

GENERAL SYNOD
OF THE
CHURCH OF IRELAND

2020

BILLS

AND

EXPLANATORY MEMORANDA

INTRODUCTION

This pamphlet contains those Bills which were lodged with the Honorary Secretaries of the General Synod at least six weeks before the day appointed for the opening of the session of the Synod.

A Bill is a proposal for legislation which, if passed, will become a Statute, binding on all members of the Church of Ireland. The procedure is designed to ensure that the proposed legislation is considered carefully, both in principle and in detail, and that there is a day's interval for reflection before final approval is given.

The Bills will be taken into consideration in the order in which they appear in this pamphlet, unless the Synod directs otherwise. On the first stage, the proposer moves "That leave be given to introduce Bill no. ," unless leave has been given in the previous session. This is a formal motion which is normally put to the Synod without debate, but, in certain circumstances, one speech in support of the motion and one in opposition to it may be permitted.

If that motion is passed, the Synod proceeds to the Second Reading, when the principles of the Bill are open to debate. At the conclusion of the debate on this stage, the motion "That the Bill be approved in principle and given a second reading" is put to the Synod. If this motion is passed, indicating that the Synod approved the Bill in principle, the Committee stage follows.

In the case of Special Bills leave to introduce such a Bill may be given only at an ordinary session of the Synod; leave having been given, the Bill shall be deemed to have been read a first time, but it shall not be processed further until the next ordinary session when it will come before the Synod for second reading.

On the Committee stage, the Bill is considered in detail, the clauses being put to the Synod one by one for debate and decision. The clauses are taken first in their order; then, the schedules (if any); and, finally, the Preamble (the introductory matter). Amendments, notice of which was given to the Honorary Secretaries not later than the Friday before the session, will appear on the agenda paper for the first day; no other amendment may be moved on Committee stage except with the leave of the Synod. An amendment is taken on the clause to which it relates, and is disposed of before the clause itself is put to the Synod.

In the case of Special Bills, an amendment can be moved on Committee stage only if notice has been given in the previous session, except for any dealing with omissions or grammatical errors.

When the Committee stage has been concluded, the Bill is reported to the Synod, and a day – usually the third day – is fixed for the remaining stages.

On the third day the Report stage is taken. Any amendments which have been lodged with the Honorary Secretaries before the close of business on the second day will appear on the supplemental agenda paper for the third day. After these amendments have been disposed of – or immediately if there are not any amendments – the Synod proceeds to the Third Reading. At this stage, debate is confined to the provisions of the Bill, and at its conclusion the motion "That the Bill be now read a third time and passed" is put to the Synod.

A simple majority of the House of Representatives is required to pass any and every motion during the passage of a Bill through the Synod, except when

- (a) a vote by orders has been requisitioned by ten members of either order (which may be done on any motion), in which case a simple majority of each order, voting separately, is required.
- (b) a two-thirds majority of each order, voting separately, is required to pass the Second Reading and the Third Reading of a Bill which proposes a modification or alteration in the articles, doctrines, rites, rubrics or formularies of the Church.

For fuller information on Bill procedure reference should be made to Part II of Chapter I of the Constitution and to the Standing Orders. A leaflet on Bill procedure is available on application to the Honorary Secretaries.

CONTENTS

The following Bills were lodged with the Honorary Secretaries of the General Synod before 21st October 2020:

BILL NO. 1	<p style="text-align: center;">VEN LESLIE STEVENSON MS HAZEL CORRIGAN (at the request of the Representative Church Body and the Standing Committee)</p>	
	Explanatory Memorandum	4
	To provide for the inclusion in the Constitution of the Church of Ireland of certain provisions which are desirable for the purpose of ensuring charitable recognition for Church of Ireland bodies in Northern Ireland and the Republic of Ireland	5
	Schedule	6
 BILL NO. 2	<p style="text-align: center;">VERY REV DR WILLIAM MORTON MR ALBERT FENTON</p>	
	Explanatory Memorandum	9
	To amend Part II of Chapter VII of the Constitution	10

