

GENERAL SYNOD

FEBRUARY GROUP OF SESSIONS 2023

ELEVENTH NOTICE PAPER

OBJECTION UNDER STANDING ORDER 92

On 3rd February the Presidents, Prolocutors and Chair and Vice-Chair of the House of Laity ('the Officers') received a formal objection under Standing Order 92 to the absence of a designation as Article 7 business of items 5 and 11 on the Agenda for next week's group of sessions, and the Living in Love and Faith Group work. The objection was made by 37 members of the Synod. The Archbishop of Canterbury was in South Sudan and the Presidents' role was therefore exercised by the Archbishop of York alone, in accordance with Article 13 of the Constitution. The Prolocutors and the Chair and Vice-Chair of the House of Laity all took part.

The Officers considered the request. **They concluded that the business should not be designated as Article 7 business.**

Their reasons were as follows:

- Article 7 business is defined as "a Measure, Canon or other provision touching any of the matters referred to in Article 7(1) of the Constitution" (see SO 153(1)). The relevant items of business are neither a Measure nor a Canon so the question is whether they are "other provision". The expression 'provision' in this context *prima facie* seems to mean something which has legal effect of some sort. It would not seem to mean a presentation, group work or a motion which gives expression to a view, whether that view has theological content or

otherwise. There is a principle of legal interpretation that general words appearing at the end of a class of more specific words should be interpreted *eiusdem generis* (i.e. as being of the same class) as the more specific words.

- The provisions relating to Article 7 business contained in SOs 94 to 103, at a number of points, specify that Article 7 business must be considered on a motion in the form ‘That (Short Title or other description) be [generally or finally] approved’. That suggests that Article 7 business is business of a kind which is capable of being ‘approved’ in this way (as a Measure, Canon or other instrument or liturgical business would be) and not merely a motion expressing a view on a proposed action by the House of Bishops (i.e. “refining, commending and issuing” Prayers of Love and Faith).
- The Officers noted that their predecessors in July 2006 made a determination to the same effect in respect of a motion which expressed a view on a matter touching the services or ceremonies of the Church of England or the administration of the Sacraments or sacred rites thereof.
- They further noted that the decision for them under SO 92 was in this case limited to the narrow question of whether any of the items of business referred to in the formal objection amounted to “other provision” for the purposes of SO 92. Accordingly, the views held by them on the substance of those items of business was immaterial to the decision they had to take. Their determination of the objection could not be taken as indicative of any view, positive or negative, on the merits of that business.