

# National Church Governance Programme

## An Extract from GS Misc 910 The Governance of the Church of England and the Anglican Communion

### Chapter 3 on the Church of England

In their report on the National Church Governance Measure, the Revision Committee indicate that during their deliberations there appeared to be some misunderstanding about the purpose and scope of the legislation and that these misunderstandings lay to some extent in a broader lack of understanding about General Synod's powers, responsibilities and processes.

The Committee suggested that it would be helpful to provide essential background reading explaining the General Synod's constitutional position, its powers and its responsibilities.

A link is provided in the Committee's report to the paper: [The Governance of the Church of England and the Anglican Communion \(GS Misc 910\)](#) by Colin Podmore which surveys the respective roles of the General Synod and the Archbishops' Council and sets them in the broader context of the Church of England and the Anglican Communion. Although it was first published in 2009, its description of the role of the Synod and its relationship with other bodies remains true today.

Chapter 3 of that paper on the Church of England is attached here for ease of reference.

### III: The Church of England

- 3.1 The place of the diocese in the structure of the Church of England is reflected in the limitation of the General Synod's powers by Article 8 of its Constitution, under which certain Measures, Canons and ecumenical schemes can only be approved by the General Synod if they have been approved by the majority of the diocesan synods. None the less, the Church of England is not simply an aggregation of dioceses. In the middle ages it was called '*Ecclesia Anglicana*' in Latin and 'the Church of England' in English – not '*Ecclesiae Anglicanae*' or 'the churches of England'. The General Synod is not an assembly of diocesan deputations but the synod of a national church.
- 3.2 The Church of England comprises two provinces. The Archbishops of Canterbury and York are not only Primates (bishops of the 'first sees') 'of All England' and 'of England' respectively (roles which relate to the English nation as a whole), but are also the metropolitans of their respective provinces. All the bishops of the province owe 'due obedience' to its archbishop. Each archbishop has 'throughout his province at all times metropolitan jurisdiction, as superintendent of all ecclesiastical matters therein' and also has responsibilities with regard to the discipline of bishops and clergy. Each is 'within his province, the principal minister' and can approve liturgies for use in his province on occasions for which the Prayer Book, the General Synod and the Convocations have made no provision.<sup>16</sup> However, because the diocese is the fundamental unit of the Church the Archbishops do not 'govern' their provinces as a diocesan bishop governs a diocese. The Archbishops' metropolitan jurisdiction is supervisory in its nature.<sup>17</sup> It is inherent in their office, not delegated by or exercised on behalf of the General Synod, and they are not answerable to the Synod for the exercise of that jurisdiction.

#### The General Synod

- 3.3 The General Synod, created in 1970, comprises the two provincial synods (the Convocations of Canterbury and York), assemblies of the bishops and clergy which have existed since the middle ages and continue also to meet separately on occasion, together with a House of Laity.<sup>18</sup> The General Synod meets two or three times a year. Its functions are primarily legislative and deliberative.
- 3.4 The General Synod's legislative role contrasts with the mainly advisory and consultative role of diocesan synods, but it is a parliament, not a government or a body with executive powers. It legislates by Measure and Canon (using powers inherited from the former Church Assembly and the Convocations respectively). Measures need approval by both Houses of Parliament and, when they receive the Royal Assent, become part of the statute law of the realm. Canons do not require parliamentary approval (though it may be necessary for a Measure to make it lawful for the Synod to make provision by Canon for the matter concerned). They can only be promulgated if the Royal Assent and Licence has been received, but it is promulgation of the Canon by the Synod that gives it legal force.

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<sup>16</sup> Canon C 17.1,2,4; Canon C 14.1; Canon B 4.2.

<sup>17</sup> However, the Canons also provide for a metropolitan visitation, during which the jurisdiction of diocesan bishops is suspended and the archbishop has 'jurisdiction as Ordinary' (Canon C 17.2).

<sup>18</sup> For a survey of the history and principles, see C. J. Podmore, *Aspects of Anglican Identity* (London, 2005), ch. 7.