BILL NO. 1

EXPLANATORY MEMORANDUM

The development of charities regulation in Ireland and Northern Ireland has resulted in the Charities Regulatory Authority and the Charity Commission for Northern Ireland (“the Regulatory Authorities”) requiring the insertion of certain clauses into the Constitution of the Church of Ireland to reflect the charitable nature of the work and mission of the Church. These insertions are regarded as required items to enable the Regulatory Authorities to recognise the various bodies of the Church as registered charities. In addition, the Regulatory Authorities look to find the Statements of Charitable Purpose, Charitable Objects and Public Benefit reflected in the governing document of such bodies. While General Synod previously approved Statements of Charitable Purposes and Objects for both jurisdictions and a Statement of Public Benefit for Northern Ireland by means of Chapter IV of 2015, it is now desirable that all of the above matters be incorporated into a new Chapter in the Constitution which will satisfy the aforementioned requirements of the Regulatory Authorities. From the Church’s point of view, strong governance and application of these regulations is an important demonstration of our Christian witness and attests to the integrity of the Church’s structures.

Part I

Part I of the Bill contains a set of clauses that reflect the legal framework of the Church’s charitable undertakings in both jurisdictions. The clauses, taken as a whole, express the charitable rules governing the Church and its bodies in both jurisdictions.

Parts II, III and IV – Statements of Charitable Purpose, Charitable Objects, Public Benefit

These Statements were previously approved by Statute IV of the General Synod in 2015 and do not appear in the Constitution. This Bill seeks to incorporate these Statements into the body of the Constitution of the Church of Ireland by including them in the proposed new Chapter. The insertion of the new Chapter into the Constitution will render Chapter IV of 2015 obsolete and it will be repealed upon approval of this Bill.

While the NI charitable clauses presented in Part II of this Bill have been largely settled for some time, the Charities Regulatory Authority in the Republic of Ireland has refined its requirements around statements of charitable objects since these were first approved by the General Synod in 2015. Consequently, the Statement of Charitable Objects RI presented in Part II of this Bill, includes certain clauses required in respect of the registration of the remaining parishes in Ireland. These largely deal with the restrictions imposed by the Charities Act 2009 in relation to payments to charitable trustees. One further amendment has been made to the charitable objects in both jurisdictions, and that is to include the word ‘educational’, in order to embrace more overtly the work of the Boards of Education.

VEN LESLIE STEVENSON
MS HAZEL CORRIGAN

BILL

(at the request of the Standing Committee and RB)

To provide for the inclusion in the Constitution of the Church of Ireland of certain provisions which are desirable for the purpose of ensuring charitable recognition for Church of Ireland bodies in Northern Ireland and in the Republic of Ireland

WHEREAS it is desirable that the Church of Ireland Constitution should contain certain provisions for the purpose of facilitating the registration of Church of Ireland bodies as charitable organizations under the Charities Act (Northern Ireland) 2008 and/or the Charities Act 2009, as applicable

BE IT ENACTED by the Archbishops and Bishops and the clergy and laity of the Church of Ireland in General Synod assembled by means of electronic communications technology pursuant to section 30 of the Civil Law and Criminal Law (Miscellaneous Provisions Act) 2020 in the year 2020 and by the authority of the same as follows:

1. In this Statute, “the Constitution” means the Constitution of the Church of Ireland.
2. Statute IV of 2015 is hereby repealed.
3. A new Chapter XVII shall be inserted into the Constitution as set out in the Schedule to this Statute.

