

**GENERAL SYNOD
OF THE
CHURCH OF IRELAND**

2013

BILLS

AND

EXPLANATORY MEMORANDA

INTRODUCTION

This pamphlet contains those Bills which were lodged with the honorary secretaries at least six weeks before the first day of the session.

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.

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Bill No 1**Explanatory Memorandum**

At present, the Cathedral Church of the Diocese of Achonry is St Crumnathy's Cathedral, Achonry. This Church has been closed since 1997.

The Bill seeks to amend the provisions of the Statute of 1891, Chapter I and make St Patrick's Cathedral, Killala the Cathedral Church of the Diocese of Achonry as well as Killala.

It is proposed to unite the two Chapters of St Patrick's Cathedral, Killala and St Crumnathy's Cathedral, Achonry according to the provisions of the Schedule to the Bill.

The provisions of this Bill were passed unanimously by the Diocesan Synods of Tuam, Killala and Achonry at the Diocesan Synod in Tuam on 29th September 2012.

REV CANON KATHY TRIMBY
VEN ALAN SYNNOTT

BILL

To provide for the future management and regulation of the Cathedrals of the United Dioceses of Tuam, Killala and Achonry

WHEREAS it is expedient to alter the provisions for the appointment of clergy to the dignities and canonries of the Cathedrals of the United Dioceses of Tuam, Killala and Achonry;

AND WHEREAS it is desirable that St Patrick's Cathedral, Killala shall henceforth be designated the Cathedral Church of Killala and Achonry and shall replace St Crumnathy's, Achonry as the diocesan Cathedral of Achonry;

AND WHEREAS it is expedient that the Cathedral Chapters of Killala and Achonry shall be united;

AND WHEREAS it is desirable to preserve the ancient prebendaries attaching to the said Cathedral Churches;

AND WHEREAS to give effect to the alteration of the said provisions it is necessary to amend the provisions of the following statute, namely 1891 Chapter I;

AND WHEREAS the designation of St Patrick's Cathedral Church, Killala as the Cathedral Church of Killala and Achonry has been determined and approved by resolution of the Diocesan Synod of the United Dioceses of Tuam, Killala and Achonry held in Tuam on 29th September 2012;

AND WHEREAS the two Cathedral Chapters have agreed to the provisions contained in this Act which have been approved at a meeting of the Diocesan Synods of the United Dioceses of Tuam, Killala and Achonry held in Tuam on 29th September 2012;

BE IT ENACTED by the Archbishops and Bishops and the clergy and laity of the Church of Ireland, in General Synod assembled in Armagh in the year 2013, and by the authority of the same, as follows:-

1. That, notwithstanding anything contained in the Statute of 1891 Chapter I, the Cathedral Church of St Patrick, Killala shall henceforth be the diocesan Cathedral of Killala and Achonry.
2. The Chapter of the Cathedral Church of St Patrick, Killala shall be reconstituted, in accordance with the provisions of the Schedule to this Act, to form the Cathedral Chapter of Killala and Achonry.
3. No person shall have more than one vote in the Chapter, except the Dean or the Chairman of the said Chapter for the time being, who shall have an ordinary and casting vote.
4. The provisions of Sections I, II, III, IV, V and VI of the Statute of 1891 Chapter I are hereby repealed.

Schedule**The Chapter of St Patrick's Cathedral, Killala, Cathedral Church of Killala and Achonry**

1. The Chapter of St Patrick's Cathedral, Killala shall consist of the following:
 - i. The Dean of Killala (who shall henceforth be styled 'the Dean of Killala and Achonry')
 - ii. The Archdeacon of Killala and Achonry
 - iii. The Prebendary or Canon of Errew
 - iv. The Prebendary or Canon of Lackan
 - v. The Prebendary or Canon of Killanley and Ardagh
 - vi. The Prebendary or Canon of Killaraght and Kilmovee
 - vii. The Prebendary or Canon of Ballisodare

2. It shall be lawful for any member of the Chapter of Killala and Achonry to hold also an additional Prebend or Canon Stall in St Patrick's Cathedral, Killala.

Bill No 2

Explanatory Memorandum

If Bill No 1 is passed, there will be two Cathedral Churches in the Diocese of Tuam, Killala and Achonry, St Mary's Cathedral, Tuam and St Patrick's Cathedral, Killala.

The proposed Bill will (if passed) allow for members of the Chapter of St Mary's Cathedral, Tuam to also be members of the Chapter of St Patrick's Cathedral, Killala and *vice versa*.

The provisions of this Bill were passed unanimously by the Diocesan Synods of Tuam, Killala and Achonry at the Diocesan Synod in Tuam on 29th September 2012.