- 3.5 In addition to legislating by Measure and Canon, the Synod makes provision by order, regulation or instrument (either pursuant to a Measure or Canon, and hence with legal force, or otherwise). It also takes liturgical, ecumenical and financial decisions, approving liturgical texts for use as alternatives to the Book of Common Prayer, ecumenical agreements and the annual budget of the Archbishops' Council. Its deliberative function is 'to consider and express their opinion on any other matters of religious or public interest'.<sup>19</sup>
- 3.6 The General Synod consists of three Houses: the House of Bishops (comprising the Upper Houses of the Convocations), the House of Clergy (comprising the two Lower Houses) and the House of Laity. Each of the three Houses has an effective veto, in that when a vote is taken by Houses a majority in each House is required. Where a vote by Houses is not required by the Standing Orders or by twenty-five members (just under half of the membership of the House of Bishops), the assent of all three Houses is assumed.
- 3.7 A non-legislative instrument or resolution can be 'solemnly affirmed and proclaimed an Act of Synod', which is defined as 'the embodiment of the will or opinion of the Church of England as expressed by the whole body of the Synod'.<sup>20</sup> An Act of Synod does not have legal force, but it is the most solemn expression of the Church of England's position on the subject concerned and is regarded as morally binding. Other resolutions of the General Synod can also be taken as definitive statements of the Church of England's position, albeit not with the same solemn status, because they have the (explicit or implied) assent of all three Houses of the Church of England's representative body.
- 3.8 The Archbishops are the Presidents of their respective Convocations and joint Presidents of the General Synod. They have a proper role of presidency and leadership, for which the General Synod looks to them, but it is the House of Bishops collectively rather than the Archbishops individually whose role in the legislative and deliberative process at the national level is most comparable with that of the diocesan bishop in his diocesan synod. The House of Bishops has a veto within the General Synod (as do the other two Houses); the Archbishops do not.

### **The House of Bishops**

- 3.9 Historically, while in the Convocations the proposals of the Upper House (of bishops) required the consent of the Lower House (of clergy), the two houses were not equal. The role of the Lower House was to offer counsel to the bishops in their collective leadership of the Church in the province, and to give (or withhold) consent to their legislative proposals.<sup>21</sup>

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<sup>19</sup> Constitution of the General Synod, Article 6.

<sup>20</sup> Standing Order 40; cf. Constitution of the General Synod, Article 6.

<sup>21</sup> Cf. E. W. Kemp, *Counsel and Consent: Aspects of the Government of the Church as exemplified in the history of the English Provincial Synods* (London, 1961).

- 3.10 In the General Synod the three Houses now work together in a more collaborative way, but the House of Bishops continues to have a distinctive role and special responsibilities. It meets twice a year between the meetings of the Synod. There are also two non-synodical episcopal gatherings each year: a meeting of the diocesan bishops and a meeting of the whole college of bishops (including suffragan bishops and bishops who no longer occupy a see but have not yet retired).
- 3.11 The role and responsibilities of the House of Bishops derive in part from the provisions of the Synod's Constitution. Article 7 imposes special requirements in the case of 'a provision touching doctrinal formulae or the services or ceremonies of the Church of England or the administration of the sacraments or sacred rites thereof'. Such a provision can only be submitted for final approval in terms proposed by the House of Bishops. This is because the bishops are, by virtue of their ordination, guardians and overseers of the faith, liturgy and ministry of the Church and because all worship in a diocese takes place under the authority and oversight of the diocesan bishop. The General Synod's Standing Orders and the Constitution of the Liturgical Commission provide that liturgies are prepared and introduced into the Synod on the instructions of the House of Bishops.
- 3.12 Other aspects of the House of Bishops' role derive from the individual roles and responsibilities of most of its members as diocesan bishops. For example, since ministry in a diocese is undertaken on behalf of the diocesan bishop, who is the diocese's 'chief pastor' and 'principal minister', and it is diocesan bishops (or suffragan bishops to whom the responsibility has been delegated) who take decisions about ordination, it is natural that the diocesan bishops collectively, through the House of Bishops, should oversee much of the national work concerning selection and training for ministry.
- 3.13 Because bishops are ordained to be 'teachers' and 'guardians of the faith',<sup>22</sup> there is an expectation that the House of Bishops will take the lead in the Synod's consideration of doctrinal and theological issues (including issues of moral and pastoral theology) and of ecumenical agreements which touch on the faith and order of the Church. Any statement of the House of Bishops on such matters has an intrinsic authority which derives not from the Constitution of the General Synod but from the inherent individual and collegial authority of the House's members as teachers of the faith and guardians of sound doctrine, given to them in their ordination to the episcopate.