SCHEDULE

CHAPTER XVII

Part I

1. In this Chapter –
 - a. the “Relevant Authorities” means the Charity Commission for Northern Ireland (in Northern Ireland) and the Charities Regulatory Authority (in the Republic of Ireland);
 - b. the “Statement of Charitable Purpose and Objects (NI)” means the Statement of Charitable Purposes and Objects contained in Part II of this Chapter;
 - c. the “Statement of Charitable Purpose and Objects (ROI)” means the Statement of Charitable Purposes and Objects contained in Part IV of this Chapter;
 - d. the “Statement of Public Benefit” means the Statement of Public Benefit contained in Part III of this Chapter.
2. The Church of Ireland hereby adopts the Statement of Charitable Purpose and Objects (NI) and the Statement of Charitable Purpose and Objects (ROI).
3. The Church of Ireland hereby adopts the Statement of Public Benefit.
4. Henceforth, bodies governed by the laws of the Church of Ireland registering as charities under the Charities Act (Northern Ireland) 2008 in Northern Ireland shall be bound by and use the Statement of Charitable Purpose and Objects (NI) and the Statement of Public Benefit when submitting registering documents to the Charity Commission for Northern Ireland.
5. Henceforth, bodies governed by the laws of the Church of Ireland registering as charities under the Charities Act 2009 in the Republic of Ireland shall be bound by and shall use the Charitable Purpose and Objects (ROI) when submitting registering documents to the Charities Regulatory Authority.
6. No amendment may be made by the General Synod to the Church’s charitable purpose and objects clauses that would cause the Church of Ireland or any part thereof to cease to be a charity at law.
7. The income and property of any body governed by the laws of the Church of Ireland and registering as a charity with one or other of the Relevant Authorities shall be applied solely towards the promotion of its main object(s) and in accordance with the Statement of Charitable Purpose and Objects (NI) or the Statement of Charitable Purpose and Objects (ROI), as applicable.
8. No portion of the income and property of any body governed by the laws of the Church of Ireland and registering as a charity with one or other of the Relevant Authorities shall be paid or transferred directly or indirectly by way of dividend, bonus or distribution of profit to members of that body.
9. The provisions of this section and of sections 6, 7 and 8 shall not be amended, altered or repealed save with the consent of the Relevant Authorities.

Part II

STATEMENT OF CHARITABLE PURPOSE AND OBJECTS (NI)

The charitable purpose of the Church of Ireland is the advancement of religion. The principal function of the [insert name of relevant body] is to support the advancement of the Christian religion by promoting, through the work of the [insert name of relevant body] the whole mission of the Church, pastoral, evangelistic, social, educational and ecumenical. Being open to and engaging with society as a whole and offering support for those needing help are fundamental to the practical delivery of the benefits of Christianity. As a result of activity in the pursuit of the advancement of the Christian religion, the [insert name of relevant body] has custody of property and of records, materials and artefacts of significance to the cultural and religious heritage and maintenance of which is undertaken by the [insert name of relevant body].

Part III

STATEMENT OF PUBLIC BENEFIT (NI)

Purpose 1

The expression of the precepts of the Christian religion through engagement with the general public, and in particular with the disadvantaged, the sick, the elderly and the young is a public benefit. This can be measured and evidenced through increased social integration and pastoral care delivered at the point of need. The direct benefit of participation in Church life includes the enjoyment of public worship and the giving and receiving of pastoral ministry, improved understanding of the values relating to civic engagement, community cohesion and providing a bridge between diverse groups as well as improved educational outcomes through the Church's ministry of teaching.

The beneficiaries are the general public, and the public valuation of the benefits can be evidenced through attendance at public worship, participation in Church governance and willingness to support through contributions the continuing witness of the Church. The wider benefit to the public will outweigh any detriment arising in the course of Christian outreach. Any private benefit arising out of the fulfilment of our Christian ministry or to lay staff is essential to the fulfilment of the purpose of the advancement of religion. No Trustee may receive remuneration, reward or other private benefit for carrying out their Trustee responsibility.

