

SYNOD NEWS

THE GOVERNING BODY OF THE CHURCH IN WALES

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At its April 1998 meeting at the University of Wales, Lampeter, as St David's University College is now officially known, the Governing Body of the Church in Wales approved several formal amendments to the Constitution prepared by the Drafting Sub-committee of its Standing Committee consequent upon decisions taken at the September 1997 meeting. Chapter II, section 11(1), was amended to allow persons on the electoral roll of a Welsh parish to serve on the Governing Body even if they were not and had never been resident in the Province. Chapter III, section 26(b), was amended to allow the Finance and Resources Committee of the Representative Body to authorise by a three-quarters majority the sale, lease, exchange or disposal of any consecrated site or church or other building thereon, or the sale or disposal of ornaments, vessels or instruments used in connection with the sacraments, provided the written assent of the diocesan bishop has been obtained. Previously a three-quarters majority of the Representative Body itself had been required. By amendment to chapter XII, section 16, the Representative Body, or the appropriate committee thereof, is now obligated to consider in every case whether part-time stipendiary clergy should enjoy pension benefits proportional to those enjoyed by their full-time colleagues, and section 20 of the Maintenance of Ministry Scheme has been amended to provide that cathedral chapters may enjoy an additional grant each year of a sum equal to the stipend of a cathedral chaplain. Finally, the Churchyard Regulations have been amended so as to allow, under section 15, the incorporation of a photograph or engraving of the deceased upon a gravestone, subject to the approval of the archdeacon, and, under section 17, silk flowers may now be placed upon graves in churchyards belonging to the Church in Wales.

The Governing Body, on the motion of the Standing Committee, also agreed in principle certain changes which will necessitate amendment to the Constitution at its next meeting. The membership of the Standing Committee itself is to be reduced by the exclusion of the two chairmen of divisions of the Board of Mission. In future only the chairman and deputy chairman of the board will be members, the change resulting from the fact that the board now reports to the Governing Body via the Bench of Bishops and not directly via the Standing Committee. It was also agreed that the Constitution should be amended to clarify the executive powers of Representative Body committees so as to ensure that executive decisions, as opposed to policy decisions, do not have to wait for the annual meeting of the Representative Body for authorisation, but can proceed upon the decision of the appropriate committee or sub-committee.

The Governing Body also approved the inclusion in the Constitution of a prefatory note explaining the theological, historical and legal context in which the Constitution is set. The Standing Committee is charged with finalising the wording of this preface, which was originally suggested by the Working Group on the Constitution chaired by Mr W. H. John. A reorganisation of the contents of volume II of the Constitution was also agreed, full details of which will be sent to subscribers with their next mailing of constitutional amendment sheets.

Another result of the recommendations of the John Working Group on the Constitution was the introduction of a Bill to Amend Bill Procedure. This had its first reading at the April meeting, which is a formal introduction of the Bill with no

debate or discussion. It will have its second reading in September, and a consideration of its contents is therefore postponed until then. One of its provisions, however, is worthy of note at this juncture: it removes the need for formal first readings of Bills.

One of the more controversial items on the April agenda was the proposal to create an ecumenical bishop in Wales, to serve within areas where local ecumenical projects are in place. The motion, which is in a common form before the assemblies of the several covenanting Churches within Wales, asked 'That in pursuance of the Covenant, into which we have entered with other Churches to work and pray for visible unity in Wales, the Church in Wales resolves to take steps appropriate to its polity to bring into being an Ecumenical Bishop in Wales who shall be in full communion with us as with all other Churches party to the scheme'. It was noted that this would entail the introduction of a Bill which would give full expression to the Church in Wales' understanding of the episcopate and ensure that all necessary steps were taken to enable the Welsh Church to give full recognition to the bishop. A vote by orders was requested on the motion, and the voting was as follows:

| | <i>For</i> | <i>Against</i> |
|---------|------------|----------------|
| Bishops | 6 | 0 |
| Clergy | 53 | 29 |
| Laity | 78 | 38 |

Although there was a clear majority in each order for the proposal, it was equally clear that there is not a two-thirds majority among the clergy and only barely that among the laity. A two-thirds majority in favour in each order is needed for the success of a Bill in its final stage before the Governing Body under the existing constitutional provisions regarding Bill procedure, and, as it currently stands, the Bill to Amend Bill Procedure does not propose any change to this rule, the John Report having specifically supported its retention.

