

## GENERAL SYNOD

## THE SIXTY-SECOND REPORT OF THE STANDING ORDERS COMMITTEE

The Standing Orders Committee has considered miscellaneous points of Synodical procedure and makes some proposals for amendment.

1. The Standing Orders Committee (“the Committee”) presents its 62<sup>nd</sup> report to Synod.
2. The Committee’s membership is as follows—

Appointed members

The Revd Canon Joyce Jones (Chair) (Leeds)  
 Mr Geoffrey Tattersall KC (Manchester)  
 Mr Clive Scowen (London)  
 The Revd Treena Larkin (Lichfield)  
 The Revd Susan Lucas (Chelmsford)  
 The Revd Amatu Christian-Iwuagwu (London)  
 Mrs Karen Czapiewski (Gloucester)

Ex officio members

The Ven Luke Miller (Prolocutor of the Lower House of the Convocation of Canterbury)  
 The Revd Kate Wharton (Prolocutor of the Lower House of the Convocation of York)  
 Dr Jamie Harrison (Chair of the House of Laity)  
 Mrs Alison Coulter (Vice-Chair of the House of Laity).

**Miscellaneous points of procedure****Speech limit (SOs 22 and 32)**

3. The Committee was asked to consider giving a member representing Deaf Anglicans Together extra time to make a speech, given the need for an interpreter. The Committee was advised that standard practice would require a speaker whose words need interpretation to be given 1.5 times the usual speech limit.
4. The Committee agreed a new provision with the Committee for Ministry of and among Deaf and Disabled People but, on further reflection, decided to generalise the provision so that it would apply to any speaker who requires an interpreter and not just a deaf speaker. **Amendment 1 in the Annex would give effect to that proposal. Amendments 2 and 3 are consequential on Amendment 1.**
5. A separate question was raised with the Committee on whether to shorten the standard time limit from the very beginning of a debate, including for the opening speech by the mover of the main motion, to allow more members to participate in the debate.
6. For speeches other than the opening speech, SO 22(3) already gives the Chair discretion to shorten the time limit immediately after the opening speech (and this does sometimes happen in practice). The Committee considers that those chairing debates could perhaps be further encouraged to consider exercising the discretion at the outset of a debate. In the meantime, the Committee proposes no amendments on the point.

7. Varying the time limit on the opening speech would require an amendment to SO 22(2) because the entitlement to make a 10-minute speech applies subject only to any provision in the SOs that specifies “*a different period in a particular case*”. But the Committee does not propose any amendments on this point either. It notes that different members undertake different amounts of preparatory reading before a debate and that, even for those who have prepared at length, the matters raised in a 10-minute opening speech may well prompt new or different thoughts in response.

### Consideration of amendments (SO 29)

8. Standing Order 29 provides for the consideration of amendments in the order in which they strike the text unless the Chair determines otherwise. However, in the debate at the July Synod on the Standing Orders, it became apparent that members were struggling with the implications for voting when (as can sometimes happen) a consequential amendment “strikes” the text before the main amendment does.
9. With that in mind, the Committee very much welcomes the following variations to practice proposed by the Legal Office and the Clerk—
- Amendments proposed by the Standing Orders Committee will no longer be printed on a separate Notice Paper.
  - Only those amendments tabled by individual members (as opposed to those in the Committee’s report) will appear on a Notice Paper (as currently occurs with amendments to other motions).
  - The Order Paper will show all proposed amendments, including those in the Committee’s report, each with an explanatory statement.
  - Consequential amendments will always be taken after the main amendment, even if they strike the text before the main amendment does.
10. The Committee understands that the first three points are being dealt with administratively without the need for amendment to the Standing Orders. The fourth point does, however, require an amendment to SO 29. The Committee proposes that the new provision should apply in general rather than only to the Standing Orders. It considers that a change to that effect would clarify the procedure on amendments to legislation, for example, where consequential amendments often precede the main amendment. **Amendment 4 in the Annex would give effect to that proposal.**

