

Second Day

Saturday 7 July 2001

THE CHAIR *Mrs Margaret Swinson (Liverpool)* took the Chair at 9.30 a.m.

Exposition of Scripture

Revd Professor John Barton (Oxford University): I hope, if I begin '548, Barton, University of Oxford', this may be allowed to count as a maiden speech! I had hoped to make a slightly more unobtrusive maiden speech, but I am nonetheless very grateful for the invitation to give this exposition. The exposition will end with prayer and then, if my timing is right, there will be about ten minutes for people to discuss anything they like to with their neighbour, or else to meditate in silence before next business is called.

The same night [Jacob] got up and took his two wives, his two maids, and his eleven children, and crossed the ford of the Jabbok. He took them and sent them across the stream, and likewise everything that he had. Jacob was left alone; and a man wrestled with him until daybreak. When the man saw that he did not prevail against Jacob, he struck him on the hip socket; and Jacob's hip was put out of joint as he wrestled with him. Then he said, 'Let me go, for the day is breaking.' But Jacob said, 'I will not let you go, unless you bless me.' So he said to him, 'What is your name?' And he said, 'Jacob.' Then the man said, 'You shall no longer be called Jacob, but Israel, for you have striven with God and with humans, and have prevailed.' Then Jacob asked him, 'Please tell me your name.' But he said, 'Why is it that you ask my name?' And there he blessed him. So Jacob called the place Peniel, saying, 'For I have seen God face to face, and yet my life is preserved.' The sun rose upon him as he passed Peniel, limping because of his hip. (Genesis 32.22–31)

There are certain stories in the Old Testament that cause a shiver down the spine and, in my experience, Jacob wrestling with the angel is one of them. Why is this?

One possible answer begins by noticing that the story is in many ways rather like a folk tale. There are stories in many cultures about the dangers that lurk at bridges or fords, reflecting the mysterious quality of natural boundaries such as rivers, and quite a common motif is the idea that these crossing places are guarded by a malign being who tries to stop travellers and bar their way. The motif turns up in English children's stories in the tale of the Three Billy Goats Gruff – which I expect a number of us remember – where, as here in Genesis, the guardian of the crossing is defeated by the story's hero. It is one example of a more general theme in folk tales: that of the hero

who is impeded in his quest by hostile forces who try to prevent him from attaining his goal. Usually in such stories there is a helper – someone or something who is sent by, say, the king, who dispatched the hero on his quest in the first place – to bring him safely to his journey's end. With such stories we feel comfortable; everything turns out as it should, and the hero gets to the enchanted castle and marries the king's daughter – or whatever the story may be.

Against that background the story of Jacob and the angel stands out in stark contrast. Like any folk tale hero, Jacob on reaching the ford is waylaid by a supernatural being and has to fight for his life. The being is even a bit like a troll, for he cannot be exposed to sunlight. 'Let me go,' he says, 'for day is breaking.' However, when we ask who the being really is, we find to our shock that he is not the emissary of a hostile power after all, but is either sent by God – in other words is what we would call an angel – or even perhaps is God himself in a human shape. For the being refuses to reveal his name: surely a hint that he is no mere angel but the One whose name cannot be spoken and which has not, in any case, yet been revealed in Genesis.

God sends Jacob to Mesopotamia; God shows him the angels ascending and descending on the ladder at Bethel; God keeps him safe in all his trials in the house of Laban, and God brings him back and even saves him from the anger of his brother Esau. Yet on this homeward journey God himself waylays him and makes him wrestle all night, blessing him as he departs yet also laming him, so that from then on he is forever marked by his encounter. That kind of thing is not supposed to happen in a good folk tale: this confusion of the sender and the helper with the opponent and hinderer. It is this confusion of roles – the fact that God is in both capacities – that gives the story its eerie quality. It is this that subconsciously worries and perplexes us. It is this that makes us feel there is some mystery here that we have not yet quite understood.

Charles Wesley understood the sense of the uncanny in this story when he wrote his great poem, *Wrestling Jacob*, yet he also managed in a way to solve the mystery:

Come, O thou Traveller unknown,
Whom still I hold, but cannot see,
My company before is gone,
And I am left alone with thee;
With thee all night I mean to stay
And wrestle till the break of day.