Purpose 2

The direct benefits flowing from this purpose include the provision of archive records, public enjoyment of cultural and historic buildings and artefacts such as church plate, furnishings and materials as well as an overall improved appreciation of longstanding Christian heritage.

This is demonstrated through on-going provision of access to records and the use made of these records in, for example, research and genealogy, through conservation efforts in respect of records, property and artefacts and the subsequent and continued requests for access and use of our materials by wider society. There is no harm arising from the purpose. The beneficiaries are the general public. No private benefit is received by Trustees fulfilling their Trustee responsibilities in respect of these records, buildings or artefacts, but in the course of conservation and to make these accessible to the public, the engagement of professional staff and services is essential but incidental to the fulfilment of the purpose.

Part IV

STATEMENT OF CHARITABLE PURPOSES AND OBJECTS (ROI)

1. The Charitable purpose:

The Charitable purpose of the [insert name of relevant body] of the Church of Ireland is the advancement of religion.

2. The Charitable objects:

- (i) The principal function of the [insert name of relevant body] of the Church of Ireland is to support the advancement of the Christian religion by promoting, through the work of the [insert name of relevant body], the whole mission of the Church, pastoral, evangelistic, social, educational and ecumenical. Being open to and engaging with society as a whole and offering support for those needing help are fundamental to the practical delivery of the benefits of Christianity. As a result of activity in the pursuit of the advancement of the Christian religion, the [insert name of relevant body] has custody of property and of records, materials and artefacts of significance to the cultural and religious heritage and maintenance of which is undertaken by the [insert name of relevant body].'
- (ii) No charity trustee as defined by section 2(1) of the Charities Act, 2009 of a parish shall be appointed to any office of the parish paid by salary or fees, or receive any remuneration or

other benefit in money or money's worth from the parish. However, nothing shall prevent any payment in good faith by the parish in respect of:

- a) the performance by the select vestry of its obligations under section 24 of Chapter III of the Constitution and under the Glebe Rules (as contained in Chapter XIII of the Constitution) to repair, maintain and insure each glebe or other ecclesiastical residence in the parish and to provide for same such carpets, curtains and equipment as may be determined by regulation of the diocesan council;
- b) reasonable and proper remuneration to any member or servant of the parish (not being a charity trustee) for any services rendered to the parish;
- c) interest at a rate not exceeding 1% above the Euro Interbank Offered Rate (Euribor) per annum on money lent by charity trustees or other members of the parish to the parish;
- d) reasonable and proper rent for premises demised and let by any member of the parish (including any charity trustee) to the parish;
- e) reasonable and proper out-of-pocket expenses incurred by any charity trustee in connection with his or her attendance to any matter affecting the parish;
- f) fees, remuneration or other benefit in money or money's worth to any company of which a charity trustee may be a member holding not more than one hundredth part of the issued capital of such Company;
- g) any payment by the parish to a person pursuant to an agreement entered into in compliance with section 89 of the Charities Act, 2009 (as for the time being amended, extended or replaced).'

BILL NO. 2**EXPLANATORY MEMORANDUM**

Section 32 of Part II of Chapter VII of the Constitution makes provision for a Cathedral Board for the National Cathedral of Saint Patrick known as the “Board” to manage various functions in relation to the Cathedral. These functions include having responsibility for the preservation, restoration and repair of the fabric of the Cathedral. The Board is an unincorporated association with charitable status and is currently undertaking a major project for the repair and restoration of the roof of the Cathedral at a cost of approximately €9 million. In order to facilitate the raising of funds and the contractual arrangements for this project and to provide the protection of limited liability to the members of the Board, the Board considers that it is desirable to incorporate the Board as a company limited by guarantee. No changes are proposed in the membership or functions of the Board.

VERY REV DR WILLIAM MORTON
MR ALBERT FENTON

BILL

To amend Part II of Chapter VII of the Constitution of the Church of Ireland

WHEREAS Part II of Chapter VII of the Constitution of the Church of Ireland makes provision for an unincorporated Cathedral Board (the “Board”) for the National Cathedral of Saint Patrick, Dublin to have control, charge and management of certain functions in relation to the Cathedral as set out in section 32 of Chapter VII.