### Petitions (SO 43)

11. Questions about petitions have again been raised with the Committee. It has kept SO 43 under review but has not so far proposed amending it. While the number of petitions has not increased by very much, interest in them continues among members. The Committee, having considered the issues in depth, now proposes a handful of minor amendments to bring the procedure on petitions more into line with comparable procedures elsewhere in the Standing Orders.
12. It first proposes that the time for presenting a petition should not be limited to the first two sessions of a group of sessions and that the Business Committee should instead have power to appoint any time or times in a group of sessions. **Amendment 5 in the Annex would give effect to that proposal.**
13. The Committee next proposes that a member wishing to present a petition should give notice of the petition itself and not merely of a “desire” to present it. **Amendment 6 in the Annex would give effect to that proposal.**

14. On a related point, the Committee proposes that the member must give notice of the text of the petition and that, as with notice of an amendment under SO 26(7), at least two other members must support the presentation of the petition. **Amendment 7 in the Annex would give effect to that proposal.**
15. The Committee further proposes that the Clerk should have to remove from the petition anything that she considers “libellous, insulting or unseemly”. That form of words appears in similar contexts in SO 55(2) (Revision Committee: proposals for amendment) and SO 69E(2) (Legislative Reform Orders: representations). If the Clerk does remove any content from the petition, the member presenting the petition must not refer to that content when doing so. **Amendments 8 and 10 in the Annex would give effect to that proposal.**
16. The Committee next proposes that petitions should, unless the Chair directs otherwise, be presented in the order in which the members have given notice. **Amendment 9 in the Annex would give effect to that proposal.**
17. The Committee further proposes that, following the presentation of a petition, the Business Committee must, at a later group of sessions, update the Synod on the petition. If, for example, the Business Committee proposes to take particular action in light of a petition, it could explain that in a report to Synod. **Amendment 11 in the Annex would give effect to that proposal.**
18. Finally on this subject, the Committee records its view that the purpose of a petition is to make a formal request for something to happen (or not). A petition does not, at the time of presentation at least, have the purpose of initiating a debate; that is the function of a private member’s motion or diocesan synod motion. The Committee notes also that the Standing Orders use the word “petition” in its traditional legal sense and do not give it the modern connotations of a document signed by a large number of people urging an authority to bring about a particular change. For example, a petition under SO 43 is available for members merely to “inspect” rather than to sign in support.

### **Liturgical business (SO 78)**

19. The Committee continues to propose its amendment to clarify SO 78 (meaning of “liturgical business”); the amendment was again not reached at the July Synod. The Committee emphasises that its proposal would not change the meaning of “liturgical business”, but instead make it clearer. By way of a reminder to members, the Committee considers the reference to “designation” confusing as it could (wrongly) suggest that the Business Committee must itself make a determination on substance rather than procedure. The Committee also thinks that “liturgical business” should be defined to include an express reference to Canon B2 so as to reflect clearly the legal position under the Canons. The Synod has power to approve liturgical provision only under Canon B2; liturgy under other Canons is not therefore relevant to the Standing Orders. A reference to Canon B2 already has to be read into SO 78 by necessary implication; but the Committee’s proposal would highlight the reference. **Amendment 12 in the Annex would give effect to that proposal.**
20. At the July Synod, Miss Debbie Buggs (London) brought back two of her amendments from February 2023 but, again, they too were not reached. Miss Buggs’s first amendment would have deemed a form of service (including one for use under Canon B5) as having been introduced as liturgical business if it arises from the Living in Love and Faith process and is to be subject to consideration by Synod.

21. The Committee objects to the amendment on two grounds. First, it considers it wrong in principle for the Standing Orders to make specific provision about business on a particular subject-matter (as opposed to business of a particular type). Second, the Committee is advised that the amendment is incompatible with the Canons. It would purport to enable Synod to approve forms of service commended by the House of Bishops and which ministers may, under Canon B5, choose to use. But, as noted above, only liturgical business under Canon B2 requires Synod's approval. The Canons would have to be amended to empower Synod to approve liturgical business not under Canon B2. That would require an Amending Canon, as the vires under Article 11(1) of the Constitution to make Standing Orders "*for the meetings, business and procedure*" of Synod do not permit the imposition of restrictions on the Canons.
22. The Committee is further advised that Miss Buggs's first amendment is inconsistent with the Synod's Constitution and therefore ultra vires on those grounds too. The Constitution gives Synod two general functions – to make provision under the authority of a Measure or Canon (which includes making liturgical provision) and to give its opinion on matters of religious or public interest (which includes voting on the motion on Living in Love and Faith at the February Synod). Miss Buggs's proposed amendment would conflict with the Constitution because it would require liturgy arising from the Living in Love and Faith process to be dealt with as liturgical provision and would therefore prevent the Synod from expressing its opinion on that liturgy.
23. Miss Buggs's second amendment would have given an Anglican Communion representative the right to call for the designation of an item of business concerned with liturgy as liturgical provision subject to SOs 79 to 88, as Article 7 business or as Article 8 business. If the motion were carried, the Presidents, the Prolocutors and the Chair and Vice-Chair of the House of Laity would jointly determine conclusively whether the item of business was capable of such designation.
24. The Committee objects to Miss Buggs's second amendment on the grounds that it would give an Anglican Communion representative a right to use a novel procedure not available to members. It further considers that this amendment too is inconsistent with the Synod's Constitution. The Constitution makes clear who the members of Synod are; and it does not provide for Anglican Communion representatives to be members. A person not a member of Synod should, in the Committee's view, not have the right to do something that, by its nature, is an aspect of membership.