VERY REV ALISTAIR GRIMASON
VEN ALAN SYNNOTT

BILL

To provide for the future management and regulation of the Dignities in the United Dioceses of Tuam, Killala and Achonry

WHEREAS it is expedient to alter the provisions for the appointment of clergy to the dignities and canonries of the Cathedrals of the United Dioceses of Tuam, Killala and Achonry;

AND WHEREAS to give effect to the alteration of the said provisions it is necessary to amend the provisions of the following Statutes, namely, 2013 Chapter I relating to the number of dignities in the United Dioceses of Killala and Achonry and 1891 Chapter III relating to the canonries in the Diocese of Tuam;

AND WHEREAS the said Chapters of the Cathedrals of the said United Dioceses have agreed to the provisions contained in this Act which has been approved at a meeting of the Diocesan Synods of the United Dioceses of Tuam, Killala and Achonry held in Tuam on 29th September 2012;

BE IT ENACTED by the Archbishops and Bishops and the clergy and laity of the Church of Ireland, in General Synod assembled in Armagh in the year 2013, and by the authority of the same, as follows:-

That, notwithstanding anything contained in the Statutes of 2013 Chapter I relating to the number of dignities in the United Dioceses of Killala and Achonry and in 1891 Chapter III relating to canonries in the Diocese of Tuam, any member of the clergy of the United Dioceses appointed to any dignity, canonry or prebend in either of the said Cathedrals may nevertheless be appointed to and hold any dignity, canonry or prebend in the other of the said two Cathedrals.

Bill No 3**Explanatory Memorandum**

At present, much communication between the central offices of the Church in Dublin and Belfast and members of General Synod is conducted by post. This means of communication has served the Church well in the past but allowing the use of email communication would be quicker, less expensive, require less staff time and resources and be more environmentally friendly (in terms of the quantity of paper used in postal communication).

At present, the secretaries of each diocesan synod of the Church of Ireland are required to supply names and addresses of representatives elected to General Synod to the Secretaries of the General Synod.

This Bill will (if passed) require dioceses to also seek the email addresses (if any) and telephone numbers of members and supply these to the secretaries of the General Synod.

This Bill does not amend the Standing Orders of the General Synod and therefore notice of the meeting of the General Synod (the envelope containing the Book of Reports and voting cards etc sent out about 2-3 weeks in advance of the Synod) will still be sent by post. The bill also does not amend the Constitution of the Standing Committee and therefore, the members of the Standing Committee will still be elected by means of a postal ballot.

The Bill will, however, allow more routine communication to be conducted by email.

VEN ROBIN BANTRY WHITE
MRS BRIGID BARRETT

BILL

To amend Chapter I of the Constitution

WHEREAS at present most communication between members of the General Synod and the offices of the General Synod is conducted by post;

AND WHEREAS it is desirable that greater use is made of electronic communication as a quicker, less expensive and more environmentally friendly means of communication;

AND WHEREAS to facilitate this, it is necessary to amend Chapter I of the Constitution;

BE IT ENACTED by the Archbishops and Bishops and the clergy and laity of the Church of Ireland, in General Synod assembled in Armagh in the year 2013, and by the authority of the same, as follows:-

1. In this Statute 'Chapter I' refers to Chapter I of the Constitution of the Church of Ireland.
2. For section 10 (1) (a) of Chapter I there shall be substituted:
 - (a) within one week, the names, addresses, telephone numbers and email addresses of all such representatives and supplemental representatives;

Bill No 4**Explanatory Memorandum**

With the development of the new format of training for the ordained ministry, M.Th. students at the Church of Ireland Theological Institute are ordained as deacons, prior to serving nine months in an internship in training parishes throughout Ireland, following which they may seek appointment to a curacy.

Such deacons become members of the clergy by virtue of their ordination, and are licensed by their bishop and they come within the definitions “beneficed and licensed clergy” or “member of the clergy” used throughout the Constitution of the Church of Ireland. Concerns have been expressed that the inclusion of deacons within these definitions, during the period of their internship, affects particular sections of the Constitution.

Under Section 6 of Chapter I of the Constitution, every beneficed or licensed member of the clergy of the Church of Ireland, not in receipt of a retiring annuity under Chapter XIV or over the age of seventy four, is qualified to be elected as a clerical representative or supplemental clerical representative for a diocese to General Synod.

This provision would therefore entitle a deacon, during the period of his or her internship, to be elected as a clerical representative or supplemental clerical representatives for a diocese to General Synod, notwithstanding that he or she may only serve in the diocese in question for nine months before appointment to a curacy in a different diocese.

Under Section 5 of Chapter II of the Constitution, not less than two and not more than five synod members shall be elected for each member of the clergy normally officiating in each cure within a diocese, for the purpose of election to the diocesan synod.

The presence of deacons serving in an internship for nine months would therefore increase the number of synod members who may be elected to represent parishes in which deacons are serving, and would create an imbalance in representation upon the conclusion of the internship.

Various provisions of Chapter III of the Constitution extend certain rights and privileges to incumbents or to members of the clergy officiating in a parish. These include entitlement to chair meetings of the general vestry (Section 10), to nominate an incumbent’s churchwarden and an incumbent’s glebewardens (Section 13), to chair meetings of the select vestry (Section 20(1)) and to have custody of the baptismal, marriage and burial registers for a parish (Section 25(2)). It is not considered appropriate that the foregoing rights and privileges would be exercisable by deacons serving in an internship.