AND WHEREAS it is desirable to incorporate the Board as a company limited by guarantee and, for such purposes, it is necessary to replace section 32 with an amended section 32 as set out in this Statute.

BE IT ENACTED by the Archbishops and Bishops and the clergy and laity of the Church of Ireland in General Synod assembled by means of electronic communications technology pursuant to section 30 of the Civil Law and Criminal Law (Miscellaneous Provisions Act) 2020 in the year 2020 and by the authority of the same, as follows:

1. This Statute will come into force on such day as the Standing Committee of the General Synod shall direct.
2. In this Statute “Chapter VII” means Chapter VII of the Constitution of the Church of Ireland.
3. In Chapter VII, for section 32 there shall be substituted:

“Board of Saint Patrick’s Cathedral”

32. (1) There shall be a Cathedral Board (the “Board”) comprising a company limited by guarantee to be incorporated under the name “Board of Saint Patrick’s Cathedral Company Limited by Guarantee.”

(2) The initial members (and directors) of the Board shall be the members of the previous unincorporated board who shall hold office until 26 September 2022 when, and triennially thereafter, the members (and directors) of the Board shall be appointed in the manner hereinafter provided and consist of:

- (a) the Dean, the Precentor, the Chancellor, the Treasurer, the Dean’s Vicar, the Succentor, and four members of the Chapter elected by the Dean and Chapter;
- (b) ten laypersons chosen from among the synod members and registered vestry members of the cathedral as follows:
 - (i) two glebewardens, of whom one shall be nominated by the Dean and the other elected by the synod members and registered vestry members of the cathedral jointly; and
 - (ii) eight other laypersons elected by the synod members and registered vestry members of the cathedral jointly; and
- (c) two members of the Representative Body appointed by the Representative Body one of whom shall be in Holy Orders.

(3) A member of the Board appointed by the Representative Body:

- (a) shall not be entitled to vote in an election to fill a casual vacancy among the clerical or lay elected members of the Board: and
- (b) shall resign from the Board upon ceasing to be a member of the Representative Body.

- (4) Vacancies occurring in the interval between triennial elections shall be filled, from persons qualified for election as in this section provided, by:
- (a) the Dean in the case of the glebewarden nominated by the Dean;
 - (b) the Board in the case of elected members, (only clerical members of the Board voting in the case of clerical vacancies and only lay members of the Board voting in the case of lay vacancies); and
 - (c) the Representative Body in the case of directors appointed by the Representative Body.

Persons chosen to fill such vacancies shall hold office until the next triennial election.

- (5) The Board shall be presided over by the Dean, or in the Dean's absence by the member of the Chapter present next in order of precedence, such president having both an ordinary and a casting vote, except that in the case of co-option to fill a lay vacancy such president shall have a casting vote only.
- (6) The Board shall, save as hereinafter otherwise provided, have the control, charge and management of the following:
- (a) The preservation, restoration, and repair of the fabric of the cathedral and all permanent structures therein;
 - (b) The lighting, heating, and cleaning of the cathedral;
 - (c) The collections and all financial matters relating to the cathedral, including the regulation of all salaries and pensions payable by the Board: Provided that the selection of the objects of the collections shall be in the hands of the Dean;
 - (d) The appointment and removal of the organist, stipendiary members of the choir, and other lay officials of the cathedral (except the verger, who shall be appointed and may be removed by the Dean). The appointment of lay vicars choral and unsalaried members of the choir shall rest with the Precentor, subject to the approval of the Dean;
 - (e) The ornaments of the cathedral, the monuments, tablets, windows, and brasses placed or to be placed in the cathedral: provided that none of the above shall be erected or placed in the cathedral without the approval of the Dean and Chapter.