

THE GOVERNING BODY OF THE CHURCH IN WALES: RECENT LEGISLATION

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At the September 1995 meeting of the Governing Body, members faced a very full agenda, much of the business being of a legal nature. Only one item of legislation in fact completed its passage through the Governing Body, that being the **Canon to Implement the Porvoo Declaration**. The canon was promulgated on September 28th, the bill having had its second reading the previous day and its committee stage, report and vote under the accelerated procedure on the day of its promulgation. The Canon simply provides that the Church in Wales may join with the other churches listed in the canon's second schedule in making the Porvoo Declaration, which is set out in the first schedule to the canon. Only one amendment was made to the bill during its passage, and that, one of detail at the committee stage, when reference to the Church of Denmark in the list of the participating Churches was removed as a matter of courtesy following that Church's decision not to proceed with the process. The bill was entirely uncontroversial.

The same cannot be said for three other bills which had their second readings during the meeting. These were the bills

- To Permit Women to be Ordained as Priests;
- To Amend the Discipline of the Church in Wales with regard to Marriage and Divorce; and
- For the Removal of Doubt concerning Marriage after Divorce as an Impediment to Admission to Holy Orders.

All three received the necessary simple majority of members present and voting to enable them to proceed to their committee stage, which vote at the second reading is not a vote by orders. Although each had a substantial majority of members in favour, as no formal count was required due to the size of the majority, it was difficult to gauge whether there is likely to be a two-thirds majority among the order of clerics and the order of laity when the bills are finally put to the vote. The Governing Body decided that the committee stage, report and vote on the two Marriage and Divorce bills should be taken at the April 1996 Governing Body meeting without select committees being appointed. However, for the Bill to Permit Women to be Ordained as Priests, a Select Committee was appointed and that bill will return for its committee stage, report and vote therefore in September 1996.

The new **Bill to Permit Women to be Ordained as Priests** differs from that which was defeated in April 1994 in that it intends, subject to the provisions of the civil law relating to sex discrimination, to respect those who in conscience cannot accept the priesting of women. This it does by providing that no bishop shall be obliged to bring proceedings before the Provincial Court under section 18 (e) (i) or (ii) of chapter XI of the Constitution against any cleric or other member of the Church in Wales who dissents in conscience from the priesting of women. 18 (e) (i) is concerned with teaching, preaching, publishing or professing doctrine or belief incompatible with that of the Church in Wales, while 18 (e) (ii) concerns neglect of duties of office or conduct giving just cause for scandal or offence. Without the protection afforded by clause 2 of the bill, a bishop could be compelled to proceed

by twenty members of the Church in Wales, ten of whom at least must be from the same parish as the accused. The bill in effect leaves it entirely to the bishop's discretion whether to proceed with such charges. The bishops have produced pastoral guidelines to accompany the bill, which are not legally enforceable, setting out how they intend to ensure, within the limits set by the law relating to sex discrimination, that the consciences of those opposed to the priesting of women will not be compromised in the future if the bill is passed.

The Bill to Amend the Discipline of the Church in Wales with regard to Marriage and Divorce is also quite simple in structure. While upholding the teaching of the Church in Wales that marriage is a life-long union, it permits the remarriage of divorcees according to the rites of the Church in Wales during the lifetime of a previous spouse subject to the written permission of the diocesan bishop being obtained. The Bench is empowered under the bill to draw up regulations with regard to the granting of such authorizations, safeguarding the exceptional nature of such permissions. The bill also rehearses the statutory right of individual clerics to refuse to remarry divorcees in such circumstances or to allow the churches in which they minister to be used for that purpose.

The Bill for the Removal of Doubt concerning Marriage after Divorce as an Impediment to Admission to Holy Orders states simply that neither remarriage following divorce during the lifetime of a previous spouse nor marriage to a divorcee during the lifetime of that person's previous spouse shall in future be impediments to ordination in the Church in Wales, it being unclear whether such an impediment currently exists in the canon law of the Church in Wales. The issue is being treated separately from the general question of the remarriage of divorcees lest those with objections to the latter only might cause the former also to fail.

The Standing Committee of the Governing Body in its report indicated that it intended to bring before the Governing Body a bill to implement certain resolutions regarding an Archbishopial See made in April 1992. The bill will provide for Llandaff to become the permanent archiepiscopal see and for the removal of the archbishop at some future date to that diocese. It will also provide for a permanent post of Assistant Bishop of Llandaff to be created to assist the archbishop in that see in his capacity as diocesan bishop of it. The bill is expected to be controversial although the original resolutions were passed without dissent in 1992.

The Standing Committee also proposed two changes with regard to the running of electoral colleges to appoint bishops within, and an archbishop for, the Church in Wales. Firstly, it proposed that the period of 21 days allowed a Bishop-elect or an Archbishop-elect to accept or refuse his appointment should be extended to 42 days. Secondly, it recommended that the right of the Archbishop of Canterbury to choose a bishop for a Welsh see or an archbishop for the province in the event of failure to hold an electoral college or the failure of an electoral college to elect anyone within the three days allowed it to come to a decision should cease, as should the right of the Archbishop of Canterbury to choose a bishop in the event of the Sacred Synod, composed of the Welsh diocesans, refusing to confirm the choice of an electoral college. In all of these situations, it was proposed that the right of the Archbishop of Canterbury to fill the vacancy should pass to the Bench of Bishops of the Church in Wales. The proposals proved controversial and, as a result, the Chairman of the Standing Committee withdrew the recommendations for further consideration.

The Representative Body however were able to persuade the Governing Body to agree to amend the Church Fabric Regulations, the Redundant Churches Regulations, the Regulations Governing the Application of the Proceeds of Sale of Churches, Church Sites and Graveyards, and regulation 15 (1) (c) of the Churchyard Regulations (once again), which deals with the vexed question of inscriptions permitted upon gravestones. The Drafting Sub-committee of the

Standing Committee will now produce the required amendments for the consideration of the Governing Body in April 1996, when the Governing Body will also take the committee stage, report and vote on the Bill to Amend Chapter XI of the Constitution, which brings into force the new faculty procedure of the Church in Wales.

Next year's Governing Body meetings promise therefore to be as interesting as this September's session, and that not solely from a legal point of view.