### **Questions: content (SO 113)**

25. The Committee has been asked to consider a proposal to omit SO 113(4), which provides that a question "*must not contain argument or imputation or ask for an expression of opinion, including on a question of law, or for the solution of a hypothetical problem.*" And it has been asked to consider as an alternative a proposal to replace the restriction on argument or imputation with a restriction on defamatory comments and a proposal to remove the restriction on expressions of opinion and solutions to hypothetical problems.
26. The Committee does not support these proposals. It considers that the current restrictions provide a clear, appropriate and practical process and that inviting expressions of opinion or solutions to hypothetical problems could become unmanageable. Furthermore, the Committee notes on SO 113(4) that Erskine May, at paragraph 22.12, uses similar terminology on questions in Parliament—

*“Questions which seek an expression of opinion, or which contain arguments, expressions of opinion, inferences or imputations, unnecessary epithets or rhetorical, controversial, ironical or offensive expressions, are not in order.”*

27. The Committee notes that Erskine May also states at paragraph 22.22 that questions must not “*seek the solution of hypothetical propositions*” and at paragraph 19.16 that a supplementary question “*is governed by the general rules of order affecting all questions*”. The Committee, while not supporting the proposals, has though referred them to the Business Committee for policy consideration.
28. The Committee received a proposal for the person to whom a question is put to be under an express duty to answer it. Underlying that proposal is a perception that some answers are evasive and that question time is frustrating for some members. The Committee recognises the sincerity of the concerns but does not consider the proposed solution workable. The general power in the Synod’s constitution to make provision in Standing Orders “*for the meetings, business and procedure*” of the Synod does not, the Committee is advised, include a power to require anybody to answer a question. Nor does any specific power in the Constitution to make Standing Orders enable it or anything analogous to it. If the intention were that the Standing Orders could impose such a requirement, one would expect express provision to that effect. As things stand, the Standing Orders impose requirements on members only in so far as necessary for the workings of procedure. Where a member is called to order, the most the Chair could do would be to require the member to resume his or her seat.
29. Even if one were to take the view that the Standing Orders could properly impose such a requirement, the Committee feels that an issue remains as to how to enforce a failure to carry out the duty (not least as some questions are answered by non-members, for example the Secretary General and the Clerk). The Committee wonders, for example, if the Chair would have to adjudicate on whether a person had complied with the duty to answer. That would then raise a question of whether a person found not to have answered a question should have a right of appeal against the finding.

#### **Circulation of questions and answers (SO 114)**

30. Concern has been raised with the Committee that the right under SO 114(3) to give a single answer to more than one question is being used to avoid giving a complete answer to some of the questions. The proposed solution of requiring an answer to be “sufficient” for each question does not strike the Committee as workable. Issues arise as to who would decide, and how, whether one answer to several questions was indeed “sufficient” for each. And as a general point, the Committee notes that different people answer questions in different ways; it may, with all good will, just not be possible to provide an answer of the precision or certainty which the questioner seeks.

