



House of Lords
House of Commons
Ecclesiastical Committee

**Statute Law (Repeals) Measure
Pensions (Pre-consolidation)
Measure**

**Ecclesiastical Jurisdiction and
Care of Churches Measure**

**Mission and Pastoral etc.
(Amendment) Measure**

Legislative Reform Measure

236th Report

*Ordered by the House of Lords to be
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Ecclesiastical Committee

The Ecclesiastical Committee is a statutory Committee appointed under the Church of England Assembly (Powers) Act 1919.

It comprises thirty members, fifteen of whom are Members of the House of Commons, appointed by the Speaker, and fifteen of whom are members of the House of Lords, appointed by the Lord Speaker. The quorum is twelve.

Appointments to the Committee are generally made early in a Parliament. Unless the Speaker of the Lord Speaker decide otherwise, members appointed by them remain on the Committee for the life of the Parliament.

While its powers are those laid down by the Act, the procedures it has adopted are those of a Joint Select Committee.

Current membership

HOUSE OF LORDS

[Baroness Berridge](#)

[Baroness Butler-Sloss](#)

[The Earl of Cork and Orrery](#)

[Lord Cormack](#)

[Lord Elton](#)

[Lord Faulkner of Worcester](#)

[Lord Glenarthur](#)

[Baroness Harris of Richmond](#)

[Baroness Howarth of Breckland](#)

[Lord Judd](#)

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[Lord Lisvane](#)

[Baroness McIntosh of Hudnall](#)

[Lord Plant of Highfield](#)

HOUSE OF COMMONS

[Sir Peter Bottomley MP](#)

[Mr Ben Bradshaw MP](#)

[Fiona Bruce MP](#)

[Frank Field MP](#)

[Kevin Foster MP](#)

[Sir Roger Gale MP](#)

[Helen Goodman MP](#)

[Mr Dominic Grieve MP](#)

[Mr David Lammy MP](#)

[Rachael Maskell MP](#)

[Jonathan Reynolds MP](#)

[Gavin Robinson MP](#)

[Dame Caroline Spelman MP](#)

[Sir Desmond Swayne MP](#)

Remit

The Ecclesiastical Committee examines draft Measures presented to it by the Legislative Committee of the General Synod of the Church of England. It reports to Parliament on whether or not it considers the measures to be expedient.

It generally asks members of the General Synod to assist it in its deliberations.

In some circumstances a conference of the Ecclesiastical Committee and the Legislative Committee may be convened.

The Church of England Measure on which the Committee has reported is presented to both Houses in its final form at the same time as the Committee makes its report.

Before the Measure becomes law, both Houses must approve motions that the Measure should be presented to the Sovereign for Royal Assent in the form that it was laid before Parliament.

Once both Houses have passed the necessary approval motions, the Measure is presented for Royal Assent and becomes law.

Publications

The reports and proceedings of the Committee are published by Order of both Houses. All publications of the Committee are on the Internet at

<http://www.parliament.uk/ecclesiastical-committee>

Contacts

All correspondence should be addressed to the Secretary of the Ecclesiastical Committee, Legislation Office, House of Lords, London, SW1A 0PW. The telephone number for general enquiries is 020 7219 3103, and the email address is ecccttee@parliament.uk

Contents

236th Report of the Ecclesiastical Committee	3
Minutes of Proceedings	6

236th Report of the Ecclesiastical Committee

1. The Ecclesiastical Committee has met and considered the five Measures set out below. In each case, the Measure was submitted to the Ecclesiastical Committee by the Legislative Committee of the General Synod, along with a Comments and Explanations document. The text of the Measures, and their accompanying Comments and Explanations, are published online on the Committee's web pages.¹

Statute Law (Repeals) Measure

2. In the accompanying Comments and Explanations document, the Legislative Committee explain that the Statute Law (Repeals) Measure repeals a number of ecclesiastical enactments that are “spent, obsolete, unnecessary or otherwise not now of practical utility”. The last time a similar exercise was conducted was in 2004, when over 40 ecclesiastical enactments were repealed. On this occasion, following a consultation exercise, 62 enactments (either whole Acts or Measures, or particular provisions) are repealed.

