

**GENERAL SYNOD
LEGISLATIVE COMMITTEE**

**General Synod (Remote Meetings) (Temporary Standing Orders)
Measure**

Comments and explanations

The General Synod (Remote Meetings) (Temporary Standing Orders) Measure makes provision for the General Synod to meet and transact business remotely, in accordance with temporary special standing orders made for that purpose by the officers of the Synod.

The draft Measure requires that any special standing orders made under it are subject to approval (with or without amendment) by the General Synod at its next meeting. Any special standing orders automatically expire after 12 months unless that period is extended by resolution of the Synod. Special standing orders that have ceased to be in operation may be revived by resolution of the Synod (whether at a physical or at a remote meeting).

Introduction

1. The Legislative Committee of the General Synod, to which the Measure entitled General Synod (Remote Meetings) (Temporary Standing Orders) 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. The Measure makes provision for the General Synod to meet and transact business remotely, in accordance with temporary special standing orders made jointly by the Archbishops, the Prolocutors of the Lower Houses of the Convocations of the Clergy, and the Chair and Vice-Chair of the House of Laity ('the officers of the Synod').
3. The Measure requires that special standing orders made under it are subject to approval (with or without amendment) by the General Synod at its next meeting. Special standing orders automatically expire after 12 months unless that period is extended by resolution of the Synod. If special standing orders have expired or have been revoked by the Synod, they may be revived by resolution of the Synod (whether at a physical or at a remote meeting).

Background

4. Coronavirus restrictions mean that it is not practically possible for the General Synod to meet in the usual way, with 500 people gathering in the same place. It is not known when it will again be possible to do so. Nor is it currently possible, under the Synod's Constitution and Standing Orders, for the Synod to transact business remotely, as the Constitution and Standing Orders

operate on the basis that the Synod's members will be together in the same place to conduct the Synod's business.

5. There is important business which the Synod needs to address. This includes amending safeguarding legislation to take account of recommendations contained in the 2019 'Anglican Church Case Studies' report from the Independent Inquiry into Child Sexual Abuse (IICSA).
6. Additionally, obtaining the approval by the General Synod of the Archbishops' Council's budget for 2021 is a statutory requirement under the National Institutions Measure 1998. Other time-critical business includes approval of various legislative Orders for 2021. If a new Legal Officers (Annual Fees) Order is not made by the end of this year, diocesan and provincial registrars will not be entitled to be paid annual retainers next year. The Payments to the Churches Conservation Trust Order 2017 expires at the end of March 2021 and must in theory be renewed by February 2021 at the latest, but in practice it needs to be renewed by November 2020 to allow time for it to be laid before Parliament for 40 sitting days.
7. It is therefore necessary for the General Synod to be able to meet and transact business remotely if it still not be possible by November 2020 for it to meet in the usual way.

Proceedings in the General Synod

8. The Government was not able to make Parliamentary time available for legislation by Bill to enable the General Synod to meet remotely. It is therefore necessary to legislate by Measure. Accordingly, the Archbishops, as Presidents of the General Synod, summoned a special session of the Synod which took place on 24 September 2020.
9. Following the circulation of an initial draft of the Measure in July, members of the Synod were invited to submit comments and suggestions. A number of comments and suggestions were received and in the light of these, a number of changes were made to the initial draft. The draft Measure was then formally introduced in the Synod in that form.
10. All the Synodical stages for the Measure (First Consideration, Revision in Full Synod, Final Drafting and Final Approval) were taken at the special session on 24 September. In order to facilitate social distancing and other measures to prevent the spread of Coronavirus, only just over a quorum (i.e. one-fifth) of the members of each House of the Synod were in attendance. Although entitled to attend, other members refrained from doing so.
11. The First Consideration Stage (the equivalent of Second Reading for a Bill) was taken on the morning of 24 September and the motion that the Measure be considered for Revision in Full Synod (the equivalent of a Committee of the Whole House) was carried.
12. Revision in Full Synod accordingly followed and the Synod considered a number of amendments proposed by members. The amendments of substance considered by the Synod were as follows.
13. The Synod agreed an amendment (now section 1(3)) so that the officers of the Synod may exercise the power to make special standing orders for remote meetings only once, and may not amend or revoke special standing orders. This was agreed on the basis that once special standing orders are in existence, any decision to amend or revoke them should be for the Synod itself, as provided for in section 4.

