

Submissions to the Revision Committee for Amending Canon No. 43

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The Very Revd Dr Mandy Ford (55 - Bristol)

On behalf of the Deans in synod, I'd like to propose an amendment to the amending Canon on Residentiary Canons in Cathedrals so that it would read

A lay person, who is licensed under canon E4 or E7 and exercises that ministry as part of their executive role in the Cathedral

However, I'd also be interested in exploring with the legal team whether such Residentiary Canons should also have held such a license for six years (parallel to the requirements on the clergy) and whether they should be appointed under Common Tenure rather than as employees. I understand that the latter is also a possibility under current legislation.

I would be very willing to join the revision committee for the progression of this piece of business.

Mr John Mason (280 – Chester)

I am writing concerning two very minor matters in the proposed amending canon 43.

Firstly, in para 6 of GS 2273 the proposed addition to Canon G4 states that "... must be satisfied that the appointee is a communicant".

I note the word "communicant" is not qualified but that this mirrors the wording in the appointment of a registrar (referred to in paragraph 2 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018). In the 2018 Measure, the term "communicant" is given a specific definition (which is different from the more common "actual communicant"). Is it necessary in the canon to make reference to the fact that "communicant" has the same meaning as that given in section 95 of the 2018 Measure? Otherwise, on its own it is not clear how that condition is satisfied. (As an aside I am not clear why it could not be an "actual communicant" anyway)

Secondly, also in para 6 of GS 2273 I wonder why one reference is to "sections" of the Measure - 29(1) and 31(1) - whilst later it references a "paragraph". I daresay the use of section/paragraph/provision may be interchangeable but should they not be the same within a single canon?

Mr Clive Scowen (358 - London)

Amending Canon

1. I oppose paragraph 2. In my view the Church should have stood against raising the minimum age for marriage, since in my view it should always be possible for those who may lawfully have sexual intercourse to marry. I appreciate that the effect of the e Marriage and Civil Partnership (Minimum Age) Act 2022 is that persons under the age of 18 may not lawfully marry either in a secular venue or in church, but that is not a reason for the Church to change its Canon so as to imply agreement. Leaving the Canon as it is would stand as a witness that the State is wrong to ban the marriage of persons who may lawfully have sex. Had the age of consent been raised simultaneously I would not be opposing this change.
2. In paragraph 5, ought there not to be some provision as to who an “other deputy” may be and how he or she is to be appointed? Can it be a lay person? Can it be a child? Does the appointment have to be in writing?
3. Would it not save money if Amending Canon 43 were now combined with Amending Canon 42 as a single amending Canon?

Mr Adrian Greenwood (415 - Southwark)

Re - Paragraph 2 (1) to change the minimum age limit for marriage from 16 to 18

1. I am writing to ask the Revision Committee to consider whether this is the right time and whether this Amending Canon is the right mechanism for making a significant change to the Church of England's law of marriage.
2. The only justification that is given for the proposal is contained in GS2273X1 para 9 – ' Paragraph 2 amends the Canons B 31 and B 32 (which are concerned with the impediments to marriage) in line with changes made to the Marriage and Civil Partnership (Minimum Age) Act 2022. That Act raises the minimum age at which a person may lawfully marry from 16 to 18.'
3. Is 'amending in line with civil law' a sufficient reason for the proposed change? After all, CoE marriage law is already significantly out of line with civil marriage law. And, especially, as the 'age of consent' for sexual intercourse in the criminal law remains at 16. So this proposed change would further undermine Christian and Church of England teaching that sexual intercourse belongs within marriage.
4. The current Living in Love & Faith project, which is entering the critical stage of discernment within the College of Bishops, is exploring Christian understanding of issues of identity, sexuality, relationships and marriage. Under scrutiny is the impact that modern western cultural pressures are placing on the traditional, biblical teaching of the Church which asserts that marriage is a covenantal union between one male and one female for life, within which sexual intercourse will take place and children will be conceived, born and nurtured. That the gift of sexual intercourse belongs exclusively within the gift of marriage – chastity before, fidelity within.
5. So what impact will the proposed change of law have on what the Church teaches and practices about relationships and marriage for 16 and 17 year olds? Has anyone asked the question and if so what is the answer? Personally, I would expect this topic to be covered as part of LLF.
6. Page 80 of the LLF book records that in the 2012 Natsal survey 31% of males stated they first had sex before the age of 16; the survey did not appear to ask the same question about sex before the age of 18, but one would assume that the figures would be (much) higher. The conversations about sex and relationships recorded between pages 389 and 396 of the LLF book highlight the urgent need for clear teaching from the Church, for young people, for parents and for Christian youth workers, schoolteachers and other leaders. There was also a call for better education, information and teaching in the debate at General Synod in July on the need for age verification on websites displaying pornographic material.
7. What is the Church to say, when marriage below the age of 18 becomes unlawful/not possible, to Juliet (16) and Romeo (17) as they seek to follow a distinctive Christian ethic for sex, relationships and marriage in a world which is advocating something very different? (They could be both attending a CoE school as well as attending a church youth group.) Will the College of Bishops re-affirm the traditional Christian ethic or change it to something different? Shouldn't we wait and see?
8. I would suggest that this proposed change in the law is far more significant than tidying up anomalies, than bringing things into line or mending past mistakes. So I do question whether it is a suitable topic for this Amending canon at this time. Especially when the LLF process is yet to conclude. Far better to take an informed decision in the light of the LLF discernment process – I can't think that the delay will cause any hardship. I'm unaware of the numbers of

under 18s who get married in Church. And, as I understand the current law, parental consent is required for someone under 18 to marry.

9. So, in a nutshell, my understanding of the implications of current CoE teaching on sexual ethics, behaviour and marriage is that there should not be a gap between the age at which sexual intercourse is permitted under law (16) and the age when someone can lawfully get married (currently 16 in the CoE).
10. If the State won't 'mind the gap', then all the more reason for the CoE to do so.
11. Please leave open that possibility by removing this provision from the Amending Canon.
12. I am very happy to attend to speak to this submission.