3. The Committee discussed the Measure with representatives of the General Synod. The transcript of the Committee's proceedings is published online on the Committee's web pages.²

4. The Committee is of the opinion that the Statute Law (Repeals) Measure is expedient.

Pensions (Pre-consolidation) Measure

5. In the accompanying Comments and Explanations document, the Legislative Committee explain that the purpose of the Pensions (Pre-consolidation) Measure is to make amendments to various Measures and Regulations as the first stage in a process of consolidating the large number of Measures and Regulations which deal with Church of England pensions and the Church of England Pensions Board.

6. The Committee discussed the Measure with representatives of the General Synod. The Committee was told that the last consolidation occurred in 1961. Since then, a large number of complex Measures relating to pensions had been passed. The Committee was told that the substantive changes in the relevant law introduced by the Pensions (Pre-consolidation) Measure were all “pretty minor” except for one: namely, the proposal to enable the Clergy (Widows and Dependants) Pensions Fund to be transferred to the Church of England Funded Pension Scheme, thereby providing more security to the members and beneficiaries of the widows and dependants fund.

7. The transcript of the Committee's proceedings is published online on the Committee's web pages.³

8. The Committee is of the opinion that the Pensions (Pre-consolidation) Measure is expedient.

1 [Ecclesiastical Committee](#)

2 [QQ1-2](#)

3 [QQ 3-4](#)

Ecclesiastical Jurisdiction and Care of Churches Measure

9. In the accompanying Comments and Explanations document, the Legislative Committee explain that the Ecclesiastical Jurisdiction and Care of Churches Measure consolidates, with corrections and minor improvements, a number of enactments relating to ecclesiastical jurisdiction and the care of churches and other places of worship.

10. The Committee discussed the Measure with representatives of the General Synod. The Committee was told that the Measure was a consolidation measure and, as such, made no changes in the substantive law. It was “essentially a tidying-up exercise” which would put into one place “a considerable body of law relating to ecclesiastical judges and the administration of the faculty jurisdiction system, which is directed to the legal oversight of Church buildings and various other consecrated buildings for which the Church bears degrees of responsibility”.

11. The transcript of the Committee’s proceedings is published online on the Committee’s web pages.⁴

12. The Committee is of the opinion that the Ecclesiastical Jurisdiction and Care of Churches Measure is expedient.

Mission and Pastoral etc. (Amendment) Measure

13. In the accompanying Comments and Explanations document, the Legislative Committee explain that the primary purpose of the Mission and Pastoral etc. (Amendment) Measure is to make a number of amendments to the Mission and Pastoral Measure 2011, including amendments concerned with improving procedures for formulating and making pastoral schemes and orders and other pastoral provision, simplifying the provisions relating to team and group ministries, changing the basis for calculating compensation for loss of office resulting from pastoral reorganisation, and simplifying the procedures relating to bishops’ mission initiatives. The amendments were based on proposals by a simplification task group established by the Archbishops’ Council.

14. The Committee discussed the Measure with representatives of the General Synod, focusing in particular on the provision relating to compensation for clergy dispossessed of their office following pastoral reorganisation (section 6).

15. The transcript of the Committee’s proceedings is published online on the Committee’s web pages.⁵

16. The Committee is of the opinion that the Mission and Pastoral etc. (Amendment) Measure is expedient.

Legislative Reform Measure

17. In the accompanying Comments and Explanations document, the Legislative Committee explain that the purpose of the Legislative Reform Measure is to make it possible to remove or reduce burdens resulting from ecclesiastical legislation by way of order made by the Archbishops’ Council, with the approval of the General Synod and

4 [QQ 5-7](#)

5 [QQ 8-13](#)

subject to annulment by either House of Parliament, rather than going through the legislative process that applies to Measures. The proposals which formed the basis of the Measure were set out in a General Synod paper entitled A New Enabling Measure which, in turn, emerged as part of the Church of England's Renewal and Reform Programme.

18. Given that the Measure makes it possible to amend or repeal some Acts of Parliament and Church Measures by way of subordinate legislation, the Committee was concerned that it should contain adequate procedural and substantive safeguards. Following a novel and welcome procedure whereby members of the Ecclesiastical Committee were given an opportunity to comment informally on the Measure as originally drafted, additional safeguards were introduced. These included:

- an amendment of the definition of “ecclesiastical legislation” in section 1(3) so that, in relation to Acts of Parliament, it is confined to an Act “so far as it forms part of the ecclesiastical law of the Church of England”;
- a statutory requirement to lay consultation documents on proposals to make an order before both Houses of Parliament; and
- a sunset provision under which the order-making power expires after five years unless continued by special order, a draft of which has been approved by Parliament under the affirmative resolution procedure.