Yield to me now, for I am weak,
But confident in self-despair;
Speak to my heart, in blessings speak,
Be conquered by my instant prayer!
Speak, or thou never hence shalt move,
And tell me if thy Name is Love.

'Tis Love! 'tis Love! Thou diedst for me!
 I hear thy whisper in my heart!
 The morning breaks, the shadows flee;
 Pure universal Love thou art;
 Thy mercies never shall remove;
 Thy nature and thy name is Love!

If the name of the God who acts in this mysterious way towards Jacob is indeed Love, what kind of love must that be? Surely one more complicated than we would ever have discovered for ourselves, for it is a love that expresses itself in an encounter that at least seems hostile. The God of Jacob is a confrontational God who stops Jacob in his tracks and makes him struggle. Is this just what people call 'the God of the Old Testament', that is, the angry God that so many people believe to be sub-Christian? Yet it is not said that God is angry with Jacob, only that he wrestles with him and finally gives him a blessing. The nameless one gives Jacob himself a new name, Israel, which contains no threat but rather an immense promise. So is it just that, as we read in Job, 'God smites, but his hands heal': there is no need to worry, because all will be well in the end? Is it that kind of simple answer?

That oversimplifies the message of this mysterious story. We could put it this way: God does not first attack Jacob and then bless him; God blesses Jacob by attacking him. Martin Luther captured the mystery here when he interpreted the words of 1 Samuel 2.6, 'The Lord kills, and makes alive', as meaning 'The Lord makes alive through killing'. He is not saying in this that God actually kills people, but is using the imagery of killing and bringing to life to speak of judgement and salvation. He is saying that God's salvation is not just the cancelling out of judgement but rather works in and through judgement. God saves us by judging us. His activity within us, like his word in the Bible, is law and gospel at the same time, saving us from ourselves precisely by revealing to us what we are really like. His judgement is also his mercy. This is because God tells us what we could never tell ourselves, and so confronts us with the truth about ourselves, because only so can we be made able to hear his word of forgiveness and reconciliation.

This is memorably put by the medieval writer John of Salisbury, who was the secretary, friend and adviser of Archbishop Thomas à Becket. Commenting on this passage, he says, 'We need to be made to go lame in the love of the things of time if we are to be able to grow in the love of heavenly things.' God needs to unsettle us, to make us realize our littleness and our weakness, if he is also to make us understand the vastness of his love for us, so that through our struggle we may come to see the face of truth, that is, the face of God himself.

John Austin Baker puts it like this in his recent book, *The Faith of a Christian*:

Forgiveness does not do away with retribution. On the contrary, if received in humble recognition of the truth and with the gratitude

owing to someone who has voluntarily foregone just rights against us, it gives rise to the only exactly appropriate retribution there can be: the inward anguish of soul of those who at last understand and feel what suffering they have caused to another, and are concerned for that other and not for their own good standing, either in their own eyes or those of the world.

This is the kind of 'lameness' which is required of Christians and it is fully compatible with great joy. We all know it from our human relationships, where restored love or friendship, after the forgiveness of offences we know we have caused by our own fault, has a peculiar beauty that is in many ways greater, certainly tougher and more durable, than the more superficial kind of relationship in which there is less engagement, and therefore less capacity to cause pain in the first place. It is a truism that the relationship between people who have never hurt each other, and therefore never forgiven each other, has a kind of untested quality. Deep love requires deep vulnerability, but is the only thing worth having in the end.

St Paul told his Corinthians that they were a fairly unspectacular bunch of people. Not many, he said, wise by human standards; not many powerful; not many of noble birth. As a new member of the Synod, I am all too aware of what an un-Corinthian body I have joined – for many people here are wise by human standards; many are powerful, and not a few are of noble birth. As we face our crowded agenda for the rest of this meeting, we shall become only too aware of our own privileges, for we have to consider the lot of the many unhappy people in our world who could be kept alive by a fraction of the budget for one group of Synod sessions. We have to think about the health of those in our own country who do not have the kind of access to health services that many of us take altogether for granted, even at this time of deep crisis in the National Health Service. We have to remember countries afflicted with impossible debt. We have to have a concern for the deep anxieties of many country-dwellers even in our own basically prosperous society. All these things will concern us as the meeting unfolds.

