

THE GOVERNING BODY OF THE CHURCH IN WALES: RECENT LEGISLATION

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At its April 1994 meeting at St. David's University College of Wales, Lampeter, the Governing Body dealt with an agenda containing several items of considerable legal significance. These ranged from the minimum length of service required to qualify for a clergy pension to the question of whether women might be ordained to the priesthood.

The Governing Body agreed to amend chapter XII of Volume I of the Constitution so that a cleric who had rendered two years pensionable service within the Church in Wales should qualify for a pension, rather than five years as was previously required (section 7(1)). Also, sections 21, 22 and 23 of chapter XII were amended so as to allow clergy widows to go on receiving their Clergy Widows' Pension even if they remarried. Previously, the pension entitlement ceased upon remarriage. It was explained during the course of the meeting that this did not mean that a twice-widowed clergy spouse would get a double pension. In the event of a clergy widow remarrying a serving cleric and again becoming a widow, the entitlement would be to whichever of the two pensions was the greater in value.

An amendment to the *Regulations for the Administration of Churchyards* was also agreed, so as to allow the simple and appropriate inscription previously allowed on a gravestone under regulation 15(1)(c) to include a simple cross inscribed upon the stone.

The most important item of business at this meeting was without doubt the Committee Stage, Report and Vote on the *Bill to Enable Women to be Ordained as Priests*. Prior to the Committee Stage, the Bench of Bishops requested the Governing Body to approve two sets of Regulations, both concerned with the making of hardship payments to clerics who chose to resign from the stipendiary ministry of the Church in Wales. One set would come into effect in the event of the Bill's passing; the other, in the event of its failing. Both sets were confined to alleviating hardship among such clerics and did not contemplate automatic compensation payments. The payments would only be available to clerics who were serving in the full-time stipendiary ministry of the Church in Wales on the day the Bill either passed or failed and who were unable to go on serving because of the bill's success or failure. To qualify for consideration for hardship payments, the cleric would have to resign every office, title and preferment held in the Church in Wales and vacate any parsonage held by him or her by virtue of holding office. In addition, the cleric would be required to sign a Declaration undertaking to be bound by the Regulations, as upon resignation the cleric might otherwise cease to be bound by the Constitution of the Church in Wales. All such resignations would have to take effect within one year of the Bill's passing or being defeated.

A cleric who fulfilled these conditions and believed that he or she was suffering hardship, or believed that his or her family – meaning the spouse, issue or other dependent relative of the cleric – was suffering hardship, could apply for an award from a specially constituted tribunal. This tribunal is to consist of the Archbishop, the Chairman of the Standing Committee, the cleric's Diocesan, the Chairman of the Representative Body and a fifth person nominated from the Diocesan Conference of the cleric's diocese. The first four members may nominate others in their stead, i.e., the Archbishop may nominate another Diocesan, the other Diocesan may nominate another bishop, the Chairmen of the Standing Committee and the Representative Body may nominate another member of the Committee or of the Representative Body respectively. There must however be five members. The tribunal is charged with considering every application presented to it and with determining whether an award is to be made and the amount of such an award. A cleric may not however receive more than twice his or her annual stipend by means of any one or more awards and is not eligible to receive a payment until his or her parsonage has been vacated. The tribunal determines its own procedure and can call for such evidence of the cleric's circumstances as it deems fit to assist it in its deliberations. If the cleric is dissatisfied with the tribunal's decision, he or she may make representations to it within one month of its decision being communicated to him or her, and the tribunal is then charged to reconsider its decision but on no more than one occasion. Otherwise, the decision of the tribunal is final. No application is to be considered more than two years after a resignation has taken effect and all monies disbursed by the tribunal are charged against the Maintenance of Ministry Fund from which clerical stipends are paid.

The Governing Body approved both sets of Regulations, one to cover those who resigned if the Bill passed, the other those who resigned if the Bill failed. The latter set were, as presented, limited to providing for payments to female clerics only, but this restriction was removed by amendment from the floor of the Governing Body.

The Regulations having been approved, the Governing Body proceeded to consider the Bill itself. At the Committee Stage, the Select Committee set up by the Governing Body in April 1993 reported that no amendments of detail to the Bill had been received. This was reported to the Governing Body at the end of the Committee Stage and the Governing Body proceeded to debate the motion that the Bill be passed. After a lengthy debate, the vote was taken by secret ballot – the first occasion ever that the Governing Body has resorted to this method in its seventy-four year history since Disestablishment. The Bill received the requisite two-thirds majority in the Order of Laity, but failed to achieve that number in the Order of Clergy. Under the Constitution, the Order of Bishops votes last after the results of the other two orders have been announced. After withdrawing for private debate, as the Constitution permits, the Bishops voted and there was a two-thirds majority for the Bill in that order. The Bill therefore failed, but as there was a two-thirds majority in two of the three orders, the bishops may re-introduce it at any time. Had it failed in two or more orders, it could not be re-introduced for three years.

The Bill having been rejected, the *Regulations made by the Governing Body of the Church in Wales to govern the making of awards to alleviate hardship among clerics who resign from the ordained ministry of the Church in Wales as a consequence of the rejection of the Bill to enable Women to be Ordained as Priests* came into force and effect forthwith.