### **The Archbishops' Council**

- 3.14 Though the diocese is the fundamental unit of the Church, much work needs to be done at the national level. Some of this work supports and resources work done in the dioceses, and in other cases it is more efficient for work to be done centrally rather than in each diocese separately. The Church of England also needs to relate at the national level and internationally to other churches, to the Government, to national and international bodies, and to society at large. Various parts of this national work have historically been done by different bodies – some voluntary and some accountable in different ways to Parliament and/or to the General Synod or the House of Bishops. Until the creation of the

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<sup>22</sup> *Common Worship: Ordination Services*, p. 67: 'Make him steadfast as a guardian of the faith and sacraments, wise as a teacher and faithful in presiding at the worship of your people.'

Archbishops' Council under the National Institutions Measure 1998 there was no single body with responsibility for co-ordinating that work.

- 3.15 The objects of the Archbishops' Council, which meets six times a year, are 'to co-ordinate, promote, aid and further the work and mission of the Church of England'. The Archbishops' Council is required to lay its annual budget before the General Synod, to report to it on various matters and to give Synod members the opportunity to question its representatives. Like the Diocesan Boards of Finance, the Archbishops' Council is an incorporated, charitable body, the members of which are responsible for the proper management of its assets. It is the Synod's financial executive and the managing employer of its staff, most of whose work is overseen by boards and councils – committees of the Council whose representatives can, again, be questioned by members of the Synod. The Council seeks to ensure that the work of the National Church Institutions (the Council itself, the Church Commissioners, the Pensions Board and the offices of the Archbishops) is co-ordinated. It is responsible for applying and distributing the sums that the Church Commissioners (bishops, clergy and laypeople who co-operate in managing the church's historic assets at national level) are able to make available in support of the Church of England's ministry after their statutory responsibilities to finance the ministry of bishops and support that of cathedrals have been met.
- 3.16 Again, it is in the raising and application of the Church's financial resources that there are particular responsibilities that are appropriately exercised by those who represent the people who have contributed the greater part of those resources. As at the diocesan level, financial and policy considerations often need to be viewed synoptically, and where this is so the Archbishops' Council is the forum in which the insights of bishops, clergy and laypeople are brought together at a senior level.
- 3.17 The Archbishops of Canterbury and York are the joint presidents of the Archbishops' Council. However, its role is quite different from that of a bishop's council (despite the similarity of the names). A bishop's council is an advisory body, not an executive body. The Archbishops' Council, by contrast, is an executive body. Though it may offer advice to the archbishops (or anyone else), that is not its primary purpose, and indeed (as pointed out in para. 16) the archbishops do not in any case have a responsibility for government of the Church of England nationally that would be comparable with a diocesan bishop's role in his diocese.

### **The General Synod, the House of Bishops and the Archbishops' Council**

- 3.18 Creation of what came to be called the Archbishops' Council was recommended by *Working as One Body* (the report of the Archbishops' Commission on the Organisation of the Church of England, published in 1995). Speaking of the national level of the Church of England's life, the report asked, 'If the Synod is the Church's parliament, who or where is its government? Can the Synod be a 'governing body?' Its answer was that while the Synod 'has its own role in governance' it 'cannot be an executive body'. However, the report affirmed the importance of the Synod's legislative and deliberative functions.<sup>23</sup>

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<sup>23</sup> *Working as One Body: The Report of the Archbishops' Commission on the Organization of the Church of England* (London, 1995), pp. 65-67: paras 6.15, 6.19, 6.21.

