

GENERAL SYNOD

THE VACANCY IN SEE COMMITTEES REGULATION 1993

as amended by the Vacancy in See Committees (Amendment) Regulation 2003, the Vacancy in See Committees (Amendment) Regulation 2007, the Vacancy in See Committees (Amendment) Regulation 2008, the Vacancy in See Committees (Amendment) Regulation 2013 and the Vacancy in See Committees (Amendment) Regulation 2021

Affirmation and Proclamation as an Act of Synod

Explanatory Notes

1. Standing Order 41 (Acts of Synod) provides for certain proceedings of the General Synod to be affirmed and proclaimed as Acts of Synod. Such proceedings include “an instrument of the Synod which is not a Measure or Canon and which is not made pursuant to a Measure or Canon”. In other words, an instrument of the General Synod which does not have the force of law but which is nevertheless intended to be acted on by those concerned can be affirmed and proclaimed as an Act of Synod under this procedure.
2. Affirmation and proclamation as an Act of Synod is appropriate where “it is desired that the instrument ... be published formally as the embodiment of the will or opinion of the Church of England as expressed by the whole body of the Synod”.
3. It has been the practice of the Synod since 1993 for the Vacancy in See Committees Regulation to be formally affirmed and proclaimed as an Act of Synod, in its amended form, each time amendments have been made to it. Amendments were made to the Regulation by the General Synod at the July 2021 group of sessions by the Vacancy in See Committees (Amendment) Regulation 2021 (GS 2228). Explanatory notes on those amendments were provided in [GS 2228X](#) and the policy background was set out in [GS 2228P](#).
4. The amendments that were made in July 2021 are shown in bold text in the Regulation as annexed to these notes. The principal amendments included:
 - 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.
5. The amendments have already been made and have come into force (subject to transitional provisions). The affirmation and proclamation of the Regulation as an Act of Synod is a piece of formal business that finishes off the process of amendment which was carried out last July.

The Legal Office
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Westminster

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[Note: the amendments made by the 2021 Regulation are shown in **bold**.]

A REGULATION passed by the General Synod to make fresh provision with respect to Vacancy in See Committees.

1. Establishment and Composition

- (a) In every diocese there shall continue to be in existence at all times a Vacancy in See Committee consisting of:

Ex-Officio Members

- (i) The suffragan bishop or bishops and any full-time stipendiary assistant bishop who is a member of the diocesan House of Bishops.
- (ii) The dean of the cathedral or, if he or she is unable to serve, a member of the Chapter of the cathedral elected by the Chapter excluding from election any person who is a member of the Committee in any other capacity; where there is an equality of votes, the matter shall be decided by lot.
- (iii) Two archdeacons elected by and from the archdeacons of the diocese; if there are no more than two archdeacons in the diocese, those archdeacons or archdeacon. Where there is an equality of votes, the matter shall be decided by lot.
- (iv) The proctors elected by the diocese **or from a university or theological education institution in the diocese** to the Lower House of Convocation.
- (v) The members elected by the diocese to the House of Laity of the General Synod.
- (vi) The **chair** of the House of Clergy and the **chair** of the House of Laity of the Diocesan Synod.

Elected Members

- (vii) Not fewer than two Clerks in Holy Orders being clerks beneficed in the diocese or licensed under seal by the bishop of the diocese, elected by the House of Clergy **and the House of Laity** of the Diocesan Synod

except that no archdeacon and no person in episcopal orders shall be eligible for election under this paragraph.