Finally, in Chapter XII, an ‘officiating member of the clergy’ and ‘clergy’ have various rights and responsibilities in relation to the management of burial grounds. These include (i) the responsibility to prevent trespass or unlawful interference and to act on behalf of and in the name of the Representative Body in respect of same (Section 1), (ii) to, (in conjunction with the churchwardens) determine the place of sepulture (Section 4(2)), (iii) the power (with the churchwardens) to permit headstones, flatstones, railings and vaults to be erected and to charge fees for the same (Section 7) and (iv) to (with the churchwardens) receive certain fees (section 8). It is not considered appropriate that the foregoing rights and privileges should be exercisable by deacons serving in an internship.

This bill proposes to exclude deacons who are serving in an internship from the definitions “beneficed or licensed clergy” or “member of the clergy” for (i) the purposes of elections to the General Synod, (ii) determining the requisite number of lay synod representatives who may be elected from a parish to a diocesan synod, (iii) entitlement to exercise certain rights and privileges granted to members of the clergy regarding parochial organisation and (iv) management of burial grounds.

The Bill will not exclude deacons from inclusion in the definitions “beneficed and licensed clergy” or “member of the clergy” for other purposes while serving in an internship (for example they will be entitled to be members of the diocesan synod of the diocese in which they serve during their period of service in an internship and shall be subject to the jurisdictions of Diocesan Courts, the Court of the General Synod and Part IV committees and tribunals under Chapter VIII of the Constitution).

THE BISHOP OF CASHEL & OSSORY
REV DR MAURICE ELLIOTT

BILL

To amend Chapters I, II, III and XII of the Constitution

WHEREAS it is expedient to exclude deacons who are serving in an internship from the definitions “members of the clergy” for the following purposes; elections to General Synod, determining the number of lay representatives who may be elected from a cure to a diocesan synod, entitlement to exercise certain rights and privileges granted to members of the clergy regarding parochial organisation, and management of burial grounds;

AND WHEREAS for these purposes it is necessary to amend Chapters I, II, III and XII of the Constitution;

BE IT ENACTED by the Archbishops and Bishops and the clergy and laity of the Church of Ireland in General Synod assembled in Armagh in the year 2013, and by the authority of the same, as follows:-

1. In this Statute, “Chapter I” means Chapter I of the Constitution of the Church of Ireland, “Chapter II” means Chapter II of the said Constitution, “Chapter III” means Chapter III of the said Constitution and “Chapter XII” means Chapter XII of the said Constitution.

2. For Section 6 of Chapter I there shall be substituted:

“6. Every beneficed or licensed member of the clergy of the Church of Ireland who is not a deacon serving in an internship or in receipt of a retiring annuity under the provisions of Chapter XIV and who on 1st January preceding election had not attained the age of seventy-four years shall be qualified to be elected as a clerical representative or supplemental clerical representative for a diocese whether or not such person resides in that diocese.”

3. For Section 5 of Chapter II there shall be substituted:

“5. In the year 2004 and triennially thereafter each diocesan synod shall determine the number of synod members to be elected in respect of each cure for which there shall be a register or registers of vestry members duly qualified as in Chapter III provided, the number in every case to be in the proportion of not less than two, and not more than five, synod members for each member of the clergy normally officiating in such cure: Provided that a deacon serving in an internship ministering in a cure shall not be taken into consideration in determining the number of clergy normally officiating in that cure for the purposes of this section. The diocesan synod shall in like manner determine the number of synod members to be elected in respect of each cathedral church to which a parish is not attached, but without prejudice to the provisions of any Statute of the General Synod concerning any of the cathedrals referred to in section 18 of Chapter VII.”

4. For Section 1 of Chapter III there shall be substituted:

“1. The word “parish” in this Chapter shall include every church or chapel or church hall in which a beneficed or licensed member of the clergy of the Church of Ireland officiates, and in which there shall be a register of vestry members duly qualified as hereinafter provided, except where the context is inconsistent with such meaning. The terms “other member of the clergy officiating in the parish” and “other officiating member of the clergy” in this Chapter shall *not* include a deacon serving in an internship.”

5. For Section 1 of Chapter XII there shall be substituted:

“1. The care of all burial grounds vested in the Representative Body is hereby entrusted to the clergy and churchwardens of the several churches to which the same are respectively annexed, but subject to the control of the Representative Body; and in order to protect the same, the officiating member of the clergy and churchwardens may prevent trespass or other unlawful use of, or interference with, the same, and act on behalf and in the name of the Representative Body in any proceedings requisite for the purpose. Any costs and expenses incurred by the Representative Body in such proceedings shall be paid to it by the said member of the clergy and churchwardens, or, if the select vestry shall have approved such proceedings, shall be charged to the account of the parish. In this Chapter, the terms ‘clergy’ and ‘officiating member of the clergy’ shall *not* include a deacon serving in an internship.”

Bill No 5

Explanatory Memorandum

An anomaly has come to the notice of the Honorary Secretaries of the General Synod relating to Chapter VI which deals with Archbishops and Bishops.

Chapter VI, section 39 of the Constitution at present reads as follows:

- 39.** Rules for carrying the provisions of this Chapter into effect may be framed from time to time in manner provided by Chapter VIII, section 52.

The reference to section 52 in the above is an error as there is no Chapter VIII, section 52. It should read Chapter VIII, section 11 which deals with the powers of the Rules Committee of Ecclesiastical Tribunals.

This bill seeks to correct the anomaly.