#### **Supplementary questions (SO 115)**

31. Concern has also been raised with the Committee about the length of some supplementary questions, in particular those preceded by a prepared and prolonged preamble. In the Committee’s view, a member should rarely need to give context to a supplementary question, since it must be “*strictly relevant*” to the original question. Lengthy preambles reduce the number of questions reached and deprive other members of an opportunity to ask supplementary questions. The Committee proposes a requirement for short and succinct supplementary questions and a prohibition on

preambles unless strictly necessary. **Amendments 14 and 15 in the Annex would give effect to those proposals.**

32. The Committee notes that the Standing Orders do not prevent the Chair of question time from exercising discretion where more than two people want to ask supplementary questions. The only restriction is that the member who asked the original question has priority in asking the first supplementary. The Committee would therefore encourage the Chair, where possible, to select different members on different questions.

#### **Answering questions between groups of sessions (SO 117)**

33. The Committee proposes a minor amendment to SO 117 so that, for questions asked between groups of sessions, the text of each question and answer must be included in an annex to the report of proceedings for the next group of sessions. This proposal merely reflects what already happens in practice. **Amendment 16 in the Annex would give effect to that proposal.**

#### **Questions: supplementary information and corrections**

34. The Committee also proposes that, where a member asking a question is told in reply that further information will follow, the text of that further information must be sent to members, published online and appear in an annex to the relevant report of proceedings. Any correction required to an answer already given would also have to be circulated, published and included in an annex. **Amendment 17 in the Annex would insert a new SO 117A to give effect to that proposal.**

#### **Functions exercisable by Presidents jointly (or not)**

35. The Committee has reflected at length on the proceedings at July Synod in which some members sought a way for the former members of the Independent Safeguarding Board to address Synod. One proposal was for the Presidents to exercise the power under SO 120(1) "*to invite such persons as they see fit to address the Synod*". In the event, only the Archbishop of York was present in the chamber and the Chair ruled that the power was not exercisable by only one Archbishop.
36. Mr Gavin Drake (who was a member for Southwell and Notts but resigned his membership during the July Synod) referred to the Chair's ruling at the next day's proceedings, suggesting that the Chair had overlooked the rule of statutory construction that the plural includes the singular. The Committee assumes that Mr Drake had in mind section 6(c) of the Interpretation Act 1978, which provides that "*unless the contrary intention appears ... words in the singular include the plural and words in the plural include the singular*". Section 6(c) does not therefore impose an invariable rule; significant weight rests on the possibility of a "contrary intention".
37. The Committee notes that, under Article 4 of the Constitution, the Archbishops "*shall be joint Presidents of the General Synod*". Therefore the Presidency, by its nature, encompasses a joint responsibility. Article 13 of the Constitution goes on to acknowledge that by necessary implication—

*"Any functions exercisable under this Constitution by the Archbishops of Canterbury and York, whether described as such or as Presidents of the General Synod, may, during the absence abroad or incapacity through illness of one Archbishop or a vacancy in one of the Sees, be exercised by the other Archbishop alone".*

38. The Committee is advised that a reference in the Constitution to the exercise of a function of the Presidents is, as a starting point at least, to be read as a reference to the joint exercise of that function. That would then raise a contrary intention for the purposes of section 6(c) of the Interpretation Act 1978, with the result that the default rule that the plural includes the singular does not apply.
39. Article 13 does, though, provide limited exceptions to the joint exercise of Presidential functions “*during the absence abroad or incapacity through illness of one Archbishop or a vacancy in one of the Sees*”. In either of those cases, the other Archbishop may exercise a joint function of the Presidents.
40. The Committee is further advised that the reference in Article 13 to “*functions exercisable under this Constitution*” is broad enough to include functions exercisable under the Standing Orders. But, even if one were to argue that the reference does not have that breadth, section 11 of the Interpretation Act 1978 would require the Standing Orders to be read consistently with the Constitution. On either basis, then, references in the Standing Orders to the exercise of Presidential functions must be read as a joint exercise by them, unless either of the exceptions in Article 13 applies.
41. The Committee will continue to reflect on these matters but, for now at least, it does not propose any amendments.

