

## SYNOD REPORTS

### GENERAL SYNOD OF THE CHURCH OF ENGLAND

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This report covers the groups of sessions held in February and July 2005. The legislative business of both groups of sessions was relatively light, but a number of decisions were taken on other matters which are likely to lead to very significant pieces of legislation at a later date.

#### LEGISLATION

In February the principal item of legislative business was the revision stage of a further Church of England (Miscellaneous Provisions) Measure. Like previous such Measures, this will make a number of uncontroversial amendments to Church legislation — in this case mostly relating to functions of the Church Commissioners. However, it also includes provision allowing electronic voting to be introduced into the General Synod. Synod went on to give final approval to the Measure in July.

February saw final approval being given to the Pastoral (Amendment) Measure, which will enable the granting of leases of church buildings remaining open for worship in order to facilitate their community use (see (2005) 8 Ecc LJ 85). The Synod also dealt with the final elements in the legislative package giving effect to previously agreed proposals for changes in its size and composition (see (2005) 8 Ecc LJ 84). They took effect from the coming into being of the new Synod in November 2005, with a consequent reduction in its membership from 571 to 466.

In July the principal items of legislative business were the approval of a Code of Practice and Rules under the Clergy Discipline Measure 2003. These represent major elements in the substantial and complex process of implementing the 2003 Measure, with a view to its being brought fully into force on 1 January 2006. The Code, made by the Clergy Discipline Commission, offers general guidance and a description of best practice on dealing with complaints under the Measure. The Rules, made by the Ecclesiastical Rules Committee, lay down detailed procedural rules as to how such complaints are to be dealt with under the Measure, both by bishops and by bishops' disciplinary tribunals.

#### CLERGY CONDITIONS OF SERVICE

As regards other business with legislative implications, in February the Synod generally welcomed the recommendations made in the report on

the second phase of the Review of Clergy Terms of Service chaired by Professor David McClean. The first report of the review group, considered by the Synod in February 2004, had proposed that unbeneficed clergy should be given substantially the same rights as those conferred on employees under section 23 of the Employment Relations Act 1999 and that they should hold office on the basis of 'common tenure'—involving appointment until retirement, subject to the possibility of termination on grounds of misconduct or under a new 'capability procedure' (see (2005) 8 Ecc LJ 85). The report on the second phase of the group's work contained a corresponding recommendation in relation to clergy with the freehold. Whilst the Synod supported that proposal, it expressed 'grave reservations' about the review group's further proposals that, as part of the process of moving clergy with the freehold to common tenure, ownership of the church, churchyard and parsonage house should be transferred to the diocesan board of finance. Notwithstanding its reservations on that point, the Synod asked the Archbishops' Council to appoint an implementation group to follow up the recommendations in both reports and to bring forward legislation based on them as early as possible in the next quinquennium.

#### ORDINATION OF WOMEN TO THE EPISCOPATE

The other major issue discussed by the Synod at both groups of sessions was that of the ordination of women to the episcopate. In February the Synod 'took note' of the report of the House of Bishops' working party on this subject chaired by the Bishop of Rochester. It went on to ask that sufficient time be made available at the July group of sessions for the Synod to determine whether it wished to set in train the process for removing the legal obstacles to the ordination of women to the episcopate. At the end of the requested debate in July, the Synod passed a resolution (by a majority in all three Houses) declaring that the process for removing those obstacles *should indeed be set in train*, inviting the House of Bishops to complete and report to the Synod the assessment that it was making of the various options for achieving that end, and instructing the Business Committee to make time available in the February 2006 group of sessions for the Synod to determine on what basis it wanted the necessary legislation to be prepared. Accordingly, the next key point will be February 2006, when the Synod will determine the shape of any legislation and the provision (if any) to be made for those conscientiously opposed.

#### SENIOR CHURCH APPOINTMENTS

Further work was also commissioned by the Synod at the February group of sessions in relation to senior Church appointments, when it supported (in an amended form) a private member's motion calling for an integrated and consistent method for making appointments to senior ecclesiastical offices (other than diocesan bishops) to ensure that all such appointments are transparent. To that end the resolution asked the Archbishops' Council

to set up a working party to review the law and practice regarding the offices of suffragan bishop, dean, archdeacon and residentiary canon, including the role of diocesan bishops in making nominations to suffragan sees and the role of the Crown in the making of appointments. The working party has since been set up under the chairmanship of Sir Joseph Pilling and is expected to report in July 2006.

#### WINDSOR REPORT

Finally, at the February group of sessions the Synod welcomed the report from the House of Bishops accepting the principles set out in the *Windsor Report* of the Lambeth Commission on Communion. Although the House stated its support for the proposal made in the report for the drawing up of an 'Anglican Covenant' to make explicit the bonds which currently bind members of the Anglican Communion together, the resolution passed by the Synod did not touch on that proposal as such. Formal consideration of both the principle and the content of any 'Anglican Covenant' will accordingly have to await another occasion.

### THE GOVERNING BODY OF THE CHURCH IN WALES

*The annual report for the Church in Wales was not available  
at the time this Issue went to press.*

### SYNOD OF THE SCOTTISH EPISCOPAL CHURCH

#### IVOR GUILD

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The Synod in 2005 had none of the excitement of the Synod in England. No matters of general contention were on the agenda, and members assembled in a relaxed mood. The struggle for reconciliation in the Anglican Church, which was the subject of the opening address by the Primus, scarcely affected Scotland. Domestic issues prevailed.

#### CLERGY RETIREMENT

When the Canon dealing with retirement was passed it was not made clear that a cleric holding a stipendiary office on 15 July 1991 was not subject to compulsory retirement. This was clarified.