The temptation, especially for new members like myself, is to feel that by talking about these problems we have somehow solved them, and have done so from a great height. For we are all articulate, indeed probably rather opinionated, people who think we can do the world some good: as are all who put themselves up for election to such bodies as this, however humbly. We are the kind of people who understand how business is transacted; we are hard-headed, and we know what ought to be done in this world. For the most part, we are not lame in the things of time. The challenge of Jacob to us is also to know our own weakness and helplessness; to recognize the ways in which we too are poor and lame and sick and, above all, mortal, and so to acknowledge our true solidarity with those about whom we are concerned.

We are concerned about them because for all our cynicism at times, pride and self-satisfaction, the love of eternal things is there, somewhere inside us. We did once

wrestle with the angel and experience God's blessing on the unworthy, empowering them to effective witness. We have been truly touched by God's hand, and we know that nothing will ever satisfy us except God himself, whose blessing does indeed lame us, in the sense that it makes us restless with mere material possessions, mere outward success, and unable to rest easy while there is still misery in the world.

There is a kind of wound that all Christians, who know themselves to be saved through Christ's wounds, should rejoice to have: an inability to be naively happy in the goodness of a world which causes others so much suffering. Yet at the same time we also know a deep sense of joy, a joy that we want to share with others, that in the end the world has also been redeemed by God and can become a good place for all its inhabitants. This mixture of restlessness and peace is the complicated blessing that God gives us as the dawn of faith breaks upon us.

There is a second aspect of the story of Jacob and the angel that contradicts what we expect of this kind of story, and also contributes to the tingle down the spine. First the story tricks us into expecting that the 'man' who wrestles with Jacob will be a hostile demon, but then reveals that it is really God himself. Then it sets us up to expect that, if Jacob's adversary is indeed God, Jacob will of course lose the fight; but he does not. It is the being with whom he wrestles who calls a halt, asking to be released before the day dawns, and from whom Jacob, cunning as ever, extracts a blessing before he will let go. The name Israel is interpreted as meaning 'one who strives with God' because, God says, 'You have striven with God and humans, and have prevailed.' Jacob actually gets the better of God by detaining him against his will. This is really shocking to a Christian way of thinking, and theologians have had to explain it by saying that it is only as if God had been defeated: of course, he really planned it that way all along. Maybe that is the only proper theological conclusion, but the story does invite a rather bolder interpretation.

It is a bit like Jesus' parable of the unjust judge who listens to the widow's case just because she keeps nagging him, and which encourages those who hear the parable to have the same persistence in prayer to God as the widow had in talking to the unjust judge. Jews have been rather better than Christians in taking this kind of recommendation to heart, and have sometimes been prepared to pray with a kind of dogged insistence that will not take no for an answer. This has not been quite such a strong tradition in Christian prayer, but it is one that I think has its place. We can rightly imitate this kind of conduct in conveying to God in prayer our sense of outrage at what is wrong in the world, while of course being prepared to hear him in turn remind us of our own part in allowing it to continue.

The story of Jacob is the story of someone who is, above all, frank and open with his God; who is aware of his own dignity as a human being, at the same time as he recognizes that all his good comes from God alone. Perhaps we too need to be willing to say to God that we will not let him go until he blesses us, and not just us but all the brothers and sisters whose needs will be on our hearts in these sessions.

The story of Jacob and the angel, as it is usually known, is thus a theologically rich passage of the Old Testament. I have tried to bring out how, starting from the form of a folk tale, it subverts our usual expectations of what a folk tale is allowed to contain and unsettles our expectations. Both of the unexpected features are related to the fact that the author is a strict monotheist, for whom there is no realm of divine and semi-divine beings out of whom to spin myths, but only the one God who enters into direct relations with human beings. So when Jacob encounters a mysterious opponent, that opponent turns out to be not a troll or a spirit, but to be the living God himself, whose presence is not a simple comfort but also a confrontation.