14. The Synod also agreed amendments so that where special standing orders for remote meetings have expired or been revoked, the Synod may nevertheless pass a resolution to revive them at a remote meeting, and may resolve to revive them in an amended form. See section 3(6).
15. The Synod rejected an amendment to bring business concerning doctrine and liturgy within the scope of the provision for remote meetings. While there was some support for the amendment, members who spoke against it were concerned that business of that nature was of potentially great significance and were concerned that it might not receive satisfactory consideration if members were not physically present to deliberate on it.
16. The Synod rejected an amendment which would have limited the business that could be debated at a remote meeting to business which the officers of the Synod had certified as sufficiently urgent. The Steering Committee for the Measure expressed the view that such a provision would be too restrictive and that decisions as to what business should be taken at a remote meeting should be decided by the Synod’s Business Committee, just as that body decided the business that was to be included in the agenda for a physical meeting of the Synod.
17. The Synod also rejected an amendment to insert a new clause containing a sunset provision for the Measure as a whole, so that it would expire on 30 November 2021 unless the Synod resolved to keep it in force. The Steering Committee expressed the view that a sunset provision for the Measure itself was unnecessary and undesirable. The fact that special standing orders made under the Measure were subject to sunset provisions ensured that remote meetings could not become an ongoing means of conducting business without the Synod’s consent. And if the Measure were allowed to expire, it might be necessary for a fresh Measure to be passed, in similar circumstances to those which obtain now, to enable the Synod to hold further remote meetings.
18. The Final Drafting Stage and Final Approval Stage were taken in the afternoon of 24 September. The Steering Committee made one minor drafting amendment, to insert the words “(whether under this section or under section 4)” in section 3(6). The amendment puts it beyond doubt that the Synod may pass a resolution to revive special standing orders for remote meetings whether they have expired by lapse of time, or if they have been revoked.
19. The voting on the motion for the final approval of the Measure was as follows—

	In favour	Against
Bishops	14	0
Clergy	41	0
Laity	46	0

Two members recorded abstentions.

The provisions of the Measure

Section 1 *Power to make special standing orders for remote meetings of General Synod*

20. Section 1(1) is the principal provision of the Measure and enables remote meetings of the General Synod to be held. It does so by empowering the officers of the General Synod (as defined in subsection (2)) to make temporary special standing orders. Special standing orders may provide for persons to participate in meetings of the General Synod without all the persons, or any of the persons, being together in the same place. It will accordingly be possible for meetings to be held on a ‘hybrid’ basis with some members physically attending and others participating remotely; or alternatively, with all members participating remotely. Participating in meetings of the Synod includes attending, speaking and voting.
21. The drafting of section 1(1) closely follows section 78(1)(d) and (2) of the Coronavirus Act 2020 which provides for remote meetings of local authorities. As the Synod’s position in this matter has some similarity to that of local authorities – it is a statutory body subject to similar statutory provisions as to how it conducts business – it was decided to follow a recent relevant precedent.
22. An illustrative draft of special standing orders that might be made under section 1(1) is annexed to these Comments and Explanations.
23. Section 1(2) defines the officers of the General Synod as being the Archbishops, Prolocutors and the Chair and Vice-Chair of the House of Laity. These six officers of the Synod already have some specific functions under the Constitution of the General Synod, including acting on behalf of the Synod to cancel or vary arrangements for groups of sessions previously made by the Synod, and conclusively determining certain questions as to whether requirements of the Constitution are met. The making of special standing orders for remote meetings of the Synod in the current situation was considered to be similar in nature to functions the six officers already have.
24. Section 1(3) provides that the officers of the Synod may exercise the power to make special standing orders only once, and that they may not amend or revoke special standing orders. Any amendment or revocation of the special standing orders, once they are in existence, is to be made by the Synod itself as provided for in section 4.
25. Section 1(4) enables special standing orders for remote meetings to disapply or modify provisions of the Synod’s normal standing orders. This will mean that special standing orders can adjust the Synod’s usual procedures in order to accommodate things that need to be done differently when meeting remotely.
26. Section 1(5) excludes article 7 and article 8 business from the scope of any special standing orders made under the Measure.
27. Article 7 business is synodical business that is concerned with making “provision touching doctrinal formulae or the services or ceremonies of the Church of England or the administration of the Sacraments or sacred rites thereof”. Article 7 business is subject to special procedures involving the possibility of references to the Convocations and the House of Laity.
28. Article 8 business is synodical business that is concerned with making a “Measure Canon providing for permanent changes in the Services of Baptism or Holy Communion or in the

Ordinal, or a scheme for a constitutional union or a permanent and substantial change of relationship between the Church of England and another Christian body being a body a substantial number of whose members reside in Great Britain”. Article 8 business is subject to special procedures that involve references to diocesan synods and, in some cases, special majorities in the General Synod.

