

RECENT LEGISLATIVE DEVELOPMENTS

B. J. T. Hanson

Registrar and Legal Adviser to the General Synod

The main legislative business was, of course, the final approval motions for the Women Priests Legislation. The whole of Wednesday 11 November was devoted to the debate.

The final approval motion for the main Measure was moved by the Bishop of Guildford, the Rt Revd Michael Adie, and the Archdeacon of Leicester, the Venerable David Silk, was given equal time to put the case for the opponents of the legislation. Although all arguments for and against had been rehearsed up and down the land on numerous occasions over the last decade there were no fewer than 213 members of Synod who had given notice of wanting to speak in the debate. By the time the winding up speeches of David Silk and Michael Adie started at 4.15 p.m., some 45 members had managed to catch the Chairman's eye. Of that total, 16 were clergy (including three women deacons) and 17 laity of whom 11 were women.

The remarkable thing about the vote was the incredibly high turn-out in all Houses. All eligible bishops attended and only two absences were recorded in the House of Clergy and none in the House of Laity. The voting was as follows:

	Ayes	Noes	Percentage in favour
Bishops	39	13	75.00
Clergy	176	74	70.40
Laity	169	82	67.33

Thus, the two thirds majority required by the Constitution was achieved in all three Houses and it was possible for the Synod to go on to consider the two Canons (C 4B and Amending Canon No 13) and the Financial Provisions Measure. There was no debate on these final approval motions and all three items of legislation were approved with the simple majorities required.

The two Measures are now committed to the Synod's Legislative Committee where a report for the Ecclesiastical Committee of Parliament is prepared. It is anticipated that the Report will be sent to Parliament towards the end of February and will be considered by the Ecclesiastical Committee soon after that. One cannot guess how long that stage will take but it is estimated that there could be debates in both Houses in the Summer of 1993 leading to Royal Assent before the Summer recess if affirmative resolutions are given by both Houses. Only after Royal Assent can the Petition be submitted to Her Majesty for the Royal Licence to promulge the Canons. It is doubtful whether the Licence could be ready for promulgation of the Canons in November 1993 and, if that date is missed, the next available Sessions for promulgation would be in July 1994. Obviously, it will only be lawful to ordain a woman to the priesthood once the Canons have been promulged.

At the November Sessions the Ecclesiastical Rule Committee submitted two sets of rules in readiness for the implementation of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. In a short debate on the Faculty Jurisdiction Rules, concern was expressed that the procedure would be more complicated than the previous system and more expensive. In replying to the debate the Vicar General of Canterbury, Chancellor Sheila Cameron, emphasised the fact that, if the ecclesiastical exemption was to be retained, the

Department of National Heritage and the amenity societies needed to be reassured that the Church's system was as good as the secular system. Subject to certain modifications made to the draft Rules by the Rule Committee and three amendments carried by the Synod, the Rules were approved. The Injunctions and Restoration Orders Rules were also approved without debate. Both the 1991 Measure and the two sets of Rules are due to come into force on 1 March 1993. It is hoped that the Code of Practice being prepared in the General Synod Office will also be available by that date.

The Synod also gave general approval to the Care of Cathedrals (Supplementary Provisions) Measure. This makes provision for enforcement if a cathedral administrative body fails to observe the requirements of the Care of Cathedrals Measure 1990 relating to changes in the fabric or furnishings of the cathedral. The procedures are based on the enforcement provisions contained in the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. There is to be a two-stage procedure: first, the bishop will seek to remedy any apparent contravention of the 1990 Measure by private interview and, if he deems it appropriate, administrative action through a special visitation. Only if these procedures are unsuccessful would proceedings be instituted in the Vicar General's court. The draft Measure now goes to a Revision Committee.

The Pastoral (Amendment) Measure was also generally approved and will be considered in a Revision Committee. The draft Measure is the result of a review by Mr Richard Wilding CB carried out at the request of the then Department of the Environment and the Church Commissioners into the working arrangements of the Redundant Churches Fund following the Department's agreement to accept responsibility for 70% of the Fund's costs. The draft Measure makes the necessary amendments to the Pastoral Measure 1983 as recommended by the Wilding Report. The opportunity has also been taken to make certain other amendments to Part III of the Measure which the Commissioners consider to be desirable.

A debate was requested by the Archdeacon of Bath on the Ecclesiastical Judges and Legal Officers (Fees) Order 1992. In his view, no expenditure of this magnitude should be accepted by the Synod without a debate, hence his request. The debate lasted half an hour after which the Order was approved without a division.