

**GENERAL SYNOD
OF THE
CHURCH OF IRELAND**

2009

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

In 2008, the General Synod approved, by the requisite majorities, a resolution granting leave for the introduction of this Bill and accompanying Schedule in 2009.

The Bill provides for the amendment of the *Book of Common Prayer*, by including in all future printings thereof, the *Declaration*, as set out in the accompanying Schedule, immediately preceding the *Articles of Religion*.

VERY REV PW ROOKE
MR DB O'CALLAGHAN

BILL

(at the request of the General Synod)

To carry into effect a Resolution of the General Synod 2008 to amend the *Book of Common Prayer* by including therein the *Declaration* as set out in the accompanying Schedule.

WHEREAS it is desirable that the *Declaration*, as set out in the accompanying Schedule, be included in the *Book of Common Prayer*, immediately preceding the *Articles of Religion*;

AND WHEREAS it is expedient to include the *Declaration*, which was adopted by a Resolution of the General Synod of 1999, with regard to its understanding of the historic formularies of the Church of Ireland, in the *Book of Common Prayer*;

BE IT ENACTED by the Archbishops and Bishops and the Clergy and Laity of the Church of Ireland in General Synod assembled in Galway in the year 2008, and by the authority of the same, as follows:

1. In all future printings of the *Book of Common Prayer* there shall be included the *Declaration*, as set out in the accompanying Schedule, immediately preceding the *Articles of Religion*.

SCHEDULE

Declaration

The Church of Ireland is part of the one, holy, catholic, and apostolic Church, worshipping the one true God - Father, Son, and Holy Spirit. It professes the faith uniquely revealed in the Holy Scriptures and set forth in the catholic creeds: which faith the Church is called upon to proclaim afresh in each generation. Led by the Holy Spirit, it has borne witness to Christian truth in its historic formularies - the Thirty-nine Articles of Religion, the Book of Common Prayer, the Ordering of Bishops, Priests and Deacons and the Declaration prefixed to the Statutes of the Church of Ireland (1870).

These historic formularies are a definition of the faith as proclaimed by the Church of Ireland, and thus form an important part of the inheritance through which this Church has been formed in its faith and witness to this day. The formularies that have been passed on are part of a living tradition that today must face new challenges and grasp fresh opportunities.

Historic documents often stem from periods of deep separation between Christian Churches. Whilst, in spite of a real degree of convergence, distinct differences remain, negative statements towards other Christians should not be seen as representing the spirit of this Church today.

The Church of Ireland affirms all in its tradition that witnesses to the truth of the Gospel. It regrets that words written in another age and in a different context should be used in a manner hurtful to or antagonistic towards other Christians.

The Church of Ireland seeks the visible unity of the Church. In working towards that goal this Church is committed to reaching out towards other Churches in a spirit of humility and love, that together all Christians may grow towards unity in life and mission to the glory of God.

BILL NO 2**Explanatory Memorandum**

Recent legislation in both Northern Ireland and the Republic has relieved the Church of the responsibility for the civil registration of marriages. No longer does the church issue marriage licences or keep the civil registers. This has implications for the marriage service, particularly relating to the wording in the early part of the service and for much of the attached notes in the Book of Common Prayer. A further issue has arisen in the Civil Registration Act, 2004 in the Republic of Ireland which requires the couple to make a verbal declaration of no civil impediment before the solemniser and the two witnesses to the marriage either prior to the marriage or at the time of the service.

This bill seeks to amend the services to take account of these changes.

The wording of the statements by the minister to the congregation and the couple regarding lawful impediments in the existing services are no longer appropriate and the bill proposes to remove them and replace them with more applicable words and rubrics. All notes which deal with the calling of banns etc would now also be removed.

While it is possible in the Republic of Ireland to administer the declarations of no civil impediment up to 48 hours before the marriage provided it is in the presence of the solemniser and the two witnesses to the wedding, experience would suggest that the more normative place for the declarations to be made is at the time of the marriage itself and provision is made for this to happen.