(viii) **Not fewer than two persons elected by the House of Clergy and the House of Laity of the Diocesan Synod each of whom is an actual communicant (within the meaning of the Church Representation Rules) who is aged 16 or over and—**

- (a) **whose name is on the roll of a parish in the diocese,**
- (b) **whose name is on the community roll of the cathedral church of the diocese which is not a parish church,**
- (c) **who, in a case where the area of the diocese includes Westminster Abbey, St. George's Chapel, Windsor or the cathedral Church of Christ in Oxford, is declared by the dean to be a habitual worshipper, or**
- (d) **who is declared by the leader of a mission initiative in the diocese to be part of the worshipping community involved in the initiative.**

(b) The number to be elected under sub-paragraphs (a)(vii) and (viii) of this Regulation shall be such as to ensure (having taken account of the place of residence of ex-officio members) that:

- (i) every archdeaconry in the diocese will be adequately represented;
- (ii) the number of members of the Committee (including ex-officio members) who are in Holy Orders and who are lay persons shall, as far as possible, be equal; and
- (iii) the number of members of the Committee is not less than 21;

and shall not otherwise exceed two clerks in Holy Orders and two actual communicant lay persons.

(c) The Bishop's Council and Standing Committee of the diocese may nominate not more than four additional persons who reflect a special interest in the diocese or whose nomination is in the opinion of the Bishop's Council and Standing Committee appropriate in order to secure a better reflection of the diocese as a whole to serve on the Vacancy in See Committee for a term ending on the date on which the elected members of the Committee cease to hold office under paragraph 2(a) of this Regulation.

(d) The Committee shall have no power to co-opt additional members.

2. Elections

- (a) Subject to paragraph 3(d) of this Regulation the elected members of the Committee shall be elected by the Houses of Clergy and Laity of the Diocesan Synod, **the members of each of which together constitute a single electorate**, and their term of office shall commence on the first day of January following the election of a new synod and end on 31st December following the election of the next synod.
- (b) Persons eligible to stand for election shall be proposed and seconded by members of the appropriate House of the Diocesan Synod.
- (c) The election shall be conducted by the method of the single transferable vote in accordance with the Regulations of the General Synod currently in force.

3. Casual Vacancies

- (a) A casual vacancy (including any vacancy occurring because insufficient eligible candidates for election have been elected) among the elected members shall be filled within six months of the occurrence of the vacancy by a further election by the House concerned provided that if a vacancy of the bishopric is announced before a vacancy on the Committee has been filled the vacancy on the Committee shall remain unfilled until the Committee has completed its consideration of the vacancy of the bishopric and shall then be filled within six months of the completion of such consideration.
- (b) *[Repealed by the Vacancy in See Committees (Amendment) Regulation 2008].*
- (c) Where a clerk in Holy Orders elected under paragraph 1(a)(vii) of this Regulation becomes an archdeacon in the diocese he or she shall cease to be a member of the Committee under that paragraph but without prejudice to his or her becoming a member of the Committee under paragraph 1(a)(iii).
- (d) A person shall cease to be a member of the Committee when he or she ceases to hold the office by virtue of which he or she was eligible for or entitled to such membership.

4. Officers and Procedure

- (a) At the first meeting of the Bishop's Council following the election of the members of the Committee a **Chair** of the Committee shall be elected by the members of the Bishop's Council from among the members of the Committee both ex-officio and elected. The person elected as **Chair** shall hold office for the same term as the elected members referred to in paragraph 2(a) of this Regulation subject to paragraph 4(e) hereof.
- (b) At the first meeting of the Committee a deputy **chair** shall be elected by and from the members of the Committee.

