

UNCORRECTED TRANSCRIPT OF ORAL EVIDENCE

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HOUSE OF LORDS  
HOUSE OF COMMONS  
MINUTES OF EVIDENCE  
TAKEN BEFORE  
THE ECCLESIASTICAL COMMITTEE

UNCORRECTED ORAL EVIDENCE  
GENERAL SYNOD (REMOTE MEETINGS) (TEMPORARY  
STANDING ORDERS) MEASURE

TUESDAY 6 OCTOBER 2020

10.30 am

Evidence heard in Public

Questions 1 - 3

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# HOUSE OF LORDS

## Oral Evidence

Taken before the Ecclesiastical Committee

on Tuesday 6 October 2020

### Members present:

Baroness Butler-Sloss (Chair)  
Sir Peter Bottomley  
Fiona Bruce  
Baroness Eaton  
Lord Faulkner of Worcester  
Sir Roger Gale  
Baroness Harris of Richmond  
Lord Jones  
Lord Judd  
Stephen Timms

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### **Examination of Witnesses**

Geoffrey Tattersall QC, Chair of the Steering Committee for the Measure; the Reverend Alexander McGregor, Chief Legal Adviser to the General Synod; the Reverend Canon Simon Butler, Prolocutor of the Convocation of Canterbury and Chair of the House of Clergy of the General Synod; Christopher Packer, Legislative Counsel to the General Synod.

## Examination of witnesses

Geoffrey Tattersall QC, the Reverend Alexander McGregor, the Reverend Canon Simon Butler and Christopher Packer.

Q1 **The Chair:** We are now in public session. We have two members of General Synod present, and one member of General Synod is joining us remotely. May I welcome you to the hybrid meeting of the Ecclesiastical Committee? A number of members are present in the committee room in the House of Lords. We are, of course, observing social distancing. Others are attending remotely, most of whose faces we can see.

We are here to welcome Mr Geoffrey Tattersall QC, chairman of the steering committee for the Measure; the Reverend Alexander McGregor, the chief legal adviser to General Synod; and the Reverend Canon Simon Butler. No member has yet declared a relevant interest. If any member of this Committee wishes to do so, would they do so now? Thank you very much.

Would you be kind enough to introduce this General Synod (Remote Meetings) (Temporary Standing Orders) Measure?

**Geoffrey Tattersall:** On 24 September this year, the Measure was finally approved by the General Synod. The synod had convened with a minimal quorum in each House because of social distancing. Nobody who wished to attend was prevented from doing that, although there were volunteers to attend. The Measure passed through all its legislative stages in that day, and a number of matters were raised during the revision stage, which I can speak to if necessary.

You will see, from paragraph 19 of the comments and explanations, that all present voted in favour at final approval, with no votes against and two recorded abstentions. We had to pass this Measure in synod because the constitution of the General Synod is a creation of statute, being set out in Schedule 2 to the Synodical Government Measure 1969, which provides that, for members of General Synod to vote, they must be present together in the same place.

At the current time, we cannot meet with 500 people in the same place. Indeed, at the moment, it seems impossible to predict the extent and duration of this pandemic or what restrictions will follow from it, either locally or nationally. It follows that, if the General Synod is to undertake any business at all, we have to try to find a way that allows us to do so, by working either completely remotely or in a hybrid fashion, with some present and some joining remotely, just as this Committee is doing now.

The Government, unfortunately, could not find parliamentary time to pass legislation to do this for the General Synod. Therefore, in accordance with our constitution, it is necessary for us to do this by Measure. We were warned by the legal adviser to the synod that, unless we pass this Measure, we cannot transact any business remotely and we

will not, in fact, be able to transact any business at all until we can meet physically in the normal way.

That will cause problems for the Church because we have business that requires to be transacted. We have the Archbishops' Council's budget to be approved, which is a statutory requirement. There is other time-critical business and legislative orders. There is legislation, such as the Cathedrals Measure, before the synod. There is also amending safeguarding legislation to take account of the recommendations of the 2019 *Anglican Church Case Studies* report by IICSA, which is to be published this very day. The synod is hoping to meet remotely next month, on 23 and 25 November.

The Measure is fairly self-explanatory. Clause 1 provides that the temporary Standing Orders will be made for these purposes by the officers of the synod: the presidents, the prolocutors, and the chair and vice-chair of the House of Laity. However, the position remains that, having made the Standing Orders, it is for the synod alone, as a whole, to amend, extend, revoke or revive them.

You will see that it does not include Article 7 and Article 8 business. Article 7 business is synodical business concerned with "doctrinal formulae or the services or ceremonies of the Church of England or the administration of the sacraments" and the like. An amendment was put to the synod by one member that that business should be included. That was defeated, largely because synod appreciated that, although this would prevent Article 7 business being transacted under this Measure, if this Measure was passed, the synod could meet remotely and, at some stage in the future, could decide, if appropriate, to allow Article 7 business to take place.