The most controversial item on the agenda, however, was undoubtedly the motion welcoming the statement by the Bench of Bishops on remarriage after divorce, and supporting the Bench's proposal to issue guidelines to the clergy with regard to the exercise of their ministry in 'this difficult and sensitive area'. Readers of this series may recall that a Bill to allow divorcees to be remarried according to the rites of the Welsh Church subject to the written permission of the diocesan bishop was defeated in April 1996 (4 Ecc LJ 601). As your correspondent then wrote, this defeat left

'unanswered an intriguing legal question. Until now, the discipline has been based upon clerics being instructed by their diocesan bishops not to perform such marriages, the clerics being bound to conform as a matter of canonical obedience and the Welsh bishops having agreed to maintain uniformity of practice. Hitherto, undoubtedly, one or more bishops could have changed their approach. The question is now whether they are still free to do so given the Governing Body has refused to sanction such a change'.

In February of this year, the six Welsh diocesan bishops issued a joint statement on *Marriage and Divorce* in which they withdrew their previous advice against, and prohibition of, the remarriage of divorcees by clerics of the Church in Wales during the lifetime of a former spouse. They based their decision to act unilaterally in this matter upon legal advice received from the Legal Sub-committee of the Standing Committee which stated that it was not lawful for them to interfere with the discretion given to clerics under the Matrimonial Causes Act 1965, s 8(2), to decide unilaterally as a matter of conscience whether to officiate at such weddings. The interpretation of this sub-section, which has no statutory or case law foundation, contradicts the understanding of the law upon which the Welsh bishops have consistently acted since 1938, and which practice has never been challenged by disappointed parties or the state. Indeed, the previous practice had been accepted without

demur by both the Faculty Office of the Archbishop of Canterbury and the Registrar General's Office within the last decade and a half. Inevitably, there was widespread suspicion that the Bench had acted unilaterally in order to circumvent the risk of further defeat in the Governing Body. There was also considerable dissatisfaction with the manner in which the statement had been issued to the press before many clergy received their copies of it.

Resentment on both counts led to an unsuccessful attempt to amend the motion by dividing it into two parts, one welcoming the statement and the other supporting the guidelines. Following the defeat of the amendment, however, a point of order was raised by the Revd Stephen Kirk, a law graduate who is also a graduate from the Cardiff Master's course in canon law. He queried whether it was open to the Governing Body to welcome a statement which arguably contradicted the doctrine and teaching of the Church in Wales as enshrined in canons passed by the Governing Body. The canons in question were those for Revision of the Book of Common Prayer (Holy Matrimony), promulgated in 1974, and for Revision of the Book of Common Prayer (The Catechism), promulgated in 1982. The former contains the rubric that:

The Church teaches that marriage is the lifelong union of one man and one woman, and is dissolved only by the death of either party

while the latter states, in answer to the question:

What is Holy Matrimony?

Holy Matrimony is a life-long union, instituted by God, into which a man and a woman enter.

After adjourning to take the advice of his Assessor, the Chairman ruled that the point of order *prima facie* contained an arguable issue of substance and that it would therefore be improper for the Governing Body to consider the motion as the statement it purported to welcome might be challenged before the Church's own courts. Accordingly, the motion was withdrawn. The Governing Body did, however, give leave for the proposed guidelines to be discussed. An informal discussion ensued, and the guidelines are to be finalised later this summer. However, there remains a distinct sense of unease in the relationship between the Bench of Bishops and the Governing Body and uncertainty about the exact status of the episcopal statement following the success of the point of order and the Chairman's ruling. The bishops have, however, made it clear that, as far as they are concerned, their statement stands.

THE GENERAL SYNOD OF THE CHURCH OF IRELAND

MICHAEL DAVEY

The Bills which were brought successfully to General Synod this year were administrative in nature.

The first Bill was presented at the request of the House of Bishops. On the election of an Archbishop of Armagh, or the election or confirmation of election by the House of Bishops of a person already in Episcopal Orders, there was no provision in the Constitution for any delay in taking up office. The purpose of the Bill was to enable the House of Bishops to determine the date, within a period of 3 months from the date of the election, upon which such translation would take place.

The second Bill proposed a number of improvements in the benefits provided by the Pensions Fund. Normal pensionable age was reduced from 67 to 65. The manner of calculation of years and months of service was revised as were the arrangements