#### **Contact details for Synod members**

42. The Committee proposes that members should have up-to-date email address for other Synod members. The Synod database no longer routinely records a member’s postal address. In the case of a member who has not provided an email address, the proposed list would include the postal address provided by that member to the Clerk. The Committee also proposes that the contact information provided should be used only for discussing Synod business, unless particular members agree otherwise. **Amendment 19 in the Annex would give effect to those proposals.**

#### **Standing without difficulty**

43. The Synod agreed in July to amendments qualifying the duty on members to stand so as to apply it only to those able to stand “without difficulty”. Two other amendments also agreed in July included the duty to stand but not the qualification (in case Synod did not agree to the amendments inserting the qualification). The first of the two amendments inserted a new SO 107A on further motions; the second added provisions to SO 127 on the Standing Orders Committee. Each of the amendments includes provision to apply the ‘25 member rule’ to debates. The Committee proposes to bring those provisions into line with the rest of the Standing Orders on standing “without difficulty”. **Amendments 13 and 18 in the Annex would give effect to that proposal.**

**Joyce Jones**  
Chair

October 2023

## ANNEX

## AMENDMENTS PROPOSED TO THE STANDING ORDERS

## Standing Order 22 (speech limit)

1. In Standing Order 22, after paragraph (4) insert—

“(5) Where the making of a speech requires assistance from an interpreter, the time limit for the speech is 1.5 times the time limit that is otherwise applicable at the time in question.”

**Explanatory statement:** *this amendment would provide for any speaker at Synod (whether or not a member) who needs an interpreter (whether because the speaker is deaf or for some other reason) to have 1.5 times as long as other speakers.*

## Consequential amendments

2. In Standing Order 22, in paragraph (1), for “or (3)” substitute “, (3) or (5)”.

**Explanatory statement:** *this amendment would provide for the general rule in SO 22(1) to apply subject to the special provision in the new paragraph (5) above.*

3. In Standing Order 32, in paragraph (3), after “for speeches” insert “and SO 22(5) (which extends the time limit for speeches by those who require an interpreter)”.

**Explanatory statement:** *this amendment would provide for the procedure on a motion for the speech limit under SO 32 to have effect subject to the new paragraph (5) above.*

## Standing Order 29 (order of consideration)

4. In Standing Order 29, in paragraph (1), after “otherwise” insert “; but an amendment which is consequential or otherwise dependent on another amendment is, regardless of where it strikes the text, to be considered after that other amendment”.

**Explanatory statement:** *this amendment would provide that consequential amendments will always be taken after the main amendment, even if they strike the text before the main amendment does.*

## Standing Order 43 (petitions)

5. In Standing Order 43, in paragraph (1), for the words from the beginning to “appoints” substitute “At such times in each group of sessions as the Business Committee appoints and subject to the following provisions of this Standing Order”.

**Explanatory statement:** *this amendment would remove the restriction that a petition may be presented only at the first or second session of a group of sessions.*

6. In Standing Order 43, in paragraph (1), omit “his or her desire to present”.

**Explanatory statement:** *this amendment would require the member in question to give notice of the petition itself and not merely notice of a desire to present it.*

7. In Standing Order 43, after paragraph (1) insert—



“(1A) Notice under this Standing Order must contain the full text of the petition and must be accompanied by evidence of support for its presentation from two or more members in addition to the member giving notice; and for this purpose, evidence is to be shown—

- (a) where notice is given in hard copy, by the signature of each of the members concerned;
- (b) where notice is given by email or fax, by such means as the Clerk considers adequate for the purpose.”

***Explanatory statement:*** *this amendment would require the notice of a petition to contain the full text of the petition and to be accompanied by evidence of support from at least two other members.*

8. In Standing Order 43, after paragraph (1) insert—

“(1B) The Clerk must delete from the text of a petition of which notice is given any content which the Clerk considers libellous, insulting or unseemly.”

***Explanatory statement:*** *this amendment would require the Clerk to remove from the text of the petition in the notice libellous, insulting or unseemly content.*

9. In Standing Order 43, after paragraph (1) insert—

“(1C) Where more than one notice under this Standing Order is given, the petitions are, unless the Chair directs otherwise, to be presented in the order in which the notices were given.”

***Explanatory statement:*** *this amendment would provide that petitions are to be presented in the order in which notice is given, unless the Chair directs otherwise.*

10. In Standing Order 43, for paragraph (2) substitute—

“(2) A member must, on being invited to present a petition, present it by stating its purport in a speech of no more than two minutes; and, in stating its purport, the member must not refer to any content deleted by the Clerk under paragraph (1B).”

***Explanatory statement:*** *this amendment is connected to amendment 8 and would provide that the member in question, when presenting the petition, must not refer to anything deleted from the text by the Clerk.*

11. In Standing Order 43, in paragraph (4), after “Committee” insert “; and the Business Committee must, at a subsequent group of sessions, provide the Synod with a written report or comment on the petition.”