MRS ETHNE HARKNESS
REV GEORGE DAVISON

BILL

To amend Chapter VI of the Constitution

WHEREAS it is necessary to amend the provisions of Chapter VI of the Constitution in order to correct an anomaly;

BE IT ENACTED by the Archbishops and Bishops and the clergy and laity of the Church of Ireland in General Synod assembled in Armagh in the year 2013, and by the authority of the same, as follows:-

1. In this Statute, “Chapter VI” means Chapter VI of the Constitution of the Church of Ireland.
2. For section 39 in Chapter VI there shall be substituted:
 - 39.** Rules for carrying the provisions of this Chapter into effect may be framed from time to time in manner provided by Chapter VIII, section 11.

Bill No 6**Explanatory Memorandum**

At present, under Chapter III of the Constitution of the Church of Ireland, every vestry member must sign a 'Form of declaration' that they are *inter alia* members of the Church of Ireland and either resident in the parish (Form No 1) or an accustomed member of the Congregation (Form No 2).

The relevant forms used for this purpose, the 'Form of declaration by a resident' and the 'Form of declaration by an accustomed member of a congregation' are contained in the Schedule to Chapter III of the Constitution of the Church of Ireland. Neither form explicitly states the requirement for a signature. However, a signature is clearly required for both of these forms of declaration under Section 4 of Chapter III of the Constitution.

The lack of an explicit requirement for a signature on the form may cause confusion and accordingly, the following Bill is proposed to change the layout of the forms and include an explicit requirement for a signature on these forms.

REV GEORGE DAVISON
MR SAMUEL HARPER

BILL

To amend Chapter III of the Constitution

WHEREAS the Schedule to Chapter III of the Constitution of the Church of Ireland contains a Form of declaration by a resident and a Form of declaration by an accustomed member of a congregation;

AND WHEREAS the said forms do not contain reference to the requirement for a signature referred to in Section 4 of the said Chapter of the said Constitution;

AND WHEREAS it is desirable that the said forms should indicate that a signature and the name in block capitals are required;

BE IT ENACTED by the Archbishops and Bishops and the clergy and laity of the Church of Ireland, in General Synod assembled in Armagh in the year 2013, and by the authority of the same, as follows:-

1. In this Statute 'the Constitution' means the Constitution of the Church of Ireland and 'Chapter III' means Chapter III of the said Constitution.
2. For the 'Form of declaration by a resident' and the 'Form of declaration by an accustomed member' contained in the Schedule to Chapter III of the Constitution there shall be substituted the 'Form of declaration by a resident' and the 'Form of declaration by an accustomed member' contained in the Schedule to this Statute.

Schedule

No 1 - Form of declaration by a resident

I, A.B., of _____, do hereby solemnly declare that I am a member of the Church of Ireland, and that I am usually resident at _____, in the parish or district of _____, in the diocese of _____, and that I am not registered as a vestry member in any church or chapel or church hall within the same parish or district as an accustomed member of the congregation.

Signed

Name (in block capitals)

Address

Date

No 2 - Form of declaration by an accustomed member of a congregation

I, A.B., of _____, do hereby solemnly declare that I am a member of the Church of Ireland, and that I have for three calendar months last past been, and now am, an accustomed member of the congregation attending the church or chapel or church hall of _____, in the parish or district of _____, in the diocese of _____, and that I am not registered as a vestry member in any other church or chapel or church hall in Ireland as an accustomed member of the congregation.

Signed

Name (in block capitals)

Address

Date

Bill No 7

Explanatory Memorandum

The Library and Archives Committee of the Representative Church Body has expressed concern at the fact that there is presently no requirement for important committees to keep written records of their proceedings.

The proposed bill will (if passed) mandate diocesan synods to make regulations relating to the keeping of written records of its own proceedings and the proceedings of diocesan councils, general vestries, select vestries, boards of nomination and cathedral chapters within the diocese and for the authentication and safe keeping of those records.

The bill would further require the Chapter of St Patrick's Cathedral to make its own regulations as regards the keeping, authentication and safe keeping of its own records.

VEN ROBIN BANTRY WHITE
THE BISHOP OF CLOGHER

BILL

To amend Chapter II and Chapter VII of the Constitution

WHEREAS it is desirable that written records be kept of the proceedings of diocesan synods, diocesan councils, general vestries, select vestries, boards of nomination and cathedral chapters;

AND WHEREAS it is desirable that the Chapter of St Patrick's Cathedral, Dublin similarly keeps records of its proceedings;

AND WHEREAS it is necessary to amend Chapter II and Chapter VII of the Constitution of the Church of Ireland;

BE IT ENACTED by the Archbishops and Bishops and the clergy and laity of the Church of Ireland, in General Synod assembled in Armagh in the year 2013, and by the authority of the same, as follows:-

1. In this statute, 'Chapter II' means Chapter II of the Constitution of the Church of Ireland and 'Chapter VII' means Chapter VII of the said Constitution.
2. In Chapter II, immediately after Section 31, there shall be inserted the following section:

31A (1) The diocesan synod shall make regulations for the recording of its proceedings and for the safe keeping of those records. Such records shall be in writing and signed by the president of the synod.

