

Submissions to the Revision Committee for Canon 42

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John Mason (280 - Chester)

Thanks very much for following up on this. I had planned to write into the revision committee. I am assuming that this will do but I am copying in the email address that was given in our papers as well just in case!

I don't really want to add much to what I said in the debate, the essence of which was that in reading the Amending Canon there is no obvious timetable/limit placed on the length of time that the position of DSO might remain vacant. In your reply you indicated that the impact of other legislation should ensure that a vacancy never arose. This is of course reassuring because I do have concerns that without required action or some form of default interim person being appointed to play the role, it could remain vacant for a considerable amount of time and, given the nature of safeguarding and the requirement for quick action, that would I think pose an unacceptable level of risk.

Having said that, this really falls into a category that I frequently worry about, namely one in which the full legal picture might already address a particular concern, but it needs reference to/knowledge of separate pieces of legislation and/or a legally qualified person to interpret the legislation rather than it being clear and unambiguous in a "stand-alone" way. When I was a Diocesan Secretary I frequently received queries from clergy and lay people on matters of Ecclesiastical Law that surprised me in their apparent naivety. But I had to keep on reminding myself that there was no reason why they would be familiar with a particular Measure when they only came across it once in a blue moon, nor of the impact of some related legislation of which they were unaware.

So in this particular instance, I feel it would be helpful if the Amending Canon itself made clear that the matter of appointment of a DSO had to be dealt with expeditiously and/or that there would be some default person who played the role in the absence of/before an appointment was made by the diocesan bishop. I would suggest it is no bad thing for this to be made abundantly clear because of course the momentum for this change arose from the IICSA report, and it is important that we are seen to be implementing it fully and in a way that is readily communicated to anyone who might choose to read the Canon on its own to learn what has been done.

Mr Clive Scowen (358 – London)

I have no points of substance to make, but two related drafting points:

- Paragraph 4 specifies when the changes in paragraph 2 are to come into force, but there is no provision as to when the change in paragraph 3 is to do so.
- Paragraph 2(3) makes provision for requiring the House of Bishops' Regulations to make provision for the professional supervision of DSOs and for the quality assurance of their work by the NST. Those Regulations will need to be amended before any certificates are issued by the Archbishops' Council, so that paragraph will need to come into force way before the time provided in paragraph 4.

I suggest that paragraph 4 be amended to provide that paragraphs 2(3) and 3 both come into force on the day on which the amending canon is made, promulgated and enacted.

Would it not save money if Amending Canon 43 were now combined with Amending Canon 42 as a single amending Canon?