

GENERAL SYNOD
LEGISLATIVE COMMITTEE
Channel Islands Measure
Comments and explanations

The Channel Islands Measure makes provision for the Channel Islands to be transferred from the Diocese of Winchester to the Diocese of Salisbury.

The Measure also makes new provision to simplify the process for applying existing Church Measures to the Channel Islands and makes minor and consequential amendments to other legislation.

Introduction

1. The Legislative Committee of the General Synod, to which the Measure entitled Channel Islands Measure ('the Measure') has been referred, has the honour to submit the Measure to the Ecclesiastical Committee with these Comments and Explanations.

Summary of the Measure

2. In July 2018 the Archbishop of Canterbury appointed a commission chaired by Lord Chartres to consider and report on the relationship between the Channel Islands and the wider Church of England. The appointment of the Commission followed a breakdown in the relationship between the Channel Islands and the Diocese of Winchester which had its origins in a 2008 safeguarding issue involving a vulnerable adult and the way in which that issue was dealt with. The Archbishop's Commission reported in September 2019 and recommended that the Channel Islands ('the Islands') should be attached to the Diocese of Salisbury (instead of the Diocese of Winchester, as is currently the case) and that a Measure should be introduced to enable this change in oversight.¹ Further information about the background is contained in the Commission's Report which is annexed to these comments and explanations.
3. The Channel Islands Measure gives effect to the above recommendation of the Archbishop's Commission by providing for the Islands to be attached to the Diocese of Salisbury by Order of Her Majesty in Council. As the Crown has no prerogative power under English law to alter the extent of dioceses or to change episcopal jurisdiction, the statutory power conferred by the Measure to make such an Order is needed for that purpose.
4. Additionally, the Measure provides a new, simplified process for extending existing Church Measures (which, being United Kingdom legislation, do not automatically extend) to the Channel Islands.
5. The Measure also makes some minor and consequential amendments to other legislation.

¹ See recommendation (7) on page 27 of the report.

The provisions of the Measure

Section 1 – Attachment of Channel Islands to diocese of Salisbury

6. Section 1(1) provides for Her Majesty by Order in Council to attach the Islands (referred to in the Measure for technical, legal reasons as ‘the Bailiwicks’) to the Diocese of Salisbury instead of to the Diocese of Winchester and to transfer the relevant episcopal jurisdiction from the Bishop of Winchester to the Bishop of Salisbury.
7. The changes provided for in the Measure will not take effect in the Islands until after the consents of their respective legislatures have been obtained. The Measure does not set out the processes for obtaining the consent of the Islands’ legislatures to the making of Orders in Council. There are established processes for that purpose which involve the Islands’ legislatures approving the terms of a draft Order in Council prior to its being submitted to the Privy Council Office. Those processes will be followed in respect of Orders to be made for the purposes of the Measure.
8. Section 1(2) to (5) makes provision for defining the term ‘the Bailiwicks’ that is used in the Measure to take account of the Islands’ particular territorial jurisdictions.
9. Section 1(6) enables the attachment of the Islands to the Diocese of Salisbury, and the transfer of episcopal jurisdiction, to be achieved by a single Order in Council applying to both the Bailiwicks, or by two Orders, one for the Jersey Bailiwick and one for the Guernsey Bailiwick.
10. Section 1(7) provides that an Order in Council may make consequential, supplementary, transitional or transitory provision.
11. Section 1(8) makes it clear that if the attachment of the Islands to the diocese of Salisbury and the transfer of episcopal jurisdiction is carried out for both Bailiwicks under a single Order in Council, the Order may make different provision in relation to each Bailiwick so that any particular provision that may be required in relation to each Bailiwick may be made.

Section 2 – Section 1: consequential amendments

12. Section 2 makes amendments to other Measures that are necessary in consequence of the attachment of the Islands to the Diocese of Salisbury and the transfer of jurisdiction to the Bishop of Salisbury.

Section 3 – Application of Measures to Channel Islands

13. The Channel Islands (Church Legislation) Measures 1931 and 1957 provide a process under which Measures passed by the General Synod may be applied to the Islands with or without modifications. That process is a detailed one, involving a number of prescribed steps that have to be taken.
14. At the request of the Islands (and unrelated to their transfer to the diocese of Salisbury), section 3 will enable any existing Church Measures to be applied to the Islands more simply, under processes created by the Islands under the law of their respective jurisdictions.
15. The statutory procedure under the 1931 and 1957 Measures for applying Measures to the Islands – which provides for the Bishop to take the initiative – will remain available in the

event that any difficulty arises in the application of Measures to the Islands under their own processes.

