

GENERAL SYNOD

VACANCY IN SEE COMMITTEES (AMENDMENT) REGULATION 2021

Explanatory Notes

The Vacancy in See Committees (Amendment) Regulation 2021 amends the Vacancy in See Committee Regulation 1993 (as subsequently amended) to give effect to proposals contained in *Responsible Representation: A Review of the Electoral Processes to the Crown Nominations Commission* (GS 2202).

Background

1. At the April 2021 group of sessions the Synod passed the following motion—

‘That this Synod receive the recommendations set out in section 6 of the report *Responsible Representation: a review of the electoral processes to the Crown Nominations Commission* (GS 2202) and request that steps be taken towards their implementation, including bringing the necessary legislative business and Standing Orders amendments to the Synod for decision.’
2. [Appendix 3 of GS 2202](#) identified those recommendations which would need to be implemented by amending the Vacancy in See Committees Regulation – the Synodical instrument which provides for the establishment, functions and procedure of diocesan vacancy in see committees. The Vacancy in See Committees (Amendment) Regulation (‘the amendment Regulation’) gives effect to those recommendations.

Summary

3. The principal amendments include:
 - making the members of the houses of clergy and laity of the diocesan synod a single electorate for electing members to the vacancy in see committee of the diocese;
 - leaving it to vacancy in see committees to decide for themselves the stage of their proceedings at which they will elect diocesan members to the Crown Nominations Commission (‘CNC’);
 - making chairs, and the episcopal members, of vacancy in see committees ineligible for election as diocesan members of the CNC;
 - providing for the replacement of a diocesan member of the CNC who resigns, or who becomes unable or unwilling to participate in the CNC’s consideration of a vacancy, by recounting the votes of the previous election of diocesan members to the CNC;
 - enabling vacancy in see committees to hold remote meetings.

Notes on individual provisions of the amendment Regulation

4. **Paragraph 1** provides for the formal name of the amendment Regulation. It also provides that it comes into force the day after the day on which it is approved by the General Synod. (But see the notes on paragraph 10 on transitional provision.)
5. **Paragraph 2** provides a definition of “the main Regulation”. The main regulation is the Vacancy in See Committees Regulation 1993 as subsequently amended by the General Synod on four occasions between 2003 and 2013.
6. **Paragraph 3** amends the list of *ex officio* members of vacancy in see committees so that, in addition to the proctors elected by the diocese, they also include proctors elected from a university or theological education institution in the diocese.
7. **Paragraph 4** creates a single electorate for the clerical and lay elected members of vacancy in see committees comprising the membership of the houses of clergy and laity of the diocesan synod. The qualifications for election as a lay member are amended so that they are the same as those for election to a diocesan synod (i.e. an actual communicant, aged 16 or over, whose name is on the roll of a parish or a cathedral community roll or who is declared by its leader to be part of the worshipping community of a mission initiative).
8. **Paragraph 5** amends provisions of the main Regulation that are concerned with the election of diocesan members of the CNC.
9. **Paragraph 5(1)** replaces the current provision which requires the election of diocesan members of the CNC normally to be taken as the final business of the second meeting of the vacancy in see committee that is held to consider a particular vacancy. In its place it inserts provision which leaves it to the vacancy in see committee to decide the stage in its proceedings at which the election is to be held. The secretary of the committee is required to notify the committee’s decision to members who were not present when the decision was taken.
10. **Paragraph 5(2)** makes the chair of the vacancy in see committee, and its episcopal members, ineligible for election by the committee to the CNC.
11. **Paragraph 5(3)** prevents more than one of the members elected by a vacancy in see committee to the CNC being a member of staff of the National Church Institutions, the Diocesan Board of Finance or the Diocesan Board of Education.
12. **Paragraph 5(4)** removes the current provision which prevents a member of a vacancy in see committee proposing or seconding more than one person for election to the CNC.
13. **Paragraph 5(5)** makes provision covering the possibility of a member elected by a vacancy in see committee to the CNC resigning as a member of the CNC.
14. **Paragraph 5(6)** amends the main Regulation so that if a member elected by a vacancy in see committee to the CNC resigns, becomes incapable of acting or is otherwise unable or unwilling to participate, he or she is replaced by recounting the votes from the previous election. The procedure of recounting the votes is the procedure prescribed by the Standing Orders of the General Synod for recounting votes from previous elections to fill casual vacancies.

15. **Paragraph 5(7)** modifies the effect of the Standing Orders of the General Synod concerned with recounting of votes to fill casual vacancies when they are applied to the replacement of diocesan members of the CNC. In a case within paragraph 5(6) of the amendment Regulation (resignation, incapability, inability or unwillingness to participate), if there is no candidate who remains eligible and willing to serve on a recount of the votes from the previous election, a fresh election will normally be held to fill the vacancy. But there might not be adequate time to hold a fresh election if the vacancy arises very near to the time when the CNC is due to meet. Paragraph 5(7) therefore provides that if the Chair and Deputy Chair of the vacancy in see committee jointly decide that there is insufficient time for a fresh election to be held, they must jointly appoint a member of the vacancy in see committee to act as a member of the CNC, and that in making the appointment they must have regard to the desirability of maintaining a similar balance of opinion among the members elected to serve on the CNC and a similar balance of interests which those members represented. (This provision for appointment of replacements by the Chair and Deputy Chair, which becomes the fall-back position for urgent cases only under the amendment made by paragraph 5(7), is the way in which all cases of incapability etc. are dealt with under the main Regulation as it currently stands.)
16. **Paragraph 6** inserts a new paragraph 5B in the main Regulation which provides for meetings of vacancy in see committees to be held remotely. This provision is similar to provisions contained in the special standing orders of the Synod made under the General Synod (Remote Meetings) (Temporary Standing Orders) Measure 2020.
17. **Paragraph 7** amends paragraph 6 of the main Regulation to cure an oversight in the current provision enabling the other archbishop to act when the archbishop of the province is unable to do so. The main Regulation currently provides for the situation where the see of an archbishop is vacant and where an archbishop is ill but does not cover the situation where an archbishop is unable to exercise functions under paragraph 6 of the main Regulation because the archbishop is absent. Paragraph 7 therefore inserts a reference to absence in paragraph 6(d) of the main Regulation.
18. **Paragraph 8** updates the masculine gender-specific terminology of the main Regulation so that it is gender-neutral.
19. **Paragraph 9** inserts a new paragraph 7A in the main Regulation to provide for the interpretation of references in the main Regulation to Measures and to cathedrals. A reference to Measures is to be read as a reference to Measures as subsequently amended and a reference to the cathedral of a diocese is to be read as a reference to each of the cathedrals of a diocese which has more than one cathedral.
20. **Paragraph 10** makes transitional provision so that the amendments made by the amendment Regulation do not apply in the case of a vacancy in see which a vacancy in see committee began considering before the amendment Regulation came into force.