(2) The diocesan synod shall also make regulations for the maintenance of written records of the proceedings of diocesan councils, general vestries, select vestries, boards of nomination and cathedral chapters in its diocese and for the authentication and safekeeping of such records.

3. In Chapter VII, immediately after Section 36, there shall be inserted the following section:

36A The Chapter shall make regulations for the maintenance of written records of its proceedings and for the safekeeping of those records. Such records shall be in writing and signed by the Dean or the person who presided over the meeting in the Dean's absence.

Bill No 8**Explanatory Memorandum**

At present, it is possible for dioceses to automatically re-nominate outgoing members of the General Synod. In some dioceses, outgoing members of the General Synod are deemed automatically re-nominated unless the person expresses a desire to step down. Those who are not members of the General Synod normally need to be formally nominated by one or more diocesan synod members.

The Hard Gospel Implementation Group feels that the practice of automatically re-nominating outgoing members of the General Synod discourages some who are currently not members of General Synod from getting involved and these include many who are currently under-represented in the General Synod including younger people and women.

The bill will (if passed) prevent outgoing members of the General Synod from being nominated automatically and will require diocesan synods to apply the same rules for nominating non-members of General Synod as current members.

MRS ETHNE HARKNESS
REV ANDREW FORSTER

BILL

To amend Chapter I of the Constitution

WHEREAS it is desirable that the same nomination procedures be applied to outgoing members of the General Synod as to persons who are not members of the General Synod;

AND WHEREAS to accomplish this it is appropriate to amend Chapter I of the Constitution of the Church of Ireland;

BE IT ENACTED by the Archbishops and Bishops and the clergy and laity of the Church of Ireland, in General Synod assembled in Armagh in the year 2013, and by the authority of the same, as follows:-

1. In this Statute, 'Chapter I' means Chapter I of the Constitution of the Church of Ireland.
2. In Chapter I, immediately after Section 5 (3), there shall be inserted the following subsection:
 - (4) No diocesan synod shall make provision whereby nomination procedures applied to outgoing members of the General Synod differ from those applied to persons who are not outgoing members of the General Synod.

Bill No 9

Explanatory Memorandum

At present the Constitution of the Church of Ireland prescribes that a meeting of the general vestry of each parish, to be known as the Easter vestry, shall be held each year not earlier than twenty days before, and not later than twenty days after, Easter Day.

At present if a parish were to hold their Easter vestry on a Sunday it would be limited in the days available. For example in 2013 there is only one Sunday available prior to Easter, which also happens to fall on a Bank holiday weekend.

This Bill will also allow parishes greater flexibility where a number of Easter vestries are to be held.

REV NIALL SLOANE
VERY REV KENNETH HALL

BILL

To amend Chapter III of the Constitution

WHEREAS at present a meeting of the general vestry of each parish, to be known as the Easter vestry, shall be held each year not earlier than twenty days before, and not later than twenty days after, Easter Day;

AND WHEREAS it is desirable that there be greater flexibility for the holding of such meetings;

AND WHEREAS to facilitate this, it is necessary to amend Chapter III of the Constitution;

BE IT ENACTED by the Archbishops and Bishops and the clergy and laity of the Church of Ireland, in General Synod assembled in Armagh in the year 2013, and by the authority of the same, as follows:-

1. In this Statute 'Chapter III' refers to Chapter III of the Constitution of the Church of Ireland.
2. For section 12 of Chapter I there shall be substituted:

12. A meeting of the general vestry of each parish, to be known as the Easter vestry, shall be held each year not earlier than twenty seven days before, and not later than twenty days after, Easter Day and this meeting may be adjourned from time to time to any day or days not later than the sixth Monday after Easter Day: Provided that the general vestry meeting may not be held on, or adjourned to, a day within the period from the Sunday next before Easter (Palm Sunday) to Easter Day (inclusive).

Bill No 10**Explanatory Memorandum**

As indicated in the Report to General Synod of 2012 a working group entitled the Solvency Working Group (SWG) established by the RCB Executive Committee was set up to identify ways in which to restore the solvency of the Clergy Pensions Fund. Subsequent to the General Synod of 2012 *An Bord Pinsean* published, in June 2012, revised legislation in relation to its rules governing the measurement of the solvency of defined benefit pension plans, i.e. the Minimum Funding Standard (MFS). The legislation confirmed the previous MFS and further strengthened the standard with the introduction of a Risk Reserve.

The SWG in conjunction with the Representative Church Body as sponsor, the Clergy Pensions Fund Trustee and the Church of Ireland Pensions Board, having received actuarial advice, considered amendments to Chapter XIV. It is anticipated that the amendments together with special contributions from the RCB General Fund will restore the solvency of the Fund over a ten year period. *An Bord Pinsean* has stipulated that pension schemes in deficit must submit a funding proposal to them on or before 30th June 2013.

A detailed report on the solvency of the Clergy Pensions Fund and the provision of future pension benefits for clergy may be found on page 34 of the General Synod book of reports.

Clause 2 seeks to insert a new section 1A into Chapter XIV which, in subsection (i) would close the Clergy Pensions Fund for future accruals for all members with effect from 1st June 2013 and establish a Church of Ireland Clergy Defined Contribution Pension Scheme from that date.