- (c) The Secretary of the Committee shall be a fit and proper person (not being a member of the Committee) appointed by the Bishop's Council at the first meeting of the council held following the election of the Committee and if the Secretary is already a member of the Committee at the time of his or her appointment he or she shall forthwith resign his or her office as a member. The Secretary shall convene meetings of the Committee in accordance with the directions of the Committee or the **chair** thereof.
- (d) The Secretary of the Committee shall invite the Prime Minister's Secretary for Appointments and the Archbishops' Secretary for Appointments to attend meetings of the Committee.
- (e) For the purposes of completing the consideration of any vacancy on which the Committee shall have begun work, elected members shall continue to act as members of the Committee instead of the new members notwithstanding the expiry of their term of office and where, pursuant to paragraph 4(c) above, the Bishop's Council has decided to appoint a different person to act as secretary of the Committee, the former secretary shall continue to act.
- (f) Subject to the foregoing provisions the Committee shall have power to regulate its own business and procedure.
- (g) Subject to paragraph 5A below, as soon as practicable following the announcement of a vacancy of the bishopric the diocesan secretary shall provide to each member a booklet, prepared by the Archbishops' Secretary for Appointments and approved by the Legal Adviser to the General Synod, containing:
 - (i) an explanation of the dual role of a diocesan bishop as the bishop of his diocese and as a member of the House of Bishops of the General Synod and, in the case of a bishop who is or may become a member of the House of Lords, of his role as a member of that House and of the importance of giving due weight to those roles when considering candidates for a vacant bishopric;
 - (ii) a description of the procedures to be followed concerning the nomination of persons to fill a vacant bishopric;
 - (iii) a copy of this Regulation, as amended, and of the document entitled "Guidance Notes and Code of Practice"; and
 - (iv) recommendations concerning the procedure to be adopted for meetings of the Committee.

5. Functions

Subject to paragraph 5A below:

- (a) The Committee shall hold at least two meetings, the first of which shall be held as soon as practicable after the vacancy which the Committee is considering has been announced. At its second meeting the Committee shall discuss the needs

of the diocese. It shall then prepare a statement setting out those needs and shall send it to the Crown Nominations Commission of the General Synod, together with such factual information about the diocese and its organisation as the Commission may request.

- (b) The Committee shall elect by ballot from amongst its members persons to be members of the Crown Nominations Commission in connection with the discharge by the Commission of its function in relation to the vacancy of the diocesan bishopric, numbering such number of members as may be required by the Standing Orders of the General Synod. Such election shall be by those present and voting at a meeting of the Committee and **shall be held at such stage in the proceedings on the Committee's consideration of the vacancy as the Committee has decided; and after that decision has been made, the Secretary of the Committee shall notify the decision to each member who was not present at the meeting at which it was taken. Such election** shall be conducted by the method of the single transferable vote in accordance with the Regulations of the General Synod currently in force. **The Chair of the Committee shall not be eligible for election. Nor shall a member of the Committee who is in episcopal orders.** Not less than half of the members elected shall be lay members of the Committee; and not more than one of the members elected shall be a member of the bishop's senior staff which, for the purposes of this sub-paragraph, shall comprise the suffragan and assistant bishops, the archdeacons, and the dean of the cathedral, of the diocese, **or be a member of staff of the National Church Institutions, of the Diocesan Board of Finance of the diocese or of the Diocesan Board of Education of the diocese (with the reference to the National Church Institutions to be read as a reference to a person or body to whom section 6 of the National Institutions Measure 1998 applies).** No candidate shall be eligible for election unless proposed and seconded by members of the Committee other than the candidate.
- (c) Where, before the Crown Nominations Commission have agreed upon the two names to be submitted to the Prime Minister, any of the members of the Commission elected under sub-paragraph (b) above dies, **resigns as a member, becomes incapable of acting as such or is otherwise unable or unwilling to participate as such, the first mentioned member shall be replaced using the voting records of the previous election in accordance with Standing Order 134(8) to (11) of the General Synod (with the reference to the Clerk of the Synod to be read as a reference to the Chair of the Committee).**
- (d) For the purposes of sub-paragraph (c), Standing Order 134(9) of the General Synod is to have effect as if there were added at the end **"or, 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 before the Crown Nominations Commission is due to meet to consider the vacancy, the Chair and Deputy Chair of the Committee—**
- (i) **must jointly appoint a member of the Committee to act as a member of the Commission, and**

- (ii) **in making the appointment, must have regard to the desirability of maintaining among the members of the Commission elected under paragraph 5(b) of the Vacancy in See Committees Regulation 1993 a similar balance of opinion and of the interests which those members represented.”**

5A. Direction of Archbishop Not to Proceed with Vacancy

- (a) Where a vacancy of the bishopric is announced and:
- (i) no steps have been taken under this Regulation to fill it;
 - (ii) the Dioceses Commission has decided to prepare a reorganisation scheme in accordance with section 7 of the Dioceses, Pastoral and Mission Measure 2007 (“the 2007 Measure”) which would abolish the diocese in respect of which the vacancy has been announced or have, in the opinion of the Commission, such a significant effect on the diocese that it would be desirable to delay the appointment of a bishop to fill the vacancy;

the Commission may request the Archbishop of the province in which the diocese is situated to direct that no steps shall be taken under this Regulation in relation to the filling of the vacancy.

