

GENERAL SYNOD 2013

Report of the Representative Church Body

Proposed by the Rt Revd Paul Colton, Bishop of Cork, Cloyne & Ross

EMBARGOED UNTIL DELIVERY

CHECK AGAINST DELIVERY

As proposer and seconder usually do, Mr Neill and I made contact to liaise about who would cover which aspects of the Report to this year's General Synod of the Representative Church Body.

Mr Neill emailed me to the effect that he proposed to cover pages 14 to 20 under nine general headings including: finance, assets, investment, the new Archbishop, the new Secretary General, reform and so on. Having set out his general headings encompassing almost everything in the report, he ended his email by saying: 'what do you want to cover?'

'Is there anything left?' I asked in reply!

I looked at pages 1 to 14: the table of contents, the committee membership and attendance lists! Not much speech fodder there, other than, of course, naturally and unequivocally on behalf of us all to thank the people on those lists: volunteers, each of whom gives generously of his or her time to the work of the Church through the Representative Body.

Looking at the pages after page 20, and ruling out the topics the proposer intimated he would cover, I looked to see what was left: pensions (dealt with yesterday), stained glass, car loans, sundry grants, insurance, safety, local property tax, water, energy, archives, trusts, trusts for graves, the big lottery, graveyard walls and domestic waste!

None of those is unimportant. Their inclusion, sometimes annually and routinely, occludes a significance that might unfortunately go unnoticed. Careful attention to the detail, some of it seemingly, mundane and commonplace is warranted. Many are in danger of overlooking it; when something goes wrong, we wish we had paid better attention. A lot is bedded in those small paragraphs by way of guidance, schemes, good practice guidelines and protocols.

This prompts me to refer to something I have observed from a reading in recent years of all the reports of the RCB presented to the General Synod in each year since 1871. In general terms, I've noticed that the reports of more recent years are longer and more complex. Undoubtedly some of this is a product of the ever-increasing impingement of

civil law on the internal life of the Church, as well as increasing State regulation of our work.

One example that lies ahead will be increased regulation of the church as a charity. After much delay there are now signs of movement in both Northern Ireland and the Republic of Ireland regarding the implementation of the respective Charities Acts. Stronger and more open regulation will assist the credibility of the entire charity sector. However, with more robust regulation will come additional legal expectations of trustees.

Undoubtedly now is the time for independent trustees in parishes to begin to give some thought to what their situation will be under the new regulatory framework. In particular, some may wish to consider vesting instead in the RCB. Trusts vested in the RCB are administered according to the original trust deeds, in the interests of the intended beneficiaries. Vesting in the RCB can protect the individual independent trustee. As a trustee, the RCB provides continuity. Moreover trustees can be assured that the RCB has no power or intention to alter the terms of trust of a Church of Ireland trust which is vested in it.

I looked also at another issue arising from those 143 years of RB Reports. My analysis reveals that we are increasingly ordering our life using informal rule-making – that which is styled quasilegislation or soft law. I actually counted them all year-by-year and decade-by-decade. The graph shows a sudden steep increase in the 1990s in reliance on quasi-legislation and soft law instruments. Throughout 143 the annual amount of law-making in the Church by Statute has stayed broadly the same, whereas the use of informal legal instruments has soared. In each 27 years prior to the 1980s no quasi-legislation was reported at all. I came across 194 such pieces of informal legal instrument - guidelines, protocols, schemes – more than 55% of which we have made for ourselves in the last 20 years. In fact about 40% of them in our history since disestablishment were made in the last decade. In 2010 alone there were 17 such instruments. Do we know what they are and what effects they are having on our life as a church? Where do we find them and in what ways do they govern us?

It's important that we are on the lookout for this phenomenon as it develops among us, not least as many seem to favour a more informal approach to the ordering of Church life. There's nothing wrong with using soft law – international bodies, governments and many institutions are relying on it, but we do need to be sure, I believe, of certain things:

- first, we need to be aware that it is happening;
- second, we need to ensure that those rules, made informally are published;
- third, the people of the Church need to be able to find them and have access to them;
- and fourth, those informal rules need constantly to be tested for consonance with the primary laws of the Church.

In conclusion, it is good to remind ourselves annually that the RCB is the trustee body which, for our church, is the legal person. In that capacity, it is obliged to act within the terms of the original Charter of Incorporation in the best interests of the Church of Ireland, and within the framework of the law of the land. That work is undertaken, not only in Church of Ireland House in Dublin where we are supported by an excellent and personable team, and it is also partnered and bolstered by an innumerable host of volunteers throughout the island – on select vestries, in diocesan offices, diocesan councils and diocesan synods. For this we are all truly grateful.

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