During this past year, since the Resolution stage of the Bill, agreement has been reached with the Registrar General of the Republic of Ireland for a simpler wording for the declaration of no civil impediment by the couple and a further amendment by the proposers of the Bill is tabled to include this simpler wording in the form of service. The agreed new wording is:

I solemnly declare that I do not know of any civil impediment to my proposed marriage with....

A further amendment by the proposers is tabled to meet the wishes of last year's debate that an additional rubric be inserted to emphasise the couple's responsibility to produce a Marriage Registration Form (RI) or a Schedule of Marriage (NI) to the officiating priest before a marriage can take place.

A Table of Kindred and Affinity has been provided by the state in both jurisdictions.

VEN RB ROUNTREE
THE BISHOP OF CASHEL AND OSSORY

BILL

(at the request of the General Synod)

To carry into effect a Resolution of the General Synod 2008 to amend Marriage One and Marriage Two in the *Book of Common Prayer* (2004)

WHEREAS a Resolution to amend *Marriage One and Marriage Two* in the *Book of Common Prayer* (2004) was duly passed in full Synod in Galway in the year 2008, by the required majorities and was duly transmitted to the Secretaries of all Diocesan Synods;

AND WHEREAS it is expedient that the said resolution should be carried into effect by a Statute;

AND WHEREAS in accordance with the provisions of Section 26(1) of Chapter I of the Constitution, leave was given for the introduction of a Bill in the General Synod of 2009;

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 2009, and by the authority of the same as follows:

In the *Book of Common Prayer* (2004) those parts entitled *Marriage One and Marriage Two* shall be amended in the following terms:

MARRIAGE ONE

- On page 406 under "*The priest says to the congregation*" delete the last two lines "*Therefore if any man ...hold his peace* "
- On page 406 the rubric "*The minister says to the couple*" to read "***The minister may say to the couple***".
- On page 406 after "*neither is their matrimony lawful*" insert the following rubric:
"[RI] Unless the declarations of no civil impediment have already been made by the couple prior to the marriage in the presence of the Registered Solemniser and the two witnesses the man and the woman each make the required declaration now."
- On page 415 delete "*On the day... costs incurred*"

MARRIAGE TWO

- On page 419 under the heading 'THE MARRIAGE' delete the first two paragraphs "*The minister says to the congregation...you must declare it now*".
- On page 419 under the heading "THE MARRIAGE" substitute:
"The minister may say to the couple:
God, the judge of all
knows the secrets of our hearts;
therefore if either of you knows any reason
why you may not lawfully marry
you must declare it now.

[RI] Unless the declarations of no civil impediment have already been made by the couple prior to the marriage in the presence of the Registered Solemniser and the two witnesses the bride and bridegroom each make the required declaration now.”

- On pages 429 and 430 delete "On the day of the marriage..... *Marriage Law in the Republic of Ireland*"

BILL NO 3**Explanatory Memorandum**

As a result of major turmoil in the world's economies at this time further strain has been placed on levels of statutory funding required of pensions schemes including the Church of Ireland Clergy Pensions Scheme.

In view of the content of the Actuarial Certificate at 31 December 2008 and the anticipated outcome of the next triennial actuarial valuation, as indicated in the Report of the Church of Ireland Pensions Board, a revised funding proposal will have to be submitted to the Irish Pensions Board. As part of the revised funding proposal and in agreement with the Actuary, it is recommended that as an interim measure, there is an increase in the annual total contribution to the Fund by 3.6%. This increase together with anticipated future increases required for the revised funding proposal are intended to enable the Trustee to pay future benefits under the Fund as they fall due while remaining compliant with the requirements of Section 16(1) of Chapter XIV of the Constitution.

The Representative Church Body and the Church of Ireland Pensions Board have agreed that the cost of this increase should be shared between members and parishes/dioceses. This necessitates amendment of sections 34 and 35 of Chapter XIV of the Constitution which provide for the manner in which contributions are made to the Fund and details the rates of contribution.

