

SYNOD NEWS

THE GENERAL SYNOD OF THE CHURCH OF ENGLAND

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The principal item of legislative business at the July Group of Sessions was the Church of England (Pensions) Measure, which had received final approval in November 2001 (see 6 Ecc LJ 298). On its submission to the Ecclesiastical Committee of Parliament, the Committee indicated that it opposed the inclusion of a power (exercisable by statutory instrument passed under the negative resolution procedure) to extend beyond 2011 the power enjoyed by the Church Commissioners under the Pensions Measure 1997 to spend capital to meet their pre-1998 pensions liabilities. The Ecclesiastical Committee preferred that any further extension of that power should be achieved by a fresh Measure.

The Legislative Committee of the General Synod did not believe that the Ecclesiastical Committee's views raised any question of principle: had the Church been aware of them before the Measure was passed, proper account would have been taken of them when drafting it. In re-introducing the Measure to General Synod, therefore, the Legislative Committee proposed amendments to give effect to the Ecclesiastical Committee's views, together with others to reflect comments made on its drafting by that Committee. All the proposed amendments were accepted by the Synod, which then went on to give the Measure Final Approval in its amended form. It was accordingly re-committed to the Legislative Committee for re-submission to the Ecclesiastical Committee.

The Synod also gave approval to the usual Fees Orders. In the case of the Legal Officers (Annual Fees) Order 2002, however, approval was only given (by 182 votes to 120) after a debate in which the First Church Estates Commissioner opposed the passing of the Order on the ground that above-inflation increases in the annual retainer could no longer be sustained without a thorough re-examination of the present system.

The Synod also returned to the vexed question of its own reform, in response to a report by the Business Committee seeking clarification of various matters arising out of the debate in July 2001 on the more controversial proposals of the Bridge Report (see 6 Ecc LJ 298). The Synod requested that legislation be introduced under which its total membership should be no greater than 500, with provision for the various special constituencies of membership affirmed in the July 2001 debate (other than retired clergy). The contentious issue of the respective sizes of those constituencies was, however, deferred, with the group set up to draft the legislation being left to make proposals in that respect.

Other legislation for which the Synod paved the way was that required to give effect to the proposals for the reform of marriage law contained in the Government's White Paper *Civil Registration: Vital Change*. The Synod approved the making of a positive response to those proposals and set up a group to prepare draft legislation in so far as that was required.

Turning to non-legislative matters, the Synod rejected a private member's motion moved by the Bishop of Woolwich calling for a reform in the method of appointing bishops, so as to detach the process from any involvement with Downing Street and the Monarchy. Various amendments canvassing a range of more or less radical changes to the present system were moved and lost, as in the event was the original motion itself: plainly, this was an area in which the Synod was opposed to any significant change.

Finally, the Synod returned to the controversial issue of Marriage in Church after Divorce, considering a report following up the recommendations of the working party chaired by the Bishop of Winchester which reported in 2000. Under the recommendations made by the Winchester group, clergy would have been entitled to conduct services of further marriage, subject to complying with 'national pastoral criteria'. Advice from the Synod's Legal Officers attached to the new report confirmed that no change was required to Canon B 30 to allow the introduction of a marriage discipline which permitted marriage in church after divorce. But it identified a difficulty in requiring compliance with 'national pastoral criteria', in that to do so could be inconsistent with the conscientious right of objection conferred upon officiating clergy by section 8 of the Matrimonial Causes Act 1965. In the view of the majority of the Synod's Legal Officers, however, there was no objection to the giving of *advice* to clergy to enable them to decide whether to take advantage of that right in particular cases.

The new report recognised that for these, and pastoral reasons, the decision as to whether or not to conduct a service of further marriage should lie with the clergy concerned. It therefore recommended that the House of Bishops should merely issue guidance to clergy, to inform the exercise of their conscientious right of objection. The majority of the Synod's Legal Officers considered that approaching the matter in that way was consistent with both the 1965 Act and the Human Rights Act 1998.

The Synod accepted the report's recommendations, passing a resolution which, whilst affirming that marriage should always be undertaken as a life-long covenant, recognised that some marriages regrettably do fail and that there are exceptional circumstances in which a divorced person may be married in church during the life-time of a former spouse. It went on to recognise that the decision as to whether or not to conduct such a marriage rests with the clergy concerned, and to invite the House of Bishops to issue its proposed guidance.

This approach is inconsistent with the existing regulations of the Convocations of Canterbury and York (which prohibit the use of the marriage ser-

vice in cases of further marriage) and the Synod accordingly gave general approval to the rescission of the relevant parts of those regulations. Under the provisions of Article 7 of the Synod's Constitution, the resolution to that effect was subsequently referred to the House of Bishops, with the possibility of the Convocations and the House of Laity calling for a reference of the business to them before it is taken back to the Synod for final approval.

THE GOVERNING BODY OF THE CHURCH IN WALES

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*This report covers the meetings of the Governing Body in April and
September 2002.*

April 2002

The April meeting was confined to a single day of formal business, the Standing Committee having reached the conclusion that with a relatively light agenda on this occasion, it was a more efficient use of resources to have one full day's business than spread the work of the session over two days. The meeting took place shortly after the death of Her Late Majesty Queen Elizabeth the Queen Mother and at the start of the meeting all present stood in silence as a mark of respect to her.

Two private member's motions were proposed. The first, taking note of the then imminence of the Earth Summit 2002, called for a letter endorsing the aims of the Summit to be sent to the Prime Minister, to the First Minister of the National Assembly for Wales and to the United Nations and urged each diocese, deanery and parish to mark the occasion of the Summit with acts of worship and prayer and also encouraged parishes to consider joining the Eco-congregation Environmental Action Programme.

The second motion looked to the continuing instability and violence in Israel/Palestine and the resulting implications for vulnerable groups and communities and urged the case for prayer and negotiation to resolve the problems. This resolution had originally been tabled for consideration at the Governing Body's meeting in September 2001 but was withdrawn on that occasion following the events of September 11 which were noted in an emergency motion.

Both of these motions were discussed and both passed without opposition.

Apart from various regular business items, the other item of note on the agenda for April was a presentation on the proposals to create an Ecumen-