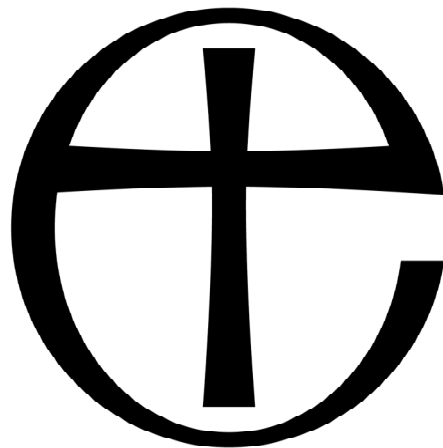


The Consecration of Women to the Episcopate

REFERENCE

**of Draft Legislation to the Diocesan Synods
2010**



DRAFT BISHOPS AND PRIESTS (CONSECRATION AND ORDINATION OF WOMEN) MEASURE AND DRAFT AMENDING CANON NO 30

Reference under Article 8 of the Constitution of the General Synod

INTRODUCTION

1. Article 8 of the Constitution of the General Synod provides that certain kinds of legislation may not receive the final approval of the General Synod unless they have first been approved by the majority of diocesan synods¹. Legislation to enable women to become bishops falls within the scope of Article 8, hence this reference of the draft Bishops and Priests (Consecration and Ordination of Women) Measure and draft Amending Canon No 30 to dioceses.
2. On the instructions of the Business Committee of the General Synod, we are circulating four documents under cover of this note:
 - (1) A Background note on the history of the legislative proposals;
 - (2) The text of the draft Bishops and Priests (Consecration and Ordination of Women) Measure and draft Amending Canon No 30;
 - (3) An Explanatory Memorandum relating to the draft Measure and draft Canon.
 - (4) A copy of the response form which diocesan secretaries need to send the Clerk to the Synod recording the diocesan decision. The responses need to reach the Clerk **before 5pm on Monday 14 November 2011**;

ACTION BY DIOCESAN SYNODS

3. In considering the legislation diocesan synods will, no doubt, wish to consider both the underlying issues of principle lying behind what is proposed and the way in which the General Synod has sought to reflect those principles in the specific provisions of the draft Measure and Amending Canon. The issue for each diocese is whether it is willing to give its approval to the legislation in the form in which it has been referred to it by the General Synod.
4. For the purposes of Article 8, the General Synod needs, therefore, to have from each diocese a clear decision, taken at a meeting of the diocesan synod, on whether that synod approves the draft Bishops and Priests (Consecration and Ordination of Women) Measure and draft Amending Canon No 30. Each diocesan synod is, therefore, asked to consider a motion in the following terms:

¹ In the case of the Diocese in Europe the relevant body is the Bishop's Council and Standing Committee of the diocese: see Article 8(1) of the General Synod's Constitution as amended by the Diocese in Europe Measure 1980.

‘That this Synod approve the proposals embodied in the draft Bishops and Priests (Consecration and Ordination of Women) Measure and in draft Amending Canon No30.’

5. Passing the motion will constitute approval by the diocese of the draft Measure and draft Canon for the purposes of Article 8. It is essential that each diocesan synod should have before it a motion exactly in the terms set out in the previous paragraph and that it should be voted upon – for or against – in that form, *without amendment, and as a single motion*. This is necessary to enable the General Synod to make an exact comparison between the voting in the different dioceses. Diocesan synods are asked to vote by houses.
6. The number of those voting for and against the motion in each house and the number of declared abstentions, if any, should be recorded. Attention is drawn to Rule 34(1)(h) of the Church Representation Rules which provides that if the votes of the houses of clergy and laity are in favour of a matter referred under Article 8, then that matter shall be deemed to have been approved for the purposes of that Article².
7. Nevertheless, the effect of the Standing Orders of the General Synod is to require every diocesan synod to include in its reply the numbers of those voting for and against the proposition or recording an abstention in each house of the diocesan synod (bishops, clergy and laity) and, if recorded, the distinct opinion of the diocesan bishop (that is to say, any explanatory statement that he has asked to be minuted).
8. It is open to a Diocesan Synod, in addition to its consideration of the business now being referred, to consider further motions (proposed by members of the diocesan synod in accordance with its standing orders) relating to the draft Bishops and Priests (Consecration and Ordination of Women) Measure or to the draft Amending Canon. Any such motions must be debated and voted on separately from the motion in paragraph 3, which constitutes the diocesan response to the Article 8 reference.
9. Where any further motions are passed diocesan secretaries are asked to send the full text of them to the Clerk to the Synod so that they can be reported to the General Synod. Rule 34(1) (h) of the Church Representation Rules applies only to the motion in paragraph 3 above. Accordingly, any further motions will be subject to the normal rules concerning voting in diocesan synods.
10. The Legal Office stands ready to provide any further clarification on process, whether in relation to the Article 8 reference generally or to following motions. The Chief Legal Adviser can be contacted on 020 7898 1366 or at “stephen.slack@c-of-e.org.uk”.

² In the case of the Diocese in Europe, if the votes of the houses of clergy and laity of the bishop’s council and standing committee of the diocese are in favour of any matter referred under Article 8 then that matter is deemed to have been approved for the purposes of that article: see s.3(2) Diocese in Europe Measure 1980.

CONSIDERATION BY DEANERY SYNODS

11. The Standing Orders of the General Synod state that in relation to Article 8 references 'a diocesan synod shall not be required or forbidden to consult any other body in the diocese before voting on any matter referred.' It is, therefore, for each diocese to come to its own view about wider consultation before the diocesan synod takes its decision. The Business Committee strongly encourages dioceses to consult the deanery synods. Any votes taken by deanery synods are not formally part of the reference process.

DISCUSSION MATERIAL

12. The Business Committee suggests that diocesan synod members should be given copies, whether electronically or in hard copy, of this note, together with the background note, the draft legislation and explanatory memorandum. It is for each diocese to consider how to arrange the actual discussion in the diocesan synod, subject to the standing orders of the diocesan synod and the requirements set out above.

FUTURE PROCESS

13. If a majority of Diocesan Synods approve the draft legislation, it will return to the General Synod (probably in February 2012) for Final Drafting and the opportunity for consideration in accordance with the requirements of Article 7 of the Constitution (reference to the House of Bishops and, if required by any of them, references to the Convocations and the House of Laity). The Final Approval stage, at which two-thirds majorities are required in each House, could be reached in July 2012. If approved, the legislation will then go to Parliament for consideration by the Ecclesiastical Committee and each House.
14. The draft Measure requires the House of Bishops to draw up a code of practice (which is not subject to the Article 8 reference procedure). This cannot be formally drawn up or laid before the Synod for approval until after the legislation has received Royal Assent. But an initial illustrative draft code was prepared by the legislative drafting group in 2009 and in the light of changes subsequently made to the draft legislation the House of Bishops has accepted the recommendation of the Revision Committee that further work on a draft code should proceed now, rather than waiting for the various legislative stages to be completed.
15. This means that the House of Bishops and the General Synod are likely to have the opportunity to engage further with the shape of a draft code before the draft legislation reaches the Final Approval stage.

Kay Garlick
Chair Business Committee
23 September 2010

David Williams
Clerk to the Synod