I have suggested that we too need to take seriously the fact that God saves us not instead of opposing and judging us but, as Luther saw, in the very act of judging us. This is what God's blessing sometimes consists in: that he is our judge. God is not tame. God's saving purposes for us include confronting us with ourselves, and that is a painful as well as a healing process. It is meant to make us adjust all our hopes and fears and expectations, so as to be focused on God and his ways, on eternal concerns rather than on the things of time. That does not mean that we lose our interest in what goes on on this earth. On the contrary, it means that we come to desire all the more strongly that God may be manifested in it all, and that we ourselves may become instruments in that process: no longer worried about our own status and power and prestige, but only about his will and its fulfilment on earth. This is something to remember as we make our pronouncements about so many important matters: that God overrules us and is not impressed with us, however impressed we sometimes are with ourselves. The story of Jacob presents us with a God who cannot be presumed upon, or assumed to underwrite our own ambitious plans.

On the other hand, as I have tried to show, the story contains a second paradox even more striking than the first, in that just because the being Jacob encounters cannot be any other than God himself, then when he wins the battle with it, it must in some sense be God over whom he has prevailed. The story thus hints also at the immensely privileged status of humanity. God himself is prepared to submit to human beings, to hear their voice and to wait on their decisions. The story speaks of the efficacy of prayer in a bolder way than most of us would ever dare to claim, but not unknown in the Old Testament, where Abraham and Moses, like Jacob, actually nag at God until he concedes defeat.

Christian theology can hardly take this absolutely literally, but it can still learn something of the self-giving character of our God, who is prepared to give such power to those he himself has created. In the incarnation and passion of Jesus Christ, Christians believe, God places himself uniquely at our disposal, and accepts the worst that we can do to him, because he values our freedom and is prepared to take it seriously.

So the story of Jacob and the angel tells us about both the majesty and the humility of God, and it tortures the form of a folk tale until it speaks, as it were against its will, of these two extreme truths which Christians believe, on the firmer footing of God's

revelation of himself in Christ. Correspondingly, it testifies at the same time to both the dignity and the littleness of human kind.

There is a nice rabbinic saying that we should keep two stones in our pockets. On one should be written, 'I am but dust and ashes', on the other, 'For my sake the world was created', and we should use each as it is needed. (*Professor Barton then led members in prayer.*)

Legislative Business

Synodical Government (Amendment) Measure (GS 1364B)

Measure for Final Drafting and Final Approval (Revised at the November 2000 Group of Sessions)

Report by the Steering Committee (GS 1364Z)

Mrs Penny Granger (Ely): I beg to move:

'That the Synod do take note of this Report.'

This modest Measure has scarcely caused a ripple in the synodical lake, much less a fountain such as the one we normally see outside, but which does not appear to be working this morning. In one respect, however, it has made history, being the last piece of legislative business dealt with by our recently retired Legal Adviser Brian Hanson, and by the former Standing Counsel, John Pakenham-Walsh, and the first for our new Standing Counsel, Sir Anthony Hammond, who was with us in November, and our new Chief Legal Adviser, Stephen Slack. So I would like to add my personal thanks to Brian and John and to welcome Stephen to his first experience of Synod in session. He is the chap in the new wig at the back!

I described the Measure as modest. The matters it deals with were those recommendations from Lord Bridge's review of synodical government deemed to be uncontroversial by members of General Synod and dioceses alike. This is why I am moving this series of motions on behalf of the steering committee, so that our chairman, the Archdeacon of Tonbridge, can focus all her energies on Tuesday's debate on the second report of the Bridge follow-up group, which promises to be far more exciting than this. I hope that we shall not delay ourselves for long this morning and, to that end, I propose to make only this one introductory speech and to move everything else fairly formally.

Since this Measure received its first consideration under the deeming procedure, however, it has never been debated as a whole. For the record, and for the benefit of old and new members alike, who may not have to hand the full texts of the Synodical Government Measure 1969 and the Pastoral Measure 1983, in addition to the Church

Representation Rules, I shall take a moment to set the provisions of this Measure, GS 1364B, in context.