Clause 2 deals with two matters: consultation and publication. Clauses 2(1) and 2(2) refer to what consultation must take place with the Business Committee and the Standing Orders Committee, and expressly provides that consultation undertaken before the commencement of the Measure is as effective as that undertaken after its commencement.

Clause 3 tells us how the special Standing Orders will operate. They come into force the day after they are published, but the first item of business for the first synod thereafter is the approval of those Standing Orders, which can be done either unamended or amended. If they are approved, the Standing Orders come into force for a period of 12 months but synod can then decide that they should not cease to be in operation and shall continue in operation for such period as the synod specifies. Even if they have expired, they may be revived, either amended or unamended, and special Standing Orders will have effect notwithstanding any inconsistent provisions in the Constitution, which requires the physical presence of members.

Clause 4 deals with the amendment of the special Standing Orders in the usual way: namely, a report from the Standing Orders Committee is put to the synod, and the synod decides of its own volition whether to accept

or reject those amendments. There is an annexe to the illustrative comments and explanations, which sets out an illustrative draft of the temporary Standing Orders, which, as you can see, are pretty uncontroversial; they will simply allow us to meet and transact our business in a remote or hybrid way.

Finally, we did our best to adopt an approach that we hoped would find a consensual basis for this Measure, so that, although the Measure was first published in July 2020, the Steering Committee invited informal suggestions for its amendment. The Steering Committee then met and considered them, and caused a revised Measure to be issued, which incorporated some of those suggestions.

There was then a question-and-answer session at the synod, where members were able to ask the Steering Committee questions about how it would operate in practice, which is a first for synod, but it was a helpful way of trying to make sure everybody was happy with the draft Measure. Then, of course, there were proposals for amendment, which were considered and voted on by the synod in the usual way.

The synod having overwhelmingly passed this Measure, I would ask it to find favour with the Committee.

**The Chair:** Thank you very much for your very helpful and clear explanation. Mr McGregor, do you want to add anything?

**Alexander McGregor:** No, thank you, not at this stage.

**The Chair:** Canon Butler, did you want to say anything?

**Simon Butler:** I am here as one of the six officers of the General Synod who will make the Standing Orders, and I am happy to answer questions, if there are any.

**The Chair:** But you do not need to say anything in support of what Mr Tattersall said.

**Simon Butler:** He had said everything that needs to be said, I believe.

Q2 **Baroness Harris of Richmond:** I hope I have not missed this in the reading of the Order. The Measure is very straightforward and I am sure that we would all support it. What would be a quorum for remote meetings? How will voting take place, if it is necessary?

**Geoffrey Tattersall:** The quorum will remain the same, which is one-fifth of the members of each House. The numbers vary from time to time because, believe it or not, bishops, clergy and even laity retire. One-fifth will still be the quorum. Voting will be a matter for the Business Committee to determine. People are rightly concerned that voting should go well, but I know that the Business Committee has been in contact with the parliamentary authorities to make sure that we gain as much intelligence as we can as to how you can do things properly and sensibly.

**The Chair:** You should look at how the House of Lords is doing it. I have

been voting remotely, extremely successfully, for several months. It is much easier to do it remotely.

**Geoffrey Tattersall:** These practical matters are of fundamental importance. They are in hand, and the Business Committee is well aware of the task that it faces.

Q3 **Lord Faulkner of Worcester:** Do our friends have any idea at all when they expect the Measure to lapse? Are they confident that the power is there for as long as it will be needed?

**Geoffrey Tattersall:** Once the special Standing Orders have been made by the Officers of the synod, whether they continue in force or lapse is a matter for the synod. I am sure the synod will be very mindful of the fact that it is very difficult to predict how life will be anytime soon, and one would hope that the synod will take that into account. The best thing is for us all to meet together and exchange views in the normal way, but that is normal life, which unfortunately we do not have at the moment.

**The Chair:** Basically, they are likely to carry on as long as the pandemic is raging.

**Geoffrey Tattersall:** I am sure that is right.

**The Chair:** That is what one would expect.

**Geoffrey Tattersall:** Yes. For example, there will be a completely remote meeting of the synod in November. Whether it will be the same in February, I do not know. Hopefully, it will not be the same in July, but who knows? I live in Manchester, so there we are.

**Alexander McGregor:** Were the synod to allow the special Standing Orders for remote meetings to lapse on the basis that it was thought they were no longer needed, and then another pandemic came along or this one came back, or something like that, the synod would, under the provisions of this Measure, be able to revive the lapsed special Standing Orders and would be able to do that at a remote meeting, even though they had lapsed.

**The Chair:** You do not need to come back to Parliament.

**Alexander McGregor:** Quite.

**The Chair:** That is a relief. Thank you all very much. Mr Tattersall and Mr McGregor, we are very grateful to you for your help.