

GENERAL SYNOD

DRAFT SCHEME AMENDING THE DIOCESE IN EUROPE CONSTITUTION

Explanatory notes

1. The Diocese in Europe ('the Diocese') is regulated by its Constitution ('the Constitution'), as last amended in 2020. Paragraph 48 of the Constitution allows it to be amended by a process involving:
 - the inclusion of the proposed amendments in a draft scheme;
 - the approval of the scheme by not less than two-thirds of the members of the diocesan synod present and voting;
 - the laying of the scheme before the General Synod; and
 - if the scheme amends certain specified provisions in the Constitution (or, in the case of a scheme which does not make such amendments, if a member of the General Synod requests that the scheme be debated) the approval of the draft scheme by the General Synod.
2. The Diocese wishes to make a number of amendments to the Constitution and a draft scheme ('the Scheme') has accordingly been prepared, which is set out in GS 2318. The amendments relate to the date by which a chaplaincy annual meeting must be held, the admission to office of churchwardens, and holding meetings by electronic means. The amendments to be made by the Scheme received the unanimous approval (with one abstention) of the members of the diocesan synod of the Diocese present and voting at its meeting in June 2023.
3. The Scheme is now accordingly laid before the General Synod. As none of the amendments to be made by the scheme relate to the specified provisions referred to above, the draft scheme does not require the approval of the General Synod. However, it is open to any member of the Synod to give notice of a desire that the draft Scheme be debated. Any such notice must be given in accordance with Standing Order 13 by not later than 5.30 p.m. on Friday 7th July.
4. The effect of the amendments and the reasons for making them are set out in the attached explanatory memorandum which was provided to the diocesan synod when the amendments were considered by it.

**The Legal Office
Church House
Westminster**

June 2023

DIOCESE IN EUROPE

DIOCESAN SYNOD

DRAFT SCHEME AMENDING THE DIOCESE IN EUROPE CONSTITUTION

Explanatory Notes

1. The proposed amendments to the Diocesan Constitution (“the Constitution”) set out in the draft Scheme deal with the following matters.

Paragraph (a)

2. The change of date, from 30th April to 31st May, as the deadline for the annual meeting required to be held in every chaplaincy, brings the Constitution into line with the relevant provisions of the revised Church Representation Rules.

Paragraph (b)

3. The removal of the words “immediately on conclusion of the annual meeting” in relation to churchwardens assuming office is intended to remove an ambiguity which has sometimes caused confusion. The admission to office of churchwardens in the Diocese, as in other dioceses, is regulated by the Churchwardens Measure 2001. The current text in the Constitution, intended to signal the point at which the admission to office should normally take place, has on occasion been misunderstood as obviating the need for the requirements of section 6 of the Churchwardens Measure to be satisfied. The proposed amendment clarifies the position. It does not affect the continuing application of the Churchwardens Measure, but allows greater flexibility in the timing of the admission to office of those chosen to be churchwardens (see also paragraph 9 below).

Paragraph (c)

4. The insertion of a new paragraph (50A) in the Constitution provides a basis for a wide range of meetings to be held by electronic means. This would make permanent provision for the possibility of remote meetings, which has been available in the Diocese on a temporary basis by virtue of a series of Bishop’s Instruments. The proposals are substantially in accordance with those currently before the General Synod.
5. The provisions are permissive, not mandatory, and are in addition to, not substitution for, the normal arrangements for physical meetings. No body or meeting to which these provisions apply is obliged to make use of them.
6. The new paragraph 50A(b) varies the form of prescribed notices of meetings to require details of how to access the meeting to be included where a remote meeting is to be held.

7. The new paragraph 50A(c) enables the Bishop's Council to put in place rules, if it considers them necessary, to supplement any existing procedural rules. This is intended to ensure that proper provision is made for certain aspects of the conduct of remote meetings (for example, how to conduct a contested election) and a reasonably consistent approach across the Diocese.
8. The new paragraph 50A(d) underlines the fundamental point that all chaplaincies are subject to the prevailing laws of the jurisdiction in which they are situated. In some jurisdictions, conditions or restrictions may apply to remote meetings (for example a requirement that the chair and secretary must be in the same physical location during the meeting; or that a minimum number of meetings be held in person), and those must be carefully observed.
9. The new paragraph 50A(e) provides a permanent basis for the admission of a churchwarden remotely. This allows for the additional possibility of, for example, an Archdeaconry-wide gathering by electronic means as an alternative to the established practice of chaplains acting as the bishop's substitute and admitting new churchwardens to office in the chaplaincy. The requirements in relation to the spoken and written declarations remain as set out in the Churchwardens Measure. (A copy of the signed form of the declaration required by the Measure should be submitted by churchwardens, immediately after their admission to office, in accordance with the directions of the bishop or his appointed substitute.)

Procedure

10. The procedure for amending the Constitution is set out at paragraph 48. This involves setting out the precise drafting amendment proposals in a draft scheme for presentation to the Diocesan Synod. If it is approved by not less than two-thirds of the Synod, it is laid before the General Synod. A formal debate is only necessary if a member of the General Synod gives notice of a wish for it to be debated, other than in relation to amendments to certain provisions which are not affected in this instance.
11. **The Synod is, therefore, invited to approve the proposed amendments to the Constitution of the Diocese embodied in the draft Scheme laid before the Synod, and to support the Bishop laying the Scheme before the General Synod, in accordance with paragraph 48 of the Constitution.**

Aiden Hargreaves-Smith
Registrar and Bishop's Legal Secretary
June 2023