as a whole without amendment.

#### **Assessment of the draft Order under SO 69F(2)**

75. Having considered each article, and the representations made, the Committee's assessment of the requirements of SO 69F(2) in connection with all of the provisions in the draft Order is as follows (the Committee divided on a number of the provisions as set out below):

- (1) The Committee is satisfied by a majority that the provisions of the draft Order would reduce the burdens to the extent identified and explained in consultation (in

connection with **article 2 (Board membership other than quorum and pre-selection provisions)**: seven satisfied, one unsatisfied, one abstention. In connection with **article 2 (quorum)**: eight satisfied, one abstention. In connection with **article 2 (pre-selection)**: eight satisfied, one abstention. In connection with **article 3**: five satisfied, four unsatisfied. In connection with **article 6**: seven satisfied, one unsatisfied, one abstention). In particular, the majority of members (five to four) were satisfied that provision for a fixed electoral term removes the burden of having less effective governance arrangements than can be achieved;

- (2) The Committee is satisfied that each of the provisions require legislative means;
- (3) The Committee is satisfied by a majority (see above in connection with articles 2, 3 and 6) that the provisions are proportionate to the policy objective to be secured, namely the removal of burdens, including administrative inconvenience and obstacles to efficiency;
- (4) The Committee is satisfied by a majority (see above in connection with articles 2, 3 and 6) that the provisions, taken as a whole, strike a fair balance between the public interest, the Church of England as a whole and the interests of any person who might adversely be affected by the provisions.
- (5) The Committee is satisfied by a majority (see above in connection with articles 2, 3 and 6) that the proposals do not remove any necessary protection;
- (6) The Committee is satisfied that the provisions do not prevent a person from receiving or continuing to receive a financial benefit to which they are entitled or could reasonably expect to become entitled;
- (7) The Committee is satisfied by a majority (see above in connection with articles 2, 3 and 6) that the provisions do not prevent a person from exercising or continuing to exercise a right or freedom which that person could *reasonably* expect to exercise or continue to exercise (emphasis added). In particular, the Committee was satisfied that no person could reasonably expect either to continue to stand for election or to elect a particular candidate without any term limit;
- (8) The Committee is satisfied by a majority (see above in connection with articles 2, 3 and 6) that the provisions are not of constitutional significance;
- (9) The Committee is satisfied that the provisions do not include a provision of a kind prohibited by section 3 of the 2018 Measure;
- (10) The Committee is satisfied that the consultation required under section 4 of the 2018 Measure has taken place. The Committee reminded themselves who had been consulted and are satisfied that consultation responses have been taken into account. The Committee is satisfied that no further consultation is required; and

(11) The Commission considers by a majority (see above in connection with articles 2, 3 and 6) that it is appropriate for the provisions contained within the draft Order to be made by Legislative Reform Order rather than by Measure.

76. It follows from the above that the Committee is satisfied (by majority in connection with articles 2, 3 and 6) that the provisions of the draft Order, and the amendments which they have made, are within the scope of the 2018 Measure.

**Additional matters**

77. A list of the amendments to the draft Order which the Committee has made is set out at **Annex A**.

78. A list of the representations made which raise points of substance is set out at **Annex B**.

**Peter Collier QC**

Chair of the Scrutiny Committee

January 2021

## ANNEX A: Amendments made by the Scrutiny Committee

Amendment made	Intended effect
<p>Article 1, after paragraph 3:</p> <p><i>“(4) This Order has effect in the Isle of Man without exceptions, adaptations or modifications.”</i></p>	<p>A drafting amendment with the intent to apply the provisions of the draft Order to the Isle of Man, consistent with the provisions of section 92(2) and section 11 of the 2018 Measure.</p>
<p>Article 2, after paragraph 1:</p> <p><i>“(1A) In section 53(3) of the Pensions Measure (power to amend Measure: minimum number of members of the Board to be representatives of pension schemes), for “eight” substitute “four”.”</i></p>	<p>Section 53(3) of the Pensions Measure refers to eight members, which would, if unamended, be inconsistent with the provisions of Schedule 1 (as amended) which refers to four members. This amendment ensures consistent provision.</p>
<p>Article 5(2):</p> <p><i>“(2) For subsection (3) of that section substitute—</i></p> <p><i>(3) The Board must each year lay before the General Synod a copy of the annual report prepared for it under section 162 of the Charities Act 2011 for the preceding financial year (within the meaning of that Act).”</i></p> <p><i>(3) In the title to that section, after “Audit” insert “and annual report”.”</i></p> <p>(this gives rise to a printing correction to the title to article 5 of the Order so that it refers to “Audit and annual report”)</p>	<p>This amendment is intended to require the Board to lay a copy of the annual report before General Synod as a means of information for Synod members.</p>

## ANNEX B: Representations

### Representations received

The Committee has received representations from:

- (1) Sam Margrave
- (2) Stephen Hofmeyr QC
- (3) Esther Prior
- (4) The Rev. Canon Stephen Trott