Clause 1 gives the diocesan synod additional functions relating to finance. Those of us who have in some way amalgamated the diocesan board of finance and diocesan synod do this already.

Clause 2(2) requires the diocesan pastoral committee to review conventional districts every five years. Clause 2(5) also relates to the diocesan pastoral committee. The current requirement is for a majority of members of a sub-committee to be DPC members. This sub-clause provides for at least one sub-committee member to be a member of the DPC, responding to evidence submitted to the Bridge Group, and that subsequently the pastoral work could be done more effectively and economically if the rule were to be relaxed in the way proposed.

Clause 3 makes it clear that existing members of PCCs and deanery synods will not be affected by the proposed changes to the Church Representation Rules. Furthermore, the changes will apply from the second PCC election following their coming into force.

Turning now to the Schedule, paragraph 2, which was fully aired at the revision stage last November, relates to qualification for membership of electoral rolls. Paragraph 3 establishes a sliding scale for the numbers of PCC members to be elected relative to the size of the electoral roll of each parish. Paragraph 4 relates to PCC elections. The norm will be for a three-year rotation, but the annual parochial church meeting can decide to opt out and conduct annual elections. Paragraphs 5 and 7 rescind provisions put into the Church Representation Rules in 1999 to allow some autonomy to district church councils with regard to the preparation of annual accounts. This reversal is at the behest of the Charity Commissioners and was done by means of an amendment by the steering committee, as flagged up in the original explanatory memorandum and reported by the revision committee. However, eagle-eyed readers of the Church Representation Rules may have noticed that the 2001 edition of the Rules has jumped the gun and already made these amendments to Rules 18 and 54. Giving final approval to the Measure this morning will make legality out of reality.

Paragraph 6 lowers the minimum size of a diocesan synod from 150 to 120. Paragraph 8, which was also debated last November, relates to the chairing of PCC meetings. Members will see that it is the subject of three drafting amendments and the special amendment which will be voted on at Item 503. These are detailed in the steering committee's report, GS 1364Z, to which I now turn.

The amendments in GS 1364Z are all to the Schedule to the Measure. There are four drafting amendments, which have been adopted by the steering committee and incorporated into the new text. Since the first three drafting amendments and the special amendment relate to the same paragraph of the Schedule, I will deal with the drafting amendments in reverse order.

The amendment put forward by Professor McClean is detailed in paragraph 7 of the steering committee's report. This is an example of a piece of legal text which appears more complicated than it actually is. Lawyers have a habit of producing what to the ordinary reader looks like obfuscation, in order to avoid ambiguity and produce greater clarity. It is easier to follow if you put it in the context of the whole of Church Representation Rule 16, paragraph 4 of the Schedule. It clarifies which annual parochial church meeting is being referred to when making decisions about the three-year rotation rule.

The other drafting amendments relate to paragraph 8 of the Schedule, detailed in paragraphs 4 to 6 of the steering committee's report. Those in paragraphs 5 and 6 simply delete phrases which have become otiose. That in paragraph 4 reverses the order and makes minor changes to the wording of two of the sub-paragraphs of Dr Cull's amendment, which was carried in November. She may argue – I hope that she does not – that the new order downgrades the lay vice-chairman but, by putting the two clergy candidates adjacent to each other, it makes the text of the new rule more logical. I do not think the order denotes precedence. What is important is that the various possibilities are laid out clearly in the Church Representation Rules for people to follow.

I now turn to the special amendment, Item 503, the text of which is on the first notice paper. Its effect is that if a clergyperson with permission to officiate is to be authorized to chair PCC meetings, that person will be made an ex-officio member of the PCC. It is consequential on the Cull amendment but, since it is a new point, the Synod needs to vote on it and I shall move it formally when the time comes.

As I said, this Measure is modest and uncontroversial. It makes minor but important adjustments to the way we do things in the governance of the Church. I hope that the Synod will now proceed swiftly through the sequence of motions, beginning with Item 500.

The motion was put and carried.