The proposed changes, which would be effective from 1 January 2010, would increase by 2% from 5.6% to 7.6% of minimum approved stipend the amount of contribution from a member. The assessment on parishes/dioceses would be increased from 16.8% of minimum approved stipend to 18.4%, an increase of 1.6%.

For its part the Representative Church Body would be agreeable in principle to making capital transfers into the Fund at future dates in relation to currently identified past service liabilities, subject to the prevailing financial circumstances in relation to its General Funds and offset by consequent adjustments to pension subventions from allocations.

VEN REB WHITE
CANON LADY SHEIL

BILL

(at the request of the Representative Church Body and the Church of Ireland Pensions Board)

To amend Chapter XIV of the Constitution

WHEREAS an increase in the annual total contribution made to the Church of Ireland Pensions Fund, established under Chapter XIV of the Constitution and hereinafter referred to as “the Fund”, is required to maintain the solvency of the Fund;

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

AND WHEREAS the Church of Ireland Pensions Board has certified that on the enactment of this Statute the Fund will remain compliant with the requirements of Section 16(1) of Chapter XIV 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 2009, 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 2003.
2. In Section 34 of Chapter XIV for “1st January 2008” there shall be substituted “1st January 2010” and for the figure “22.4%” there shall be substituted the figure “26%”.
3. (i) In section 35(1) of Chapter XIV for the figure “5.6%” wherever it occurs there shall be substituted the figure “7.6%”.

(ii) In section 35(1) of Chapter XIV for the figure “16.8%” wherever it occurs there shall be substituted the figure “18.4%”.

BILL NO 4

Explanatory Memorandum

The General Synod in 2008 passed Motion No 4, as follows: “That the unexpended allocation held by the Commission be transferred back to the Representative Church Body and that the Representative Church Body be requested to present a Bill to the General Synod of 2009 to disband the Commission.” Accordingly Bill No 4 is presented to the General Synod for consideration.

VERY REV LDA FORREST
MR WF BAKER

BILL

(at the request of the Representative Church Body)

To disband the Commission on Church Buildings

WHEREAS the General Synod in 2008 passed Motion No 4 requesting that the Representative Church Body present a Bill to the General Synod of 2009 to disband the Commission on Church Buildings, also referred to as the Commission on Churches.

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 2009, and by the authority of the same as follows:

1. The following Statutes shall be and the same are hereby repealed with immediate effect: Provided always that such repeal shall not invalidate or affect any act or thing heretofore done or any right or liability heretofore acquired or incurred under or in pursuance of the provisions hereby repealed.

Statute Chapter i of 1986
Statute Chapter ii of 1993
Statute Chapter iii of 1994
Statute Chapter iv of 2000

BILL NO 5**Explanatory Memorandum**

In a resolution passed at the General Synod 2008, the House of Bishops and the Commission on Ministry were requested to consider the possibility of draft legislation being brought to the General Synod of 2009 to extend the provisions of Chapter IX, section 34 (Canon 34) of the Constitution to certain members of the clergy serving in the auxiliary ministry as non-stipendiary ministers.

As reported in the report of the Commission on Ministry to this Synod (see page X) the Commission appointed a sub-group to address this issue and a survey of the Diocesan Secretaries was conducted to examine the number, deployment and reimbursement of non-stipendiary ministers currently within the Church of Ireland. It was also noted that this will be a finite population as the new Ministry Formation does not differentiate between stipendiary and non-stipendiary training.

The Commission on Ministry received the recommendations from the sub-group and agreed on a proposal which was then sent to the House of Bishops. The House of Bishops stated they were satisfied with the proposal that draft legislation be brought to General Synod 2009.

Canon 20(c), in Chapter IX of the Constitution enables a bishop to admit into holy orders “any person, for general assistance in that bishop’s diocese, who will continue to earn a living in a lay occupation or who will have some other source of income sufficient for such person’s needs, pursuant to any rules in that behalf made by the House of Bishops and approved by the General Synod”.

A number of members of the clergy so admitted under Canon 20(c) are currently serving in the auxiliary ministry as non-stipendiary ministers.