Subsection (ii) in conjunction with subsection (i) sets out the procedure for the making of amendments to the new scheme from time to time.

Subsection (iii) defines the clergy who shall be enrolled as members of the Church of Ireland Clergy Defined Contribution Pension Scheme on 1st June 2013.

Subsections (iv), (v) and (vi) define the pension scheme into which clergy entering or re-entering the service of the Church of Ireland shall be enrolled or from which they may opt out if they so wish.

Section (vii) sets out the means of calculating the pension of a member at Normal Retirement Age who becomes an archbishop or bishop after 31st May 2013.

Section (viii) sets out the means of calculating the pension as at 31st May 2013 for an archbishop or bishop reaching Normal Retirement Age after 31st May 2013.

Section (ix) discontinues the provision to purchase additional service in the Fund after 31st May 2013.

Section (x) stipulates that benefits in the Fund shall be in respect of accrued service to 31st May 2013 subject to any change in Pensionable Stipend or Pensionable Episcopal Stipend.

Clause 3 seeks to substitute a new section 2 for section 2 of Chapter XIV. In accordance with the provision of clause 1A(iii) a definition of a contributing member is indicated. The definition of those not classified as a "Member of the Clergy" for the purpose of Chapter XIV has been amended to include an intern deacon.

Following actuarial advice and as part of the funding proposal to be submitted to *An Bord Pinsean* it is necessary to revise the normal retirement age for clergy. The revised Normal Retirement Age is set out in tabular form. It is not proposed to change the normal retirement age (of 65 or 67) for clergy who are aged 64 and over as at 31st May 2013.

A further element to be employed in securing members' benefits accrued to 31st May 2013 will take the form of a levy. Clause 4 seeks to substitute a new section 34 for section 34 of Chapter XIV which replaces the annual contribution to the Fund in respect of every member with a levy on each cure in a diocese and on any other member of the clergy in that diocese as defined in the new section 34.

Clause 5 seeks to substitute a new section 39 for existing section 39, which, similar to clause 4, is in respect of a levy for any member of the Fund where the responsibility for the payment of the former pension contribution lay with a Council, Society, Institution or Organisation.

Clause 6, by substituting a new section 51 for the existing section 51, seeks to ensure that a contributing member of the Fund as at 31st May 2013, who has not yet reached his or her normal retirement age and, for whatever reason, has not been accepted by the provider for an insured death in service lump sum on 1st June 2013, continues to be covered for such benefit from the Clergy Pensions Fund.

It is recognised that in certain cases a surviving spouse's pension, based on a member's accrued service to 31st May 2013, may be greater than what is provided by the insured benefits should the member die in service before reaching that member's normal retirement age. Clause 7 seeks to replace the existing section 53 with a revised section 53 thus ensuring that should such a situation arise the amount greater than the insured surviving spouse's pension benefit will be paid out of the Clergy Pensions Fund.

Clause 8 seeks to make consequential amendments to section 75 which will result from the repeal of section 72(1) under the provisions of clause 11.

Clause 9, for similar reasons to those in clause 7 but in relation to the pension of the surviving spouse of an archbishop or bishop who entered episcopal service on or before 31st December 2010, seeks to replace the existing section 78(1) with a revised section 78(1).

Clause 10, like clause 9, but in relation to the pension of the surviving spouse of an archbishop or bishop who entered episcopal service on or after 1st January 2011, seeks to replace the existing section 92(1) with a revised section 92(1).

Clause 11 lists sections of Chapter XIV which, in consequence of closing the Clergy Pensions Fund to future accruals from 31st May 2013, may be repealed. These sections are primarily concerned with membership of the Fund and contributions to the Fund.

MR ROBERT NEILL
THE BISHOP OF CORK, CLOYNE AND ROSS

(on behalf of the Representative Church Body)

BILL

To amend Chapter XIV of the Constitution

WHEREAS, in order to restore the solvency of the Church of Ireland Clergy Pensions Fund, it has become necessary to close the said Fund to new membership and to the accrual of future service of existing members and to amend the normal retirement age of contributing members who have not reached the age of 64 years;

AND WHEREAS it is desirable to establish a Church of Ireland Clergy Defined Contribution Pension Scheme for all contributing members of the Fund who have not reached normal retirement age and for all members of the clergy entering the service of the Church of Ireland on or after 1st June 2013;

AND WHEREAS for such purposes it is necessary to amend Chapter XIV of the Constitution;

AND WHEREAS the Actuary has certified that the solvency position of the Fund will not be adversely affected to a material extent on the enactment of this Statute;

BE IT ENACTED by the Archbishop and Bishops and the clergy and laity of the Church of Ireland, in General Synod assembled in Armagh in the year 2013 and by the authority of the same as follows:

1. In this Statute 'Chapter XIV' means Chapter XIV of the Constitution of the Church of Ireland.
2. Immediately after section 1 of Chapter XIV the following shall be inserted;
 - 1A. (i) With effect from 1st June 2013 the Fund shall be closed for future accrual of service in respect of all members and there shall be established a Church of Ireland Clergy Defined Contribution Pension Scheme which shall be regulated by Rules made under this section by the Representative Church Body subject to the approval of General Synod and hereinafter referred to as the Clergy Defined Contribution Rules.
 - (ii) Any amendments which may be made to the Church of Ireland Clergy Defined Contribution Pension Scheme Rules, made under subsection (i) subject to the approval of General Synod, may be approved by the Standing Committee provided that they are reported to the next following General Synod.
 - (iii) All contributing members of the Fund who have not reached their Normal Retirement Age on 31st May 2013 will be deemed to be members of the Church of Ireland Clergy Defined Contribution Pension Scheme.
 - (iv) Each member of the clergy entering the service of the Church of Ireland on, or after, 1st June 2013 shall be deemed to be a member of the Church of Ireland Clergy Defined Contribution Pension Scheme subject to the provisions of the Clergy Defined Contribution Pension Scheme Rules and the relevant provisions of this Chapter.
 - (v) The Trustee may, upon application having been made in writing, exempt from membership any person otherwise required to become a member.

- (vi) A member of the clergy who re-enters the service of Church of Ireland on or after 1st June 2013 shall become a member of the Church of Ireland Clergy Defined Contribution Pension Scheme subject to the provisions of the Clergy Defined Contribution Rules and the relevant provisions of this Chapter.
- (vii) A contributing member of the Fund on 31st May 2013, who is neither an archbishop nor a bishop or who does not become an archbishop or bishop until after 31st May 2013 shall, upon reaching his or her Normal Retirement Age, receive such benefit from the Fund based on applicable Pensionable Stipend at that time and his or her accrued service to 31st May 2013. The pension shall be calculated in accordance with either section 42 or 43 as the case may be.
- (viii) A contributing member of the Fund, who is either an archbishop or bishop on 31st May 2013 shall, upon reaching his or her Normal Retirement Age, receive such benefit from the Fund based on applicable Pensionable Episcopal Stipend at that time and that member's accrued service to 31st May 2013;
 - (a) For an archbishop or bishop who entered episcopal service on or before 31st December 2010, to whom section 72(2) applies, accrued service shall be calculated pro-rata in proportion of actual episcopal service to 31st May 2013 to expected episcopal service to a Normal Retirement Age of 65.
 - (b) For an archbishop or bishop who entered episcopal service on or after 1st January 2011, to whom section 84(1) applies, accrued service shall be calculated to 31st May 2013.
- (ix) With effect from 1st June 2013 no further contributions shall be paid into the Fund under the provisions of Sections 48 and 88.
- (x) With effect from 1st June 2013 all other relevant sections of this Chapter shall apply as if a contributing member as at 31st May 2013, upon reaching his or her Normal Retirement Age, commenced on a pension payable out of the Fund on 1st June 2013, subject to any change in Pensionable Stipend or Pensionable Episcopal Stipend in the interim period.

3. For Section 2 of Chapter XIV there shall be substituted the following;

2. For the purpose of this Chapter and of any regulations made thereunder, except so far as is otherwise provided or the context otherwise requires:

“accrued pension accumulation” in respect of a Member of the Clergy who ceases to be a contributing member shall be the benefits to which the member would have been entitled on reaching Normal Retirement Age calculated in accordance with the provisions of this Chapter (but based upon the Pensionable Stipend prevailing at the date on which the member ceased to be a contributing member) reduced by applying to such benefits the ratio of such person's accrued service to total prospective service.

“accrued service” shall mean the number of years' service which a member has completed and in the event of the final year of service being incomplete shall include such part of that year as was completed in terms of days.

“benefits” shall include

- (a) retirement pension or retirement annuity payable to a Member of the Clergy;
- (b) pension or annuity payable to a surviving spouse;
- (c) child dependency allowances;

(d) a lump sum payable either to a member or to such member's legal personal representatives.

the **“Board”** means the Church of Ireland Pensions Board established and constituted in accordance with this Chapter.

“contribution” shall mean a contribution payable under this Chapter together with any interest charged thereon.

“contributing member” shall mean a member of the Fund who has not reached Normal Retirement Age on or before 31st May 2013.

“episcopal service” shall mean service as a member of the House of Bishops of the Church of Ireland.

“Episcopal Stipend” shall mean the relevant multiple of the Minimum Approved Stipend as determined by the Representative Body from time to time in relation to each member of the House of Bishops of the Church of Ireland.

“Fund” shall mean the Church of Ireland Clergy Pensions Fund.

“Member of the Clergy” shall include an archbishop and bishop, but shall not include an auxiliary deacon, a deacon intern or an auxiliary priest licensed as such under the rules drawn up by the House of Bishops and approved by the General Synod.

“Minimum Approved Stipend” shall mean the minimum stipend determined by the General Synod in accordance with the provisions of section 51(1) of Chapter IV.

“Normal Retirement Age” from 1st June 2013, in respect of those members of the Fund who are contributing members on or before 31st May 2013, shall be in accordance with the following table:

Date of birth	Age on 31 st May 2013	Normal Retirement Age
On or before 31 st May 1949	64 or older	65
1 st June 1949 to 31 st May 1954	59 to 63	66
1 st June 1954 to 31 st May 1959	54 to 58	67
1 st June 1959 and after	53 or younger	68

Subject to the proviso that those members who have become members of the Fund on or after 1st January 2009 or who have ceased to be contributing members and who re-enter membership of the Fund on or after 1st January 2009 shall have a Normal Retirement Age of not less than 67.

