

DRAFT CHURCH OF ENGLAND (MISCELLANEOUS PROVISIONS) MEASURE

DRAFT AMENDING CANON NO. 43

REPORT OF THE STEERING COMMITTEE

Chair: Mr Stephen Hofmeyr KC (Guildford)

Members: The Ven Douglas Dettmer (Exeter)
The Venerable Nikki Groarke (Worcester)
The Revd Sandra McCalla (London)
Dr Laura Oliver (Blackburn)

1. The draft Church of England (Miscellaneous Provisions) Measure ('the draft Measure') and draft Amending Canon No. 43 ('the draft Canon') received First Consideration at the July 2022 group of sessions and were committed to a Revision Committee.
2. At the February 2023 group of sessions the Synod took note of the report of that Committee ([GS 2272Y/2273Y](#)). The Synod also completed the Revision Stage for the draft Measure and draft Canon which then stood committed to the Steering Committee in respect of their Final Drafting.
3. The Steering Committee has conducted its remaining business in a meeting on 25 April 2023 and by correspondence under Standing Order 61(2) and (3). It now returns the draft Measure (GS 2272B) and the draft Canon (GS 2273B) to the Synod for Final Drafting and Final Approval.
4. Under Standing Order 61, on the Final Drafting Stage the Steering Committee may propose 'drafting amendments' or 'special amendments' or both. These two categories of amendments are defined in SO 61(6) as follows –
 - "drafting amendment" means an amendment to clarify any remaining uncertainties of meaning or to improve the drafting, and
 - "special amendment" means an amendment, other than a drafting amendment, considered necessary or desirable by the Steering Committee and which does not reopen an issue which has been decided by the Synod or any Revision Committee in relation to the Measure or Canon.
5. The Steering Committee has agreed the drafting amendments, shown in bold type in GS 2272B and GS 2273B, which have been identified on final scrutiny of the draft Measure and Canon. These amendments largely speak for themselves but are described in Annex A.
6. The Steering Committee will propose one special amendment, to clause 8 of the draft Measure which inserts a new section 25A in the Patronage (Benefices) Measure 1986. The policy intention behind the new section was to prevent an individual patron from exercising a right of patronage if that individual was included on a barred list under the Safeguarding Vulnerable Groups Act 2006 or convicted of certain criminal offences.

As drafted, the new section 25A would cover those cases (by providing for the patronage to be exercised by the Diocesan Board of Patronage instead of the patron). But the section was drafted too widely and would also disqualify from exercising a right of patronage any person who holds office or employment made or confirmed by the General Synod, the Convocations, the Archbishops' Council, the Church Commissioners, the Church of England Pensions Board or the Corporation of the Church House. Extending the disqualification to those individuals is not necessary to meet the policy objective; furthermore, it would be unjustified. Accordingly, an amendment is required. While it is arguable that the amendment is merely a drafting amendment, in that it improves the drafting by correcting an error, it can also be classed as a special amendment, in that it exposes a particular issue which neither the Revision Committee nor the Synod has discussed. For this reason, and in the interests of transparency, the Steering Committee has chosen to treat it as a special amendment to bring the matter specifically to the attention of General Synod and to give the General Synod an opportunity to debate the matter. The proposed amendment is set out in Annex B.

On behalf of the Committee
Stephen Hofmeyr
Chair

May 2023

**EXPLANATION OF DRAFTING AMENDMENTS TO THE DRAFT MEASURE
(shown in bold in GS 2272B)**

1. The version of the Measure which was considered at the February group of sessions is [GS 2272A](#).
2. The numbering of the clauses has been changed, because at the February group of sessions the General Synod voted that what was clause 8 of the Measure (Bishop's mission order: termination of licence) should not stand part of the Measure.

Clause 11(5)

3. Amending Canon 43 amends the Canonical requirements on safeguarding by replacing the requirement for the bishop of each diocese to appoint a Diocesan Safeguarding Officer (DSA) with a requirement for the bishop to appoint a Diocesan Safeguarding Officer (DSO), the change in title reflecting a change in role from merely advising the bishop to having responsibility in the diocese, independent of the bishop, for professional leadership on and management of safeguarding matters. There are a number of references to DSAs in legislation which need to be updated to DSO. This is purely consequential on the change made by Canon 43.

**EXPLANATION OF DRAFTING AMENDMENTS TO THE DRAFT AMENDING
CANON (shown in bold in GS 2273B)**

4. The version of the Amending Canon which was considered at the February group of sessions is [GS 2273A](#).

Clause 3(2)(c)

5. This makes the way Queen Camilla is referred to consistent with the Royal Warrant to alter prayers for the Royal Family which was issued on 3 May 2023 (see [The Gazette, 10 May 2023](#)).

Clause 7(3)

6. This states the date on which section 1 of the Marriage and Civil Partnership (Minimum Age) Act 2022 commenced. This could not be included in the version that was considered in February as the 2022 Act had not then commenced.

Clause 14A

7. As with clause 11(5) of the draft Measure, this clause makes changes to update references to DSA to DSO.

PROPOSED SPECIAL AMENDMENT TO THE DRAFT MEASURE

1. Clause 8, page 5, line 4, leave out “Part 7” and insert “Rule 68”.