Article	Substance (in summary)
General	<p data-bbox="353 676 1003 707"><b>Sam Margrave (member of the General Synod)</b></p> <ul style="list-style-type: none"><li data-bbox="405 751 2027 858">- General Synod was promised that no controversial decisions or governance changes would be made while members could not meet physically. There is no proper scrutiny. The Church should look to improve its governance structures. There should be a proper Synod debate.</li><li data-bbox="405 863 2027 970">- This is a misuse of the 2018 Measure for purposes never envisioned. The 2018 Measure should not be used to re-organise governance structures. This is not an administrative inconvenience. These are constitutional changes and remove protection from the lay membership which is laid down in law.</li><li data-bbox="405 975 2027 1043">- This is an exercise which has in view making it easier to cut pension benefits and take decisions that benefit a few at the top, leaving the rest of us voiceless.</li><li data-bbox="405 1048 2027 1155">- Consultation cannot be reliable because it has taken place during a pandemic and there should be a longer process of consultation. The number of responses is very poor because there was not enough effort to explain the changes or to engage General Synod. These proposals amount to a “power grab” which centralises power in the archbishops or NCIs.</li><li data-bbox="405 1160 2027 1337">- It is important to ensure that there are significant numbers of General Synod on relevant bodies because the voices of the laity and clergy are important, with a suggestion that the number on the relevant bodies should be increased. General Synod should elect all positions except officers. There should be no patronage in an accountable and transparent church. These changes will limit the voices in decision making and will change the nature of boards, impede their accountability and denigrate their governance.</li><li data-bbox="405 1342 2027 1366">- We should have election cycles and be committed to democracy. It will cost more to run separate elections and change</li></ul>

	<p>results due to the use of the single transferable vote. This could result in confusion about terms of office and election cycles.</p> <ul style="list-style-type: none"> <li>- Institutional memory and experience is important.</li> <li>- These proposals will erode confidence that boards, especially the Commissioners, represent the whole nation. They will also erode confidence about the robustness of challenge.</li> <li>- Were theological considerations part of the rationale for the proposals?</li> </ul> <p><b>Stephen Hofmeyr QC (member of the General Synod)</b></p> <ul style="list-style-type: none"> <li>- These proposals are not uncontroversial and involve some important questions of principle. For example, the elected input is being reduced which may be viewed as a centralising measure. A Legislative Reform Order is not the right vehicle for the changes.</li> </ul> <p><b>Esther Prior (member of the General Synod)</b></p> <ul style="list-style-type: none"> <li>- Query whether a Legislative Reform Order is the right vehicle for most of these provisions. They might reduce elected input and restrict who may be elected.</li> </ul>
1	No submissions received.
2	<p><b>Canon Trott (member of the General Synod, member of the clergy pension scheme, Church Commissioner, Synodical Secretary of the Convocation of Canterbury, former Pensions Board member)</b></p> <ul style="list-style-type: none"> <li>- The savings to be made are very modest in comparison with the value of retaining a larger Board with wider representation from all stakeholders.</li> <li>- There is confusion in the consultation paper about the role of retired clergy, and of those not in stipendiary ministry, with regard to synodical elections. Retired clergy are virtually excluded from the electoral process for the General Synod along with many holders of permission to officiate. There should be provision for direct election to the Board in which all members of its schemes are equally eligible to stand for election and to vote for their representatives.</li> <li>- At least two members should be elected from the General Synod from those in Holy Orders serving as members of the two Convocations.</li> <li>- It would be wrong for the Board to have any role in candidate selection. Election is a democratic process and trustees</li> </ul>

	should not be subject to any kind of vetting, examination or test. The appointed Board members should supply specific expertise where required.
3	<p><b>Canon Trott</b></p> <ul style="list-style-type: none"> <li>- There should be no limit on the number of terms which a Board member and trustee may serve. Election gives members authority to ask hard questions and to whistleblow.</li> <li>- The Board's record on investment and its more recent changes to the clergy pension scheme, in which clergy pensions were reduced in anticipation of greater provision from the SERPS scheme, which was almost immediately abolished by the government, leaving retired clergy considerably poorer, indicate that powerful elected voices, including members of General Synod, are required to ensure that the management of the Board is conducted effectively and is accountable to others.</li> </ul>
4	No submissions received other than an indication of support from Canon Trott.
5	<p><b>Canon Trott</b></p> <ul style="list-style-type: none"> <li>- The Pensions Board must remain clearly answerable to the General Synod. This requirement provides a means of information for Synod members which should remain.</li> </ul>
6	<p><b>Canon Trott</b></p> <ul style="list-style-type: none"> <li>- This provision may be untidy but it ought not to be removed without being replicated in another Measure. The Church of England is not a business or a quango – see <i>Romans</i> 12.9-13 for a description of the quality of life to be expected within the body of Christ.</li> </ul>
7	No submissions received