19. The Committee discussed the Measure with representatives of the General Synod. The transcript of the Committee's proceedings is published online on the Committee's web pages.⁶

20. **The Committee is of the opinion that the Legislative Reform Measure is expedient.**

Minutes of Proceedings

Tuesday 16 January 2018

Minutes of the meeting of the Ecclesiastical Committee held on Tuesday 16 January 2015 at 10.15 am in Committee Room 4A, House of Lords.

Present:

Baroness Butler-Sloss	Sir Peter Bottomley MP
The Earl of Cork and Orrery	Mr Ben Bradshaw MP
Lord Elton	Fiona Bruce MP
Lord Faulkner of Worcester	Kevin Foster MP
Lord Glenarthur	Helen Goodman MP
Baroness Harris of Richmond	Mr Dominic Grieve QC MP
Lord Judd	Mr David Lammy MP
Lord Lexden	Rachael Maskell MP
Lord Lisvane	Dame Caroline Spelman MP
Baroness McIntosh of Hudnall	Sir Desmond Swayne MP

Mr James Cooper, Counsel to the Chairman of Committees, in attendance.

It was moved that Baroness Butler-Sloss take the Chair for the duration of the present Parliament.

The motion was agreed to.

Declaration of Interests

Members of the Committee declared the following interests:

Baroness Butler-Sloss

*Former member of the Court of Ecclesiastical Causes Reserved
Member of advisory panel of Westminster Abbey*

Lord Elton

Daughter is a curate in Guildford

Dominic Grieve QC MP

*Member of advisory panel of Westminster Abbey
Wife is a churchwarden*

Baroness Harris of Richmond

*High steward at Ripon Cathedral
Nephew is a vicar on the Isle of Man*

Lord Lisvane

*Churchwarden of St Leonard's, Blakemere
Acting chairman of the Fabric Advisory Committee of Hereford Cathedral
Governor of Hereford Cathedral Perpetual Trust
Fee-earning organist
Wife is a Church of England priest who is also Chairman of the Hereford Diocesan Board of Finance*

For the consideration of all the measures below, the following staff members of the General Synod assisted the Committee:

Mr William Nye, Secretary General to the General Synod

Mr Stephen Slack, Chief Legal Adviser to the General Synod

The Revd Alexander McGregor, Deputy Legal Adviser to the General Synod

Statute Law (Repeals) Measure

The Committee considered the Measure, with the assistance of the following representatives of the General Synod:

The Rt Worshipful Charles George QC

The Rt Revd James Langstaff, Lord Bishop of Rochester

Pensions (Pre-consolidation) Measure

The Committee considered the Measure, with the assistance of the following representatives of the General Synod:

Dr Jonathan Spencer

Mr Lee Marshall, Chief of Staff to the Church of England Pensions Board

Ecclesiastical Jurisdiction and Care of Churches Measure

The Committee considered the Measure, with the assistance of the following representatives of the General Synod:

The Rt Worshipful Timothy Briden

The Ven. Dr Jane Steen, Archdeacon of Southwark

Mission and Pastoral etc. (Amendment) Measure

The Committee considered the Measure, with the assistance of the following representatives of the General Synod:

The Rt Revd James Langstaff, Lord Bishop of Rochester

Mr Geoffrey Tattersall QC

Legislative Reform Measure

The Committee considered the Measure, with the assistance of the following representatives of the General Synod:

The Rt Worshipful Charles George QC

The Rt Revd James Langstaff, Lord Bishop of Rochester

Deliberation

The Committee deliberated.

It was moved that the Statute Law (Repeals) Measure be deemed expedient.

The motion was agreed to.

It was moved that the Pensions (Pre-consolidation) Measure be deemed expedient.

The motion was agreed to.

It was moved that the Ecclesiastical Jurisdiction and Care of Churches Measure be deemed expedient.

The motion was agreed to.

It was moved that the Mission and Pastoral etc. (Amendment) Measure be deemed expedient.

The motion was agreed to.

It was moved that the Legislative Reform Measure be deemed expedient.

The motion was agreed to.

The Committee adjourned.