“orphan” or **“child”** as the case may be shall include a stepchild and a child legally adopted by a member of the Fund.

“Pensionable Episcopal Stipend” shall be the same multiples of the Pensionable Stipend as those applied to the Minimum Approved Stipend when determining the Episcopal Stipend.

“Pensionable Stipend” shall mean the figure approved annually by the Standing Committee on behalf of the General Synod on the recommendation of the Trustee and the Representative Body having regard to the financial status of the Fund and having received actuarial advice and shall not be a figure lower than that for the previous year.

“**Pensions Act**” shall mean the Pensions Act 1990 (as amended from time to time).

“**Revenue Authorities**” means, in relation to the Republic of Ireland the Revenue Commissioners and in relation to Northern Ireland the Commissioners of Inland Revenue.

“**Taxes Act**” shall mean the Taxes Consolidation Act 1997 (as amended from time to time).

“**total prospective service**” shall mean the number of years service which a member would have achieved on reaching normal retirement age having remained a member until that date.

“**Trustee**” shall mean The Church of Ireland Clergy Pensions Trustee Limited.

“**voluntary member**” means a Member of the Clergy who was permitted to continue to be a contributor in accordance with section 22 of Chapter XIV of the Constitution 1972.

“**year of service**” shall mean a year in respect of which a contribution has been paid to the Fund or, in accordance with any reciprocal agreement with another Church, is deemed to have been paid.

4. For section 34 of Chapter XIV there shall be substituted the following:

34. With effect from 1st June 2013 and in order to secure the solvency of the Fund there shall be paid by each Diocese a levy based on the number of cures in that Diocese and a percentage of the Minimum Approved Stipend. In addition to the levy on each cure, in any diocese in which there is a vicar, bishop’s curate, diocesan curate or curate assistant who has preserved benefits in the Clergy Pensions Fund, a levy will also apply based on a percentage of the Minimum Approved Stipend applicable to that member.

The percentage of Minimum Approved Stipend to be applied as the levy will be approved annually by the Standing Committee on behalf of the General Synod on the recommendation of the Trustee and the Representative Body having regard to the financial status of the Fund and having received actuarial advice.

5. For section 39 of Chapter XIV there shall be substituted the following:

39. Any Council, Society, Institution or Organisation which is responsible for the payment of a contribution to the Fund in respect of a member of the Fund as at 31st May 2013 shall pay a levy as prescribed in section 34 of this Chapter in respect of that member.

6. For section 51 of Chapter XIV there shall be substituted the following:

51. Where a member dies while in the service of the Church of Ireland before reaching normal retirement age and in respect of whom a contribution has been paid to the Fund and who was not accepted for insured benefits in the Clergy Defined Contribution Pension Scheme as at 1st June 2013, there shall be paid to such member’s legal personal representatives a lump sum equal to the Pensionable Stipend in force on the date of death of the said member multiplied by four.

7. For section 53(1)(a) of Chapter XIV there shall be substituted the following:

53(1)(a) The surviving spouse of a member who dies before reaching normal retirement age while in the service of the Church of Ireland on or after 17th May 2001 shall receive from the date of death of the deceased member a pension as set out in the provisions of the Clergy Defined Contribution Pension Scheme; in addition if a surviving spouse’s pension at the rate of two-thirds of the member’s pension from the Clergy Pensions Fund at date of death is greater then

- the provision under the Clergy Defined Contribution Pension Scheme the excess over the Clergy Defined Contribution Pension Scheme provision shall be paid from the Clergy Pensions Fund.
8. In section 75 substitute the words 'section 72(1) or (2), as the case may be' with the words 'section 72(2)' wherever it occurs.
 9. For section 78(1) of Chapter XIV there shall be substituted the following:

78(1) The surviving spouse of an archbishop or bishop who dies before reaching normal retirement age while in episcopal service on or after 17th May 2001 shall receive from the date of such archbishop's or bishop's death a pension as set out in the provisions of the Clergy Defined Contribution Pension Scheme; in addition if a surviving spouse's pension at the rate of two-thirds of the archbishop's or bishop's pension from the Clergy Pensions Fund at date of death is greater then the provision under the Clergy Defined Contribution Pension Scheme the excess over the Clergy Defined Contribution Pension Scheme provision shall be paid from the Clergy Pensions Fund.
 10. For section 92(1) of Chapter XIV there shall be substituted the following:

92(1) The surviving spouse of an archbishop or bishop who dies before reaching normal retirement age while in episcopal service shall receive from the date of such archbishop's or bishop's death a pension as set out in the provisions of the Clergy Defined Contribution Pension Scheme; in addition if a surviving spouse's pension at the rate of two-thirds of the archbishop's or bishop's pension from the Clergy Pensions Fund at date of death is greater then the provision under the Clergy Defined Contribution Pension Scheme the excess over the Clergy Defined Contribution Pension Scheme provision shall be paid from the Clergy Pensions Fund.
 11. Sections 25(2), 25(3), 26, 28, 30, 32, 34A, 35, 43(2), 70, 71, 72(1), 76, 78(2), 82, 83, 85, 89, 90 are hereby repealed.