

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Seventh Delegated Legislation Committee

CHURCH OF ENGLAND (MISCELLANEOUS
PROVISIONS) MEASURE

Tuesday 25 February 2020

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Saturday 29 February 2020

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The Committee consisted of the following Members:

Chair: MR LAURENCE ROBERTSON

Campbell, Sir Alan (<i>Tynemouth</i>) (Lab)	McKinnell, Catherine (<i>Newcastle upon Tyne North</i>) (Lab)
† Caulfield, Maria (<i>Lewes</i>) (Con)	† McMorrin, Anna (<i>Cardiff North</i>) (Lab)
† Eshalomi, Florence (<i>Vauxhall</i>) (Lab/Co-op)	McGovern, Alison (<i>Wirral South</i>) (Lab)
† Farris, Laura (<i>Newbury</i>) (Con)	Morris, Grahame (<i>Easington</i>) (Lab)
† Gibson, Peter (<i>Darlington</i>) (Con)	† Russell, Dean (<i>Watford</i>) (Con)
† Grant, Mrs Helen (<i>Maidstone and The Weald</i>) (Con)	† Selous, Andrew (<i>Second Church Estates Commissioner</i>)
† Griffith, Andrew (<i>Arundel and South Downs</i>) (Con)	† Tami, Mark (<i>Alyn and Deeside</i>) (Lab)
† Henderson, Gordon (<i>Sittingbourne and Sheppey</i>) (Con)	Charlotte Swift, <i>Committee Clerk</i>
† Henry, Darren (<i>Broxtowe</i>) (Con)	† attended the Committee
† Loder, Chris (<i>West Dorset</i>) (Con)	

Seventh Delegated Legislation Committee

Tuesday 25 February 2020

[MR LAURENCE ROBERTSON *in the Chair*]

Church of England (Miscellaneous Provisions) Measure

2.30 pm

The Second Church Estates Commissioner (Andrew Selous): I beg to move,

That the Committee has considered the Church of England (Miscellaneous Provisions) Measure (HC 299).

It is a pleasure to serve under your chairmanship, Mr Robertson. The Measure was laid before the House on 4 November 2019. To some colleagues, this might seem a slightly unusual format for a Delegated Legislation Committee. I should explain that the Measure has been through the Ecclesiastical Committee, which is composed of Members of both Houses, is cross-party and is chaired by Baroness Butler-Sloss. That Committee went through the Measure in considerable detail on 29 October, and the House of Lords did the same on 30 January—I have the reports of both sets of scrutiny with me today. I therefore hope that we can deal with the Measure reasonably expeditiously.

Although the provisions contained in the Measure are miscellaneous, they are nevertheless important, so I will go through the Measure section by section. Section 1 enables members of religious communities to be ordained and to be licensed to serve in their community as a deacon or a priest.

Section 2 implements a recommendation from Dame Moira Gibb’s report following her review of the Church of England’s response to the horrendous abuse committed by Bishop Peter Ball. One of the report’s recommendations was the introduction of a national register of clergy with permission to officiate. That recommendation has been further developed, and section 2 will now require that there be a national ministry register. Every clerk in holy orders who has the authority to exercise ministry in the Church of England will have to be included in the register. There is also provision for the creation of a register of licensed lay people. Bishops will be required to provide details to the Archbishops’ Council on a regular basis, so that the national registers are kept up to date. A form of the register that omits personal contact information will be published by the council and will be accessible to the public free of charge.

Section 3 enables deaconesses, readers and lay workers to provide funeral ministry on a similar basis to the clergy. They will be able to do so at the request of the family or friends of the deceased, having informed and sought the good will of the deceased’s incumbent. The deaconess, reader or lay worker must also be authorised by the bishop to conduct funerals and have the consent of the incumbent of the parish to which they are licensed.

Section 4 makes provision for cases in ecclesiastical courts dealing with the care of churches where a party is unable to pay the court fees. Secular courts already

have a statutory power to grant waivers of court fees for those who are of limited means, and the ecclesiastical courts will be able to do the same.

Sections 5 and 6 are concerned with cathedrals. Section 5 makes it possible for the Cathedrals Fabric Commission or a fabric advisory committee to vary an approval for works that it has previously granted, which should avoid the need for a cathedral to restart the application process where proposals need to be revised. It also allows for proposals to be revoked and provides a right of appeal.

Section 6 makes it easier to build on disused burial grounds belonging to cathedrals, provided that there is no objection from a relative of anyone buried in the land in question during the past 50 years. It provides a definition of “relative” for this purpose and for the purpose of equivalent legislation relating to churchyards.

Section 7 amends the legislation relating to the inspection of churches to make it clear that the inspector appointed under the legislation is appointed by the parochial church council and is responsible to that body. Before appointing an inspector, a parochial church council will have to obtain and have regard to advice from the diocesan advisory committee, but diocesan advisory committees will no longer have approved lists of inspecting architects. Instead, the committee will advise whether a particular professional has the necessary qualifications and experience to inspect the church in question. There will be statutory guidance from the Church Buildings Council on the appointment and work of inspectors.

Sections 8 and 9 deal with parochial registers and records, taking account of registers of church services that are kept in electronic form and clarifying the meaning of “records” so that the right things, such as the written records, facts and events, and not the wrong things, such as photographs or lists of incumbents fixed to a church wall, are deposited in county record offices.

Section 10 allows the Cathedrals Fabric Commission to delegate its functions to its officers. Section 11 places limits on the length of successive terms of office on diocesan advisory committees. Section 12 removes a technical legal problem where a diocesan board of finance grants a lease to a parochial church council. Section 13 clarifies where responsibility rests for the payment of pensions in respect of service after 1997.

Section 14 replaces various outdated terms in the constitution of the General Synod; among other changes, “Chairman” formally becomes “Chair”. Section 15 corrects some stray cross-references in the Mission and Pastoral Measure 2011. Section 16 provides for the short title of the Measure, its commencement and its extent.

2.36 pm

Mark Tami (Alyn and Deeside) (Lab): It is a pleasure to serve under your chairmanship, Mr Robertson. The good news is that Labour is supportive of this Measure, so we will not detain the Committee long. [HON. MEMBERS: “Hear, hear!”] I see that is a popular approach.

The only point of clarification is in respect of section 13, which deals with pensions provision. Regarding those changes, and where liability does or does not lie, or where the change is effective, I wonder whether there was consultation on those points with the clergy who have been affected by them.

2.37 pm

Andrew Selous: I thank the right hon. Gentleman for his question. Section 13 amends section 11 of the 2018 Measure to make it clear that although the commissioners are not responsible for paying pensions in respect of service carried out after 1997, they are liable for making contributions into the fund out of which the board must pay pensions in respect of such service. I reassure him that, as far as the clergy are concerned, their pensions will carry on under the same terms and conditions

of service as they were before and after 1997; it is just a question of who is responsible. After 1997, diocesan boards of finance have a significant additional responsibility alongside the Church Commissioners. All these matters were fully discussed with the clergy before they came before this Committee. I hope that is helpful to the right hon. Gentleman.

Question put and agreed to.

2.38 pm

Committee rose.