Section 4 – Church representation for Channel Islands

16. At the request of the Islands, section 4 makes amendments to the Channel Islands (Representation) Measure 1931 ('the Representation Measure') to bring the provisions relating to the Islands' church electoral rolls up to date, so that they make equivalent provision to the Church Representation Rules (i.e. the rules for church representation contained in the new Schedule 3 to the Synodical Government Measure 1969 which was substituted by the Church Representation and Ministers Measure 2019).
17. Section 4(1) accordingly amends section 4 of the Representation Measure so that – as in England – a person who is a member of a Trinitarian Church not in communion with the Church of England is qualified for inclusion on the church electoral roll provided that he or she is prepared to declare him- or herself also to be a member of the Church of England.
18. Section 4(2) reduces the minimum age requirement for inclusion on the church electoral roll from 17 to 16, in line with the Church Representation Rules.
19. Section 4(3) substitutes different content for the application form for enrolment on the church electoral roll so that it accords with the amendments that are being made to the qualifications for inclusion on the roll.

Section 5 – Commencement and short title

20. Section 5(1) provides for sections 1 and 3 to come into force on the day on which the Measure is given Royal Assent. Orders in Council can then be made at any time after that. The Islands will also be able to proceed immediately to apply any existing Measures under their own legal processes.
21. Section 5(2) provides for section 2 to come into force on the commencement of the Order or Orders that attach the Islands to the Diocese of Salisbury as it is only at that point that references in other legislation to Winchester will need to become references to Salisbury.
22. Section 5(3) provides for section 4 to come into force on a day appointed by Order in Council – either an Order made under section 1 or an Order specially for the purpose under section 5.
23. Section 5(4) provides the short title of the Measure.

Proceedings in the General Synod

24. Unusually, all the legislative stages for the Measure – First Consideration, Revision Stage, Final Approval – were taken at a single group of sessions of the General Synod in February 2020 (rather than across a number of groups of sessions). The Archbishops' Council requested that the Synod deal with the Measure in this way for the following reasons.
25. First, the Measure was narrowly focussed in policy terms. The question was essentially whether the Islands should be attached to the Diocese of Salisbury. As the answer to that was either in the affirmative or the negative, there would have been no detailed questions of policy to be considered by a revision committee. For the same reasons, there did not seem to be any need for several months to elapse between the Revision Stage in Full Synod and the Final Approval Stage to enable members to consider further whether they supported the Measure.

On that basis, it was unlikely that any advantage would have been gained by spreading the various stages of the Measure over two or more groups of sessions.

26. Secondly, the Archbishops' Council, the Islands and the Diocese of Salisbury wished to progress matters as soon as reasonably possible. The recommendations in the report of the Archbishop's Commission had been endorsed by the Deanery Synods of Jersey and Guernsey and by the Salisbury Diocesan Synod. No objection had been raised by the Diocese of Winchester. The Islands had been under the temporary episcopal care of the Right Reverend Trevor Wilmott (Bishop of Dover until 2019) since 2014. Until the question of the transfer of the Islands to the Diocese of Salisbury was decided, the Islands were effectively in a state of suspension with only ad hoc arrangements for episcopal ministry and without the ability to plan for the future, in particular the future mission of the Church of England in the Islands. Important decisions concerning the Church in the Islands were unlikely to be taken until the question of transfer to Salisbury was decided.
27. The General Synod's Business Committee agreed to allocate time in the agenda to enable the Synod to consider the Measure in the way proposed by the Archbishops' Council. Accordingly, the various legislative stages were taken on different days within a four-day group of sessions.
28. On Monday 10 February, following a presentation given by Lord Chartres on the report of the Archbishops' Commission, the Synod proceeded to the First Consideration Stage for the Measure. The motion on First Consideration was carried on a show of hands. The Measure passed the Revision Stage, without any amendments being moved, on Tuesday 11 February. The Final Approval Stage was taken on Thursday 13 February.
29. The voting on the motion for the final approval of the Measure was as follows—

	In favour	Against
Bishops	26	0
Clergy	94	1
Laity	117	2

Conclusion

30. The Legislative Committee invites the Ecclesiastical Committee to issue a favourable report on the Measure. Should the Ecclesiastical Committee require any further information or explanation, the Legislative Committee stands ready to provide it.

On behalf of the Legislative Committee

Geoffrey Tattersall

Deputy Chair

June 2020