***Explanatory statement:*** *this amendment would require the Business Committee to update Synod on a petition by, for example, explaining what it plans to do in response.*

### **Standing Order 78 (meaning of “liturgical business”)**

12. For the text of Standing Order 78, substitute—

““Liturgical business” means a service or other liturgical provision to be made under Canon B2 and which the Business Committee has determined is to be subject to one of the following procedures—

- (a) the procedure under SOs 79 to 88;

- (b) the procedure under SO 89;
- (c) the procedure under SO 90.”

**Explanatory statement:** *this amendment would clarify the definition of “liturgical business” by removing the current reference to designation and by including an express limitation of the definition to liturgical provision under Canon B2.*

#### **Standing Order 107A (further motions)**

13. In Standing Order 107A, in paragraph (5), after “to do so” insert “without difficulty”.

**Explanatory statement:** *this amendment would amend the new Standing Order 107A, agreed by Synod in July, to qualify the duty for members to stand so that it would apply only to those able to do so without difficulty.*

#### **Standing Order 115 (supplementary questions)**

14. In Standing Order 115, in paragraph (4), after “must be” insert “short, succinct and”.

**Explanatory statement:** *this amendment would expressly require a supplementary question to be short and succinct.*

15. In Standing Order 115, in paragraph (4), after “given” insert “; a supplementary question must not be preceded by a preamble, except in so far as that is strictly necessary for context”.

**Explanatory statement:** *this amendment would prevent a member from beginning a supplementary question with a preamble except where strictly necessary.*

#### **Standing Order 117 (answering questions between groups of sessions)**

16. In Standing Order 117, in paragraph (3), leave out “the answer must be included in” and insert “the question and answer must be included in an annex to”.

**Explanatory statement:** *this amendment would provide that, where a question is answered between groups of sessions, the text of the question, as well as the answer, must be included in the report of the proceedings for the next group of sessions.*

#### **After Standing Order 117**

17. After Standing Order 117, insert—

“117A Questions: supplementary information and corrections

- (1) This Standing Order applies where—
  - (a) the answer given to a question under SO 112, 115 or 117 is to the effect that further information will be provided to the member who asked the question, or
  - (b) it transpires that the answer given to a question under SO 112, 115 or 117 was to any extent incorrect,

- (2) The text of the further information or required correction must—
- (a) be sent to each member of the Synod,
  - (b) be published on the Synod website, and
  - (c) be included in an annex to—
    - (i) in the case of a question under SO 112 or 115, the report of the proceedings relating to the group of sessions at which the answer is given;
    - (ii) in the case of a question under SO 117, the report of the proceedings relating to the subsequent group of sessions.”

**Explanatory statement:** *this amendment would require that, where the answer to a question indicates that further information will follow or where a correction is required to an answer already given, the information or correction must be communicated to members and included in the report of proceedings for the next Synod.*

### **Standing Order 127 (Standing Orders Committee)**

18. In Standing Order 127, in paragraph (6E), after “to do so” insert “without difficulty”.

**Explanatory statement:** *this amendment would amend the new paragraph (6E) in SO 127, agreed by Synod in July, to qualify the duty for members to stand so that it would apply only to those able to do so without difficulty.*

### **After Standing Order 152**

19. After Standing Order 152 insert—

#### **“CONTACT BETWEEN SYNOD MEMBERS**

##### *152A. Contact between Synod members*

- (1) The Clerk must ensure that, before every group of sessions, each member is given an up-to-date list of all the members of the Synod; and the list must, for each member, specify the following—

- (a) the House to which the member belongs,
- (b) the number allocated to the member in the capacity as such,
- (c) the diocese which the member represents or, if the member does not represent a diocese, the basis on which that person is a member, and
- (d) an email address for the member or, if the member has not provided an email address, the postal address notified by the member to the Clerk.

- (2) A member may use the address of another member that is included under paragraph (1)(c) for the purpose only of communicating with that other member on matters relating to Synod; but that does not prevent two or more members agreeing between themselves to use their addresses for the purpose of communicating on other matters.”

**Explanatory statement:** *this amendment would ensure that members are given up-to-date contact details for all other members.*