

The Diocese in Europe Measure 1980

PASSED BY THE GENERAL SYNOD OF THE CHURCH OF ENGLAND

To make provision for the representation in the General Synod of the Church of England of the Diocese of Gibraltar in Europe when established; to amend Article 8 of the Constitution of the General Synod in relation to the said Diocese; to empower the Church Commissioners to pay to the Bishop and any suffragan bishop of the said Diocese when established a stipend and his official expenses and to provide or assist with the provision of suitable residences for such bishops; to confer pension rights on bishops and other clergy who perform ecclesiastical service in the said Diocese after its establishment; to extend the Deaconesses and Lay Workers (Pensions) Measure 1980 to the said Diocese; and to amend the Overseas and Other Clergy (Ministry and Ordination) Measure 1967.

Whereas the Bishop of London has expressed his intention to surrender to the Archbishop of Canterbury immediately after the passing of this Measure his ecclesiastical jurisdiction over bishops, priests and deacons of the Church of England who officiate in a spiritual capacity in northern and central Europe and are subject to such jurisdiction.

And whereas the Archbishop of Canterbury has expressed his intention so to exercise his metropolitan jurisdiction as to direct that on receiving such surrender the areas in northern and central Europe to which such surrender relates and the areas within the ecclesiastical jurisdiction of the Bishop of Gibraltar shall be united to form one Diocese and that the Diocese of Gibraltar as extended in accordance with that direction and the Bishop thereof shall be respectively entitled the Diocese of Gibraltar in Europe and the Bishop of Gibraltar in Europe and cited as the Diocese in Europe and the Bishop in Europe.

And whereas it is expedient that the said Diocese, when established, should be represented in the General Synod of the Church of England.

1 At any time after the Diocese incorporating the former Diocese of Gibraltar and the areas of Northern and Central Europe formerly within the ecclesiastical jurisdiction of the Bishop of London, and to be cited as the Diocese in Europe (hereafter in this Measure referred to as 'the Diocese'), is established it shall be lawful for the General Synod to submit for Her Majesty's Licence and Assent a Canon in the form set out in Schedule 1 to this Measure which, for the purpose of making provision for the Diocese to be represented in the Convocation of Canterbury and accordingly, in the House of Bishops and the House of Clergy of the General Synod, amends the canons concerning the constitution of the upper House of the said Convocation and the representation of the clergy in the Lower House thereof, and, if Her Majesty is pleased to grant Her Licence and Assent, it shall be lawful for the General Synod to make, promulge and execute the said Canon.

2 The CRR (Church Representation Rules), that is to say, the rules contained in Schedule 3 to the Synodical Government Measure 1969, as amended by resolutions of the General Synod passed in accordance with §7(1) of that measure, shall have effect subject to the amendments set out in Schedule 2 to this measure, being amendments which provide for the Diocese to be represented in the House of Laity of the General Synod by two members, the qualification and election of such members and other matters arising out of and incidental to such elections.

3 (1) At the end of Article 8(1) of the Constitution of the General Synod set out in Schedule 2 to the Synodical Government Measure 1969 (which provides that certain measures, canons and schemes shall not be finally approved by the General Synod unless the measure, etc., or the substance of the proposals embodied therein, has been approved by a majority of the dioceses at meetings of their diocesan synods) there shall be inserted the words 'or, in case of the Diocese in Europe, of the Bishop's Council and Standing Committee of that Diocese'.

(2) If the votes of the houses of clergy and laity of the Bishop's Council and Standing Committee of the Diocese are in favour of any matter referred to that council and committee under the provisions of the said Article 8, that matter shall be deemed to have been approved for the purposes of the said Article.

4 The Church Commissioners shall have power —

(a) to pay out to their general fund to the Bishop of the Diocese, and to any suffragan bishop appointed to assist the Bishop of the Diocese, such a stipend and such annual sum in respect of the expenses incurred by him in connection with the performance of the duties attaching to his office as they think fit; and

(b) to provide the Bishop of the Diocese with a suitable residence and to assist with the provision of a suitable residence for any such suffragan bishop.

5 (1) The Clergy Pensions Measures 1961 to 1972, any regulations made under §6(1) of the Clergy Pensions (Amendment) Measure 1972 and any rules made under §3 of the Clergy Pensions (Amendment) Measure 1967 shall have effect as if —

(a) the Diocese were a diocese in the province of Canterbury and, accordingly, within the area to which the Clergy Pensions Measure 1961 applies; and

(b) in §1(2)(a) of the said Measure of 1961 (pensionable service), the reference to a parish included a reference to a chaplaincy in the Diocese.

(2) The Deaconesses and Lay Workers (Pensions) Measure 1980 shall extend to the Diocese.

6 The Overseas and other Clergy (Ministry and Ordination) Measure 1967 shall have effect as if the Diocese were in the province of Canterbury and, accordingly, for the purposes of that Measure neither the Bishop of the Diocese nor any other bishop holding office therein is an overseas bishop nor is a clergy who has been ordained priest or deacon by any such bishop an overseas clergyman.

7 (1) This measure may be cited as the Diocese in Europe Measure 1980.

(2) This measure shall come into operation on such day following the establishment of the Diocese as may be appointed by the Archbishop of Canterbury.

(3) In this measure 'the Diocese' has the meaning assigned by §1.

SCHEDULES

Schedule 1: Form of proposed amending canon

1 In Canon H3, at the end of paragraph 1 (constitution of the Upper House of the Convocation of Canterbury), there shall be inserted the following paragraph —

'For the purposes of this Canon and any rules made thereunder the Diocese in Europe shall be deemed to be a diocese in the province of Canterbury.'