29. The effect of section 1(5) is that it will not be possible for article 7 or article 8 business to be transacted at a remote meeting of the General Synod.
30. Section 1(6) provides for the possibility of there being a vacancy among the six officers of the General Synod. If that is the case, the power to make special standing orders is exercisable by the holders of those offices which are not vacant.
31. Section 1(7) defines “the Constitution” by way of reference to the Synodical Government Measure 1969 where the General Synod’s Constitution is set out in Schedule 2.

Section 2 Consultation on and publication of special standing orders

32. Section 2(1) requires the officers of the General Synod to consult the Synod’s Business Committee and Standing Orders Committee before making special standing orders for remote meetings.
33. Section 2(2) enables the consultation to be carried out before the Measure comes into force.
34. Section 2(3) requires the officers of the General Synod to ensure that any special standing orders for remote meetings are published on the Church of England website at least 10 days before the first meeting of the Synod after the special standing orders come into operation (see section 3(1)). It also requires the officers to ensure that a copy of the special standing orders is sent to each member of the Synod.
35. Section 2(4) enables the publication of the special standing orders required by section 2(3) to take place before the Measure comes into force.

Section 3 Operation of special standing orders

36. Section 3 makes provision concerned with the operation of special standing orders for remote meetings. It includes certain safeguards which, taken together with section 4, preserve the General Synod’s ability to control its own proceedings.
37. Section 3(1) provides for special standing orders for remote meetings to come into operation on the day after the day on which they are made. They initially remain in operation until the General Synod has decided whether to approve them.
38. Section 3(2) requires that the first business at the first meeting of the General Synod held after special standing orders come into operation must be the question of whether to approve the special standing orders. The Synod’s options will be to approve the special standing orders in the form in which they were made by the officers of the General Synod, to approve them in amended form, or to decline to approve them.
39. Section 3(3) provides that the approval (with or without amendment) of the special standing orders by the Synod will be subject to the Synod’s procedure for the approval of regulations and other instruments. But the requirement in section 2(3)(a) for the publication of special standing orders at least 10 days before the first meeting of the Synod replaces the usual

deadline in the Synod's standing orders for providing members with draft instruments for approval.

40. Section 3(4) is a sunset provision. Any special standing orders for remote meetings expire 12 months after they are approved (with or without amendment) by the General Synod. But that is subject to section 3(5) which enables the Synod, if it wishes, to postpone the expiry of special standing orders, and to section 3(6) which enables the Synod to revive special standing orders which have expired or have been revoked. They may be revived in amended form if the Synod so decides. And a resolution to revive standing orders that have expired or been revoked may be debated at a remote, or at a physical, meeting.
41. Section 3(7) provides that special standing orders for remote meetings are to have effect even if there are inconsistencies between the special standing orders and provisions in the Constitution of the General Synod or in its normal Standing Orders. This means that special standing orders will be able to make provision for remote meetings even though doing so will conflict with provisions in the Constitution or normal Standing Orders – for example, by providing that a person may vote without being present (despite it being a requirement of the Constitution that members be present in order to vote).

Section 4 *Amendment of special standing orders*

42. Section 4 makes provision so that the Synod may subsequently amend or revoke special standing orders for remote meetings. Any subsequent amendments will be subject to the usual synodical procedure for amendments to standing orders. That involves a report from the Synod's Standing Orders Committee and the Synod deciding whether to approve proposed amendments.

Section 5 *Short title and commencement*

43. Section 5(1) provides for the short title of the Measure.
44. Section 5(2) provides for the Measure to come into force on the day on which it is passed (i.e. the day on which it receives Royal Assent).

Conclusion

45. 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

Annex

ILLUSTRATIVE DRAFT OF SPECIAL STANDING ORDERS FOR REMOTE MEETINGS

STANDING ORDERS MADE UNDER SECTION 1 OF THE GENERAL SYNOD (REMOTE MEETINGS) (TEMPORARY STANDING ORDERS) MEASURE

These Standing Orders are made on []

Remote meetings

- (1) The Standing Orders of the General Synod apply with the following modifications.*
- (2) A reference to sessions of the Synod includes a reference to sessions which persons may attend, speak at, vote in, or otherwise participate in without all of the persons, or without any of the persons, being together in the same place.*
- (3) A reference to a place where sessions of the Synod are held, or are to be held, includes a reference to more than one place, including electronic, digital or virtual locations, web addresses or conference call telephone numbers.*
- (4) A person is to be regarded as present at sessions of the Synod at any given time if the person is at that time able to hear and be heard, and where practicable see and be seen, by the other persons present and by members of the press and public.*
- (5) A reference in this Standing Order to being present at sessions of the Synod includes a reference to being present by electronic means, including by telephone conference, video conference, live webcast or live interactive streaming.*
- (6) This Standing Order has effect in spite of any inconsistent provision in the Standing Orders of the Synod; and any such provision is accordingly to be ignored.*