- (b) On receipt of a request under sub-paragraph (a) above, the Archbishop may, if he thinks fit, direct as provided in that sub-paragraph and this Regulation shall have effect accordingly.
- (c) Where the Archbishop has issued a direction under sub-paragraph (b) above, then if:
- (i) the reorganisation scheme (other than a scheme dissolving the diocese) has been confirmed by Order in Council under section 8 of the 2007 Measure; or
 - (ii) the General Synod has taken a decision not to approve the scheme under section 7 of the 2007 Measure; or
 - (iii) the Dioceses Commission has informed the Archbishop that it has decided not to proceed with the scheme; or
 - (iv) the Dioceses Commission has informed the Archbishop that it has decided that it would not be appropriate further to delay the filling of the vacancy;

the Archbishop shall revoke the direction.

- (d) If the Archbishop revokes the direction under sub-paragraph (c) above this Regulation shall have effect as if the announcement of the vacancy had been made on the day on which the Archbishop revokes the direction.

- (e) Any direction or revocation given under sub-paragraph (b) or (c) above shall be in writing and signed by the Archbishop and shall be sent to the Secretary of the Committee and the Archbishop shall send a copy thereof to:
 - (i) the Archbishops' Secretary for Appointments;
 - (ii) the Secretary of the House of Bishops;
 - (iii) the Prime Minister's Secretary for Appointments; and
 - (iv) the Dioceses Commission.

5B. Remote meetings

- (a) **A reference in this Regulation to a meeting of the Committee includes a reference to a meeting 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.**
- (b) **The places at which a meeting of the Committee may be held include electronic, digital and virtual locations, web addresses and conference call telephone numbers.**
- (c) **A person is to be regarded as present at a meeting of the Committee 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.**
- (d) **A reference in this Regulation to being present at a meeting of the Committee includes a reference to being present by electronic means, including by telephone conference, video conference, live webcast or live interactive streaming.**

6. Miscellaneous

- (a) In the carrying out of the provisions of this Regulation the Archbishop of the province shall have power:
 - (i) to make provision for any matter not herein provided for;
 - (ii) to give directions, in any case in which difficulties arise, which he may consider expedient for the purpose of removing the difficulties.
- (b) The power of the Archbishop under this paragraph shall not enable him:
 - (i) to validate anything that was invalid at the time when it was done;
 - (ii) to give any direction that is contrary to any paragraph of this Regulation.

- (c) No proceedings of any Committee constituted under this Regulation shall be invalidated by any vacancy in the membership of that Committee or any defect in the qualification, election or appointment of any members thereof.
- (d) During a vacancy in an archbishopric or where by reason of **absence or** illness an archbishop is unable to exercise his functions under this paragraph the functions of an archbishop under this Regulation shall be exercised by the other archbishop.

7. Revocation

The Vacancy in See Committees Regulation 1977 is hereby revoked.

7A. Interpretation

- (a) **A reference in this Regulation to a provision of a Measure of the General Synod is a reference to that provision as amended, extended or applied from time to time.**
- (b) **A reference in this Regulation to the cathedral of a diocese is, in the case of a diocese which has more than one cathedral, to be read as a reference to each or any of the cathedrals, depending on the context.**

8. Citation and Commencement

- (a) This Regulation may be cited as the Vacancy in See Committees Regulation 1993.
- (b) This Regulation shall come into force on the first day of September 1993.