Accordingly, clause 2 of this Bill seeks to amend Canon 34 in Chapter IX of the Constitution to provide that a member of the clergy who has been admitted into holy orders under the provisions of Canon 20(c) and who has served for not less than three years in the auxiliary ministry may apply to the bishop for remuneration for duties performed at the bishop’s request and for expenses incurred in the performance of such duties.

As indicated in draft paragraph 5(a) of Canon 34, the detailed provision regulating any such remuneration and expenses and other related matters would be set out in Rules to be made by the Representative Church Body and approved by the Standing Committee of the General Synod; much detailed work will be required in the formulation of such Rules. Draft Canon 34(5)(b) provides that no entitlement to membership of nor participation in the Church of Ireland Clergy Pensions Fund shall be conferred by any payment or reimbursement of expenses made under the provisions of Canon 34(5).

MR WF BAKER
THE BISHOP OF DERRY AND RAPHOE

BILL

(at the request of the General Synod)

To amend Chapter IX of the Constitution

WHEREAS it is desirable, in certain circumstances, to permit the making of payments to persons serving in the auxiliary ministry;

AND WHEREAS for such purposes it is necessary to amend Chapter IX 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 2009, and by the authority of the same as follows:-

1. In this Statute “Chapter IX” shall mean Chapter IX of the Constitution of the Church of Ireland 2003 and “the Canons” shall mean the Canons contained in the said Chapter IX.
2. Canon 34 of the Canons shall be amended by the insertion after paragraph (4) of the following paragraph:-
 - (5) Notwithstanding the provisions of Canon 20, a person who has been admitted to holy orders for general assistance in a diocese on the basis that such a person will continue to earn a living in a lay occupation or will have some other source of income sufficient for such person’s needs, and who has served in the auxiliary ministry for a period of not less than three years, may apply to the bishop, to be paid for duties performed at the bishop’s request and to be reimbursed for expenses incurred in the performance of such duties; provided that no such payment and no such reimbursement of expenses shall -
 - a) be at a rate in excess of those prescribed in such rules in this regard as shall, from time to time, be made by the Representative Church Body and approved by the Standing Committee of the General Synod; or
 - b) confer any entitlement to membership of or participation in the Church of Ireland Clergy Pensions Fund.

BILL NO 6

Explanatory Memorandum

In 2007, the General Synod enacted legislation amending Chapter VII of the Constitution so as to provide for the appointment of ecumenical canons to the Chapter of St Patrick's Cathedral, Dublin.

Each ecumenical canon must be a minister or accredited preacher of another Christian denomination which is specified by the House of Bishops and which is not in full communion with the Church of Ireland.

Section 24 of Chapter VII currently provides that prebendal stalls assigned to the patronage of dioceses or united dioceses shall be held only by clergy entitled to sit in the synods of those diocese or united diocese and that all other prebendal stalls shall be held only by Church of Ireland clergy resident in Ireland.

Accordingly prebendal stalls may not be assigned to ecumenical canons. Furthermore, there is currently no requirement that the ecumenical canons would themselves be resident in Ireland.

This Bill seeks to amend Section 24 of Chapter VII to provide for the assignment of prebendal stalls to ecumenical canons but requires that such ecumenical canons be resident in Ireland.

VERY REV LDA FORREST
REV CANON WD SINNAMON

BILL

To amend Chapter VII, Section 24 of the Constitution

WHEREAS Chapter VII of the Constitution of the Church of Ireland was amended by Statute Chapter V of 2007 to provide, inter alia, for the appointment of ecumenical canons to the Chapter of the Collegiate and Cathedral Church of St. Patrick, Dublin;

AND WHEREAS it is considered desirable that prebendal stalls should only be assigned to ecumenical canons resident in 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 2009 and by the authority of the same as follows:-

1. The second sentence of Chapter VII of the Constitution of the Church of Ireland shall be amended by the insertion after the words “resident in Ireland” of the words “and ecumenical canons resident in Ireland”.