- 3.19 The report was clear too as to the limitations, in an episcopal church, of a central co-ordinating and executive body. It saw ‘leadership’ (a different thing from ‘management’) as the responsibility of the House of Bishops:

‘The House of Bishops would exercise its leadership by developing, with the assistance of the Council, a vision for the broad direction of the Church, offering it for debate in the General Synod and the Church as a whole. This vision would in turn influence the work of the Council, which would seek the guidance of the House of Bishops on its overall plan and strategy and then present them to the General Synod for endorsement. Building on the model of the Bishop-in-Synod, this would allow the bishops collectively to offer leadership to the Church, while also taking counsel and seeking consent. The House of Bishops would elect two of its members to the Council, which would also include the Archbishops and other bishops who might be chosen to chair key Council committees.’<sup>24</sup>

The report explained, ‘It is appropriate for the House to offer such vision because it is a college of chief pastors and has the responsibility for oversight... But they would do so in consultation with the General Synod and the Council because the Church has a tradition of communal, as well as personal and collegial, *episcopate*.’<sup>25</sup>

- 3.20 Thus the introduction of the Archbishops’ Council as a co-ordinating and executive body was not intended to usurp the proper roles of the General Synod and the House of Bishops. The General Synod remains the ultimate body in which the bishops and representatives of the clergy and laity of the Church of England deliberate together and speak on behalf of the Church of England. The provision for voting by Houses makes it possible to ensure that statements enjoy the support of all three Houses and crucially (where matters for which the bishops have a particular responsibility, such as questions of faith and order, are concerned) that of the House of Bishops. The episcopate continues to have the right and the duty to lead and guide the Church, and this may be done through statements and reports of the House of Bishops. The resolution to which this paper responds is itself an example of the Synod looking to the House of Bishops for guidance.

### **‘Episcopally Led and Synodically Governed’?**

- 3.21 It is often said that the Church of England is ‘episcopally led and synodically governed’. *Working as One Body* commented, ‘This useful and convenient phrase may, however, tend to conceal the fact that the bishops are part of the synod and that the leadership they give is in and to the whole synodical body’.<sup>26</sup> That is, in fact, only one of a number of difficulties with the phrase ‘episcopally led and synodically governed’. (For example, laypeople also occupy leadership positions in the Church and its synods.) Both the Archbishop of York and the Bishop of Durham have criticized this phrase (not least in the debate on the resolution to which this paper responds), and it is indeed apt to mislead.

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<sup>24</sup> *Working as One Body*, p. 40: para. 4.11.

<sup>25</sup> *Working as One Body*, p. 75: para. 7.6.

<sup>26</sup> *Working as One Body*, p. 7: para. 1.19.

- 3.22 While it is true that the Church of England's bishops are charged with governing their dioceses synodically (ie, with the advice of the representatives of the clergy and laity in the diocesan synod and the bishop's council), the phrase can be heard as implying that the Church of England is governed by synods. As *Working as One Body* pointed out, synods are parliaments (legislative and deliberative assemblies); they are not governments. At the diocesan level, bishops not only lead but also govern and that has implications for the role of the House of Bishops at the national level.

#### **Discussions, recommendations and decisions**

- 3.23 The relationship between the discussions, recommendations and decisions of the General Synod, the House of Bishops and the Archbishops' Council is determined by their membership and their respective responsibilities, as outlined above.
- 3.24 The highest level of decision in the Church of England is a decision of the General Synod embodied in legislation by Measure or Canon. After that comes a resolution of the Synod that is solemnly affirmed and proclaimed an Act of Synod – 'the embodiment of the will or opinion of the Church of England as expressed by the whole body of the Synod'. Ordinary Synod resolutions come next in the hierarchy.
- 3.25 The Synod cannot usurp the responsibilities which the members of the House of Bishops have, individually and collegially, by virtue of their episcopal ordination and office. The Synod's Constitution makes it possible to ensure that it does not pass resolutions or take decisions that do not enjoy the support of the House of Bishops, but the synodical structure is also intended to ensure that members of the House of Bishops hear the views of the representatives of the clergy and laity. The House of Bishops is also expected to fulfil its individual and collegial teaching responsibility by issuing statements and teaching documents, and these have an inherent authority.
- 3.26 The Archbishops' Council's responsibilities are different in kind. Its status as an incorporated trustee body requires it to take decisions of a financial and practical nature, and in these decisions the lay voice will be strong. From time to time it will need to issue statements outlining the Church of England's position on various subjects, but these should reflect the decisions of the General Synod and the guidance of the House of Bishops. Ecclesiologically speaking, such statements do not have the inherent authority that statements of the House of Bishops or of the General Synod enjoy.