Mrs Penny Granger (Ely): I beg to move as a special amendment:

'In the Schedule to the draft Measure, after paragraph 2 *insert* the following paragraph –

"3. In rule 14(1) after subparagraph (a) there shall be inserted the following paragraph:

'(aa) any clerk in Holy Orders who is duly authorized to act as chairman of meetings of the Council by the bishop in accordance with paragraph 5(b) of Appendix II to these rules;'"

and re-number paragraphs 3 to 8 as 4 to 9.'

The special amendment was put and carried.

Mrs Penny Granger (Ely): I beg to move:

‘That the Measure entitled “Synodical Government (Amendment) Measure” be finally approved.’

Ms Jacqueline Humphreys (Bristol): It is with some trepidation that I speak on this motion, having already spoken to much the same point in my maiden speech in November. Trepidation because someone with perhaps a less robust constitution than myself may well have been put off by what happened in November – without any criticism intended of anyone here.

First of all, the speech was made in a very empty auditorium because it followed hot on the heels of the Clergy Discipline Measure, when most people were understandably having a cup of tea and recovering – and I probably would have been with them had I not been planning to speak on this. The second misfortune to befall me in November was that I spoke last before time ran out; the matter came back at a later session, a very full Synod heard an eloquent rebuttal of my points by the steering committee and then voted, the majority of people sadly not having heard what I had said. To pour insult upon injury perhaps – a fate which many of us have suffered and which, I suggest, will not be the last time – I was misquoted in the *Church Times*. A valuable ‘not’ was missing from the statement representing my views.

What is it about this modest and uncontroversial Measure that has me speaking not just once but twice? Why do I care so strongly about this that I am here again? What I am bothered about is paragraph 2 of the Schedule. Paragraph 2 amends the Church Representation Rules. It has the effect that a person is not eligible to stand for election to a PCC unless they have already been on the electoral roll for six months. That is the effect of the amendment and that is what I think is wrong.

As I understand it from the Bridge Report and from discussions, the reason this suggestion has been introduced is because in a small number of parishes there has been a perceived problem of an influx of newcomers who take over the PCC. If that is true, it is perhaps unfortunate, although one has to remember that, even if an influx of newcomers do take over the PCC, they have been elected to do so by that parish. My concern is that this paragraph, if that is the harm it is aimed at, is a sledgehammer to crack a walnut.

If there are groups of people determined to go round taking over PCCs, they have to get themselves sufficiently organized to be on an electoral roll six months beforehand. If you are the sort of person who has the time and energy to do that, then this will not be a major hurdle for you. However, it will be a hurdle – an unnecessary hurdle – for other people who arguably should have the right to stand for election to the PCC. The first group of people it adversely affects are mobile people, namely the increasing number in our society who move every few years because of their jobs or their personal circumstances. That is particularly relevant to the younger adult, the 18- to

30-year-olds, who move because of their education, or to find new jobs and start their careers, or because of new relationships. They are a particularly mobile sector of the community and are therefore adversely affected by the proposal that you cannot even stand for election until you have been on the electoral roll for six months. That is the minimum period and, depending on the time of year you move in, you could well find yourself on the roll for 18 months before you are eligible to stand. It means that the amount of time available to give to the governance of your parish church, if you wish to offer that, is vastly reduced. If you are only in your parish area for two or three years and it takes the first 18 months even to be eligible to stand, then valuable resources are being lost, particularly at the younger adult end of the parish membership.

It also excludes ordinary parishioners who have lived in the parish for many years but who, for whatever reason, have not got round to getting themselves on the electoral roll in advance of the time they feel called to offer themselves for election. Ironically, it is those ordinary people in the parishes, who hitherto have not felt called to become involved but who now feel they might want to, who are precisely the people best able to resist the 'takeover bids', which it is suggested are the problem. If the people who could resist the takeover bids have not got their act together while the takeover people have, then they will not even be able to stand in order to put up an alternative candidate.

This paragraph of the Schedule is an unnecessary and arbitrary restriction of the right of the laity to choose the people they think best suited to serve them. At the end of the day it is an elective post. If this newcomer is not who you want, then do not vote for them.

It has been suggested that the answer lies in co-option. In other words, you can always co-opt newcomers on if you think they have something valuable to contribute. The ability to co-opt people on to a committee can be a useful tool in having the expertise necessary to debate the issues facing the committee. Co-option, however, is not a democratic principle. It is a supplementary and not a fundamental. Co-option is not an answer to the proposed erosion – and I think that it is an erosion – of the rights of the laity to governance of their own parish church, in terms of both their right to stand for election and their right to vote for the person that we, the laity, think is the most suitable for our church.

I think that it is fundamentally wrong in principle. It is the thin end of a wedge that pushes the Church away from being, as we were discussing last night, the Church of the nation, the Church of those who wish to belong to it, towards being a private club, taking the governance of the Church out of the hands of the people it is there to serve.

Speaking at this stage of a debate, I am aware that if people are minded to agree with my concerns, then we would have to vote out the whole Measure. That is unfortunate,

but it happens. Is it the end of the world? I would say that it is not a disaster if these other, helpful but uncontroversial and modest, provisions have to wait another five years to come back. Also, if the rest of this Measure is genuinely uncontroversial and ties in with the next stage of legislation in relation to the Bridge Report, then arguably, with the exception of that paragraph, this may be an appropriate time to use the exceptional powers under SO 61(d) to bring the legislation back within the quinquennium – if enough people here feel, with me, that that section is problematic while the rest of it remains uncontroversial.

I therefore urge you all to reject this motion.

Mr Jim Cheeseman (Rochester): I have been on the Synod for so long that, when I go to deanery synods, I feel rather like the person in the cartoon who is asked, 'What did you do in the Great War, Daddy?' When I go to deanery synods I am asked, 'What are you doing at General Synod now?' I reply, 'We have been considering the Synodical Government (Amendment) Measure.' 'What on earth is that?', they ask. I then have to explain. It is not too bad when you talk about what will happen to the diocesan synod. That is a little remote from the parishes and only a few people attend. It does not interfere too much with us. When you start talking about what the proposals are for the PCC, however, and they have to make up their mind what to do – possibly change their numbers, try to find more, try to find less, decide this, that and the other, and review it every six years – horror! 'What on earth are they making us do that for? Why are you wasting your time?' The problem is that what is in this Measure about PCCs they can do now anyway. We are all asked to consider it, however; it is not compulsory, but it has to be reconsidered every six years.

I have come to the unfortunate conclusion that PCC secretaries, and indeed some clergy, are not over-familiar with the Church Representation Rules. I wonder sometimes if some of them have even heard that there are Church Representation Rules! As deanery secretary, my telephone rings every springtime – and it is not to announce the first cuckoo – to ask, 'Do we have to re-elect all our deanery synod members this year, Jim? Could you tell us? We have lost count of what year it is.' If they cannot count up to three, how are they going to count up to six? (*Laughter*)

Are the archdeacons going to come round and inspect our minutes, to make sure that time is up? Is a diocesan registrar going to have to send us a notice saying that our six years are up? Of course, they will all come up at different times. We might start together, but we shall soon separate out.

The serious point is that people are saying, 'Why are we wasting our money? Why are we producing all this paper? Why are we doing this?' – for something which could have been produced in a helpful form, such as the suggestions produced by the Bridge Commission review group for deanery synods and how they might work efficiently. If you agree with me and would like to show that we are acting responsibly, and not wasting the great amount of money and time which could be spent in parishes and by

Church officials on seeing that we all keep up to par with this, I suggest that you follow Ms Humphreys and myself through the No lobby.

Dr Carole Cull (Oxford): It is a decidedly unnerving experience to pick up a Synod paper like GS 1364Z and find your name on almost every page! There is a bit of me that feels that I ought to apologize to Synod for the fact that it appears there so often.

I want to take the opportunity first of all – far be it from me to disagree with Mrs Granger – to say that I am very content with what has been done with the amendment which I persuaded Synod to accept. I think that it achieves exactly what I wanted to achieve. I am used to the fact that clergy always take precedence over the laity in this organization we call the Church of England, so it does not bother me that they are in that order.