2 In paragraph 1 of Canon H2 relating to the representation of the clergy in the Lower House of the Convocation of Canterbury, in sub-paragraph (a), the word 'and', where thirdly occurring, shall be omitted and after the word 'Windsor' there shall be inserted the words 'and the Dean of the Cathedral Church of the Holy Trinity in Gibraltar', and at the end of that paragraph there shall be inserted the following paragraph —

'For the purpose of this Canon and any rules made thereunder the Diocese in Europe shall be deemed to be a diocese in the province of Canterbury and references to a diocese, except the reference in sub-paragraph (c) of this paragraph, shall be construed accordingly.'

3 In paragraph 2 of Canon H2 relating to the representation of the clergy in the said Lower House, in paragraph (a) of the proviso, for the words 'one hundred and thirty' there shall be substituted the words 'one hundred and thirty-two' and at the end of that paragraph there shall be inserted the words 'except the Diocese in Europe which shall have two proctors'.

4 At the end of paragraph 4 of Canon H2 relating to the representation of the clergy in the said Lower House there shall be inserted the following paragraph —

'In the application of this paragraph to an electoral area consisting of the Diocese in Europe the word 'archdeacons' in sub-paragraph (a) shall be omitted.'

5 At the end of paragraph 5 of Canon H2 relating to the representation of the clergy in the said Lower House there shall be inserted the following paragraph —

'In the application of this paragraph to an electoral area consisting of the Diocese in Europe the words from 'and shall' to 'paragraph 1' shall be omitted.'

Schedule 2: amendments of the CRR

1 (1) After rule 29(1) (concerning membership of House of Laity of General Synod) there shall be inserted —

'(1A) For the purposes of this Part of these rules the Diocese in Europe shall be deemed to be a diocese in the province of Canterbury.'

(2) In rule 29(2) (diocesan electors), after the word 'diocese', where first occurring, there shall be inserted the words 'other than the Diocese in Europe', and after rule 29(2) there shall be inserted —

'(3) The diocesan electors of the Diocese in Europe shall be such number of persons elected by the annual meetings of the chaplaincies in the said Diocese as may be determined by the Bishop's Council and Standing Committee of the said Diocese, and any lay person who is:

(a) an actual communicant member of the Church of England or of a Church in communion with that Church,

(b) of eighteen years or upwards, and

(c) a person whose name is entered on the electoral roll of such a chaplaincy, shall be qualified for election as a diocesan elector by the annual meeting of that chaplaincy.'

2 In paragraph (1) of rule 30 (number of elected members), for the number '250' there shall be substituted the number '252' and for sub-paragraph (b) there shall be substituted —

'(b) divide the number so apportioned to each province (less two in the case of the province of Canterbury) among the Dioceses of that province (other than the Diocese in Europe) so that the number of members to be elected by the several dioceses (other than the said Diocese which shall elect two members) are as nearly as possible proportionate to the total number of names certified for them under the next following paragraph, but so that no diocese, other than the said Diocese and the Diocese of Sodor and Man, shall elect less than three members.'

3 In paragraph (1) of rule 31 (qualification of elected members) after the words 'rule 1(3)' there shall be inserted the words 'and of paragraph (1A) of this rule', and after that paragraph there shall be inserted —

'(1A) Any lay person who is an actual communicant member of the Church of England or of a Church in communion with that Church and of eighteen years or upwards whose name is entered on the electoral roll of any chaplaincy in the Diocese in Europe shall be qualified for election by the diocesan electors of that Diocese'.

4 (1) After paragraph (1) of rule 36 (appeals) there shall be inserted —

'(1A) The provisions of this rule (except paragraph (3)), insofar as they confer a right of appeal by any person aggrieved against the result of an election and provide for notice of an appeal and the determination thereof, shall apply in relation to an election to the House of Laity of the General Synod by the diocesan electors of the Diocese in Europe.'

(2) After paragraph (3) of that rule there shall be inserted —

'(3A) An error in the electoral roll of a chaplaincy in the Diocese in Europe shall not be a ground of appeal against the result of an election to the House of Laity of the General Synod by the diocesan electors of that Diocese unless —

(a) either it has been determined under the rule which applies in that Diocese and corresponds with this rule that there has been such an error or the question is awaiting determination under that rule; and

(b) the error would or might be material to the result of that election; and the allowance or disallowance of a vote shall not be a ground of appeal against the result of such an election unless the allowance or disallowance would or might be material to the result of the election.'

5 At the end of rule 37 (vacation of seat) there shall be inserted —

'(5) This rule shall apply in relation to a member of the House of Laity of the General Synod elected for the Diocese in Europe with the substitution for the words in paragraph (1)(d) from 'roll' to 'aforesaid' of the words 'electoral roll of any chaplaincy in that Diocese'.

6 At the end of rule 39 (casual vacancies) there shall be inserted —

'(10) This rule shall apply in relation to the filling of a casual vacancy among the members of the house of Laity of the General Synod elected for the Diocese in Europe with the omission of the words in paragraphs (5) and (6) 'acting in accordance with any directions of the diocesan synod.'

7 At the end of rule 43 (powers of bishop, archbishop etc.) there shall be inserted —

'(12) The preceding provisions of this rule shall have effect in the Diocese in Europe as if the references therein to these rules were references to such of these rules as apply in that Diocese and subject to paragraph (6) of this rule, the powers of an archbishop under this rule shall, as respects that Diocese, be exercisable by the Archbishop of Canterbury.'

GS401A as finally passed by the General Synod of the Church of England, 12 February 1980
