

## **Draft National Church Governance Measure and General Synod Standing Orders**

During the course of the work of the Revision Committee, a number of questions arose about the specific duties in the Measure being placed on the General Synod to make additional provision by Standing Orders.

As explained in GS 2360Y, The Report of the Revision Committee, issues arose around what matters should properly be included in the draft Measure:

*The Committee took the view that it was a matter for the General Synod to consider and determine how it would deal with its own procedures through provision in its Standing Orders and that the Measure should not generally impose legally binding constraints upon the way in which General Synod goes about its business.*

However, there are places in the draft Measure where the Committee considered that it was right and proper to ensure provisions were set out in primary legislation.

Clauses in the Measure which require further provision to be made in Standing Orders include:

- Clause 8 Funding by the Church Commissioners
- Clause 20 Synodical Scrutiny Committee
- Clause 21 and 22 Committee of Inquiry
- Clause 23 Accounts, reports etc
- Clause 25 Procedure on Orders

In order to assist the General Synod, the Governance Team have prepared this short note highlighting some of these areas of the Measure. It is not intended to be an exhaustive list, rather by setting out a few of the areas where the Measure invites Synod to make provision by Standing Orders, we hope to assist members better understand the way the legislation interacts with the power of the Synod to regulate its own business.

### **Lay Before Synod**

A number of places in the draft measure provide for documents to be laid before Synod. This is the usual phrase to indicate the presentation of material to Synod (usually as a GS Misc document).

Clause 8 makes a specific provision to give General Synod a formal means of expressing its views on what is to be included in the CENS financial framework whilst the framework is at a formative stage. Here the expression in the Measure is 'lay before the General Synod for its consideration in accordance with its Standing Orders'. The Measure makes clear a requirement to lay the proposals for the framework before Synod in a way that enables Synod to make its views known, but the exact procedure for such a debate is then left to be determined by Synod itself through its Standing Orders.

## **Annual Reports and Questions**

Clause 23 places a duty on each of the National Institutions to make an annual report to Synod. The Clause requires the Synod itself to make the detailed provision in its Standing Orders for how such reports are to be laid or debated and how trustees of the National Institutions may be questioned about them. These provisions are very similar to ones in the National Institutions Measure 1998 and are reflected in the Standing Orders in various ways; for example, in the detailed provisions around Questions.

## **Scrutiny and the Committee of Inquiry**

Clauses 20 to 22 of the draft Measure detail provisions that are proposed to develop the Synod's power to question the National Institutions through the new proposed scrutiny mechanism.

The Measure itself sets out quite a lot of detail here and requires that the Synod make Standing Orders to enable the mechanisms with some specific provisions about how Synod must do so.

The Revision Committee has set out in its report (paragraphs 56-59) its view that the revised clauses 20 to 22 were designed to enhance General Synod's existing powers of inquiry by providing for more regular co-operative engagement between the Synod and the NCIs. Furthermore, this should improve governance in the Church of England by encouraging a culture of openness and accountability which would build confidence and foster trust.

However, the clause does make clear that-it will be for Synod to make further provision in Standing Orders for the working of the Scrutiny Committee and the procedure for a Committee of Inquiry if called into being.

## **Conduct of Elections and Confirmation of Appointments**

There are a number of places in the draft Measure where reference is made to the conduct of an election, or the confirmation of an appointment, being in accordance with Standing Orders. These provisions ensure that elections and appointments are conducted in accordance with such procedure as the Synod itself agrees.

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