

# Explanatory Memorandum

## Governance in the Church of Ireland

### Background

The Church of Ireland traces its origins to the earliest days of Irish Christianity and the pre-reformation Irish Church. After the Reformation, the Church of Ireland was that part of the pre-reformation Church that accepted the Church reforms initiated under Henry VIII, Edward VI and Elizabeth I and subsequent monarchs. As such, it was the established Church and its internal regulations and governance were set by the Crown, the Irish (and later United Kingdom) Parliaments and Common Law up until the Church's disestablishment under the Irish Church Act 1869. From the Act of Union (Ireland) 1800 until the Irish Church Act 1869, the Church of Ireland was part of the United Church of England and Ireland.

### The Law of the State

As a voluntary association, members of the Church of Ireland and the Church's administrative units are subject, in the first instance, to the laws of the jurisdiction in which they live and work.

### Church Governance

- Upon the disestablishment of the Church of Ireland in 1871, pursuant to the Irish Church Act of 1869 (which remains on the statute Book in Northern Ireland and the Republic of Ireland), various measures were undertaken both by Parliament and the Church itself which are important to understanding the Church's governance today.
- A General Convention of the Church of Ireland was held in 1870 to prepare for disestablishment. It drew up *the Constitution of the Church of Ireland* which provided for its governance by a **General Synod** comprising the diocesan bishops of the Church, elected clergy and elected laity.
- The **Representative Church Body ("RCB")** was incorporated by Royal Charter under the Irish Church Act 1869 to act as corporate trustee for the Church of Ireland, and is legal owner of most church property. The RCB is subject to the order and control of the General Synod in all matters not provided for by the laws of the State. The RCB adopts rules, regulations and by-laws in order to fulfil its role.
- The Constitution, which is approved by the General Synod of the Church, also sets out procedures for **diocesan**, as well as **parish** governance. (See below)
- Select Vestries and parish governance: Select Vestries are responsible for day to day decision-making in respect of parish income and expenditure, employment, provision of infrastructure to support worship and ministry and management and maintenance of

parish property, lands and graveyards. An inter-related system joining the central, diocesan and parish provides additional assistance and sharing of expertise across the structures of the church as well as achieving a consistent manner of dealing with issues. Most Church property is vested in the Representative Church Body.

- Diocesan Councils: Diocesan councils are responsible for the ongoing management of diocesan finances, employment and property.
- Under the Irish Church Act 1869, the **Ecclesiastical law** as it stood on 31<sup>st</sup> December 1870 became the law of the Church of Ireland except insofar as it has been abrogated or changed since then by the General Synod.
- The Irish Church Act 1869 also sets out clearly the nature of the legal relationship between members of the Church of Ireland; between each other as church members and the law of the Church. They are bound by mutual consent and consensual compact, to each other and to the Church's legal framework. *Section 20 of the Irish Church Act 1869 provides for the ecclesiastical law of Ireland and the articles doctrines rites rules discipline and ordinances of the Church applicable at disestablishment to be binding on members of the Church under contract.*

## **General Synod**

The General Synod is the supreme law-making authority within the Church of Ireland. As such it has primary responsibility for church law and governance, policy, doctrine and liturgy.

The process of election of clergy and laity to the General Synod is by the **Diocesan Synods** of the Church, which are in turn composed (under the Constitution) of the clergy of the diocese and lay representatives elected by the parishes of the diocese. Those elected must be members of the Church. The process of election is laid out in the Constitution. Clergy and laity together sit as a House of Representatives and the serving archbishops and bishops of the Church sit as a House of Bishops. The General Synod is an elected, representative body that links together the diocesan structure of the Church and is composed of bishops, clergy and laity from all dioceses.

## **The Constitution of the Church of Ireland**

The *Constitution of the Church of Ireland* has been consolidated on fourteen occasions since 1870 but certain founding terms remain intact. The Constitution may only be amended, altered or added to by authority of the General Synod. The Constitution regulates diocesan and parish boundaries. It contains a Chapter relating to the **Representative Church Body**, which in turn manages property, invested funds and provides support for the Church's ministry.

The Constitution also sets out the procedures for parish and diocesan governance. At the parish level, the select vestry is elected by the registered vestry members of the parish, at

a meeting of the general vestry known as the Easter vestry, where all relevant financial and property-related matters are reported. The general vestry is composed of lay persons and members of the clergy, who seek registration according to criteria set out in the Constitution. The powers and responsibilities of the select vestry in respect of parish management are detailed in the Constitution, although the diocesan synod has the authority to make rules and regulations in respect of financial matters and other aspects of parish organisation.

At a diocesan level, diocesan synods, comprising clergy and elected laity from the parishes, elect diocesan councils to manage business relating to the diocese in respect of property, finances and other aspects of diocesan management. The diocesan council accounts to the diocesan synod in a similar manner to that in which the RCB relates to the General Synod.

The *Constitution of the Church of Ireland* also provides for ecclesiastical courts and tribunals to deal with any complaints and conflicts that may arise and for a **Rules Committee** to establish rules to facilitate this work. Like many institutions, there is provision for the General Synod, the RCB and diocesan councils to delegate law-making authority to others in respect of secondary legislation (e.g. rules, regulations and by-laws), and also, like so many bodies today, the Church of Ireland depends increasingly on quasi-legislation in its day-to-day administration.

Decision-making within the Church is governed by a series of checks and balances involving all levels of governance – parish, diocesan and either RCB or General Synod. These processes are linked back to the Constitution, through the Statutes of the General Synod and the regulations and by-laws created by the various bodies which are referred to in the Constitution.

## **Preamble and Declaration**

The Preamble and Declaration to the Constitution adopted by the General Convention in 1870 specifically underscored the Church's belief in the canonical scriptures; it received and approved the Thirty Nine Articles, the Book of Common Prayer and the Ordinal.

The Preamble and the Declaration also commit that the Church would 'maintain inviolate' the three orders of bishops, priests or presbyters, and deacons in the sacred ministry. It also holds that the General Synod of the Church of Ireland 'shall have chief legislative power therein, and such administrative power as may be necessary for the Church, and consistent with its episcopal constitution.' Clergy who enter into ministry in any role in the Church are required publically to commit to these.

## **Ordination and Declaration for Subscription**

During the course of a service of enthronement as bishop, or ordination as deacon or priest, the individual is required to make certain declarations. These are binding on the

individual. Similarly before ordination or embarking on any office in the Church, clergy are obliged to subscribe a Declaration which includes the requirement that they will 'submit themselves to the authority of the Church of Ireland, and to the laws and tribunals thereof.'