I wanted to make one or two comments about Ms Humphreys's objections to paragraph 2 of the Schedule. It is simply to reflect on the experience of 18 years in a city-centre church in Cambridge, where approximately 30 per cent of our congregation changed every year. Some of them were undergraduates, but a large proportion of those in-comers every year were postgraduates, academics, people moving into Cambridge because of changes to their job. They were the sort of people who made excellent members of the PCC because they were the sort of people who took leadership within the Church seriously. Because they took leadership very seriously, however, they recognized how important it was to become an established, known and appreciated member of the congregation before putting themselves forward for membership of the PCC.

We worked, as I guess most PCCs work nowadays, with sub-groups. Those sub-groups had a majority of PCC members, but had other people along who were not PCC members to help with the discussions. This was how those people who came in, who clearly had talents and gifts given by God for the good of the Church, were involved in the work of the PCC and of the parish, in preparation for standing for election the next time round. We did not find that there was any sense in which people felt excluded because they did not go straight on to the PCC, having come along and changed their electoral roll membership from their previous church to the current one.

Reflecting on that experience and on what it actually means to be a member of the PCC, it seems very appropriate that we should have some formal mechanism to encourage people to think carefully about what that role means, and the fact that it is not simply to do with governing the church. When I moved to the church I am in now, I was co-opted to the diocesan synod and, trickle down, became a member of the PCC. At my first meeting I was horrified to find that all but two of a PCC membership of 40 felt that their main role was to stop the vicar doing anything! That is not what PCC membership is about and if by our rules we can encourage people to think seriously about it, then we are taking the right road.

I encourage members to approve this, as Penny has described it, modest and uncontroversial Measure. I believe that we need to get the details right. The devil is in the details. If we do not get the details right then someone, somewhere, will use those details to the disadvantage of themselves, their parish, and possibly the Church of England as a whole. I encourage Synod to vote in favour of this Measure and I wish to put on record my agreement with everything that has been done to my amendment.

The Chairman imposed a speech limit of five minutes.

Mrs Caroline Spencer (Canterbury): Three years ago I found myself – for reasons much too long and complicated to go into here – leaving my parish church where I had been a member for 35 years and beginning to worship at the parish next door. The vicar there thought that I had been sent by God as a sort of heavy armament, to help him against a PCC that was also determined to prevent him doing whatever he wanted! The fact that I had to wait six months before I could go on to the electoral roll – because of my membership of this august body, as soon as I was on the electoral roll I was instantly a member of the PCC – was enormously useful to me. I really did feel that, had I gone straight on to the electoral roll and straight on to the PCC, I would have found it intensely difficult, for exactly the reasons described by Dr Cull. You have to bed yourself into a worshipping community before you can have any credibility to be on the PCC. Had I moved house and moved to the next-door parish, I would not have had that six months' protection. I think that we need it.

I would also point out to Ms Humphreys that, in many of our parishes, it is not a matter of electing people: it is a matter of persuading people to stand. In the little parish where I was before they had never had an election, ever. If somebody comes along whom it is thought would be a good person to have on the PCC and that is suggested then, if there is not that safety net, that can be very dangerous.

In answer to Mr Cheeseman, my experience is also that a great many PCC secretaries do not have a clue that the Church Representation Rules exist. Whatever we do makes no impact on them anyway, but for those who do mind about these things it is important to get it right. I therefore urge Synod to vote for the motion.

Dr David Bowen (Canterbury): I would like to talk briefly to paragraph 8 in the Schedule and the concept of chairing PCC meetings, indeed the concept of chairing in the Church in general.

As we think about these things further, I would encourage us to bear in mind our own practice here, in which the role of chair is quite separate from the leadership roles in proposing business and the prophetic and priestly roles in looking after the general health of the Synod.

Chairing is a very specific function. In most PCCs it will be advantageous if the clergy do not chair the meeting. This is a major change, which I think we ought to be making

more quickly. A priestly role and a prophetic role are not the same as the chairman's role, as we see so effectively here. I hope that those clergy who have a choice in their own parishes, and those of us who are framing legislation, will begin to recognize this different functioning, noticing how well we are served here. I hope that we move away from the concept that clergy need to be chairmen of governors or of PCCs; that we may free our clergy to be priests, prophets and leaders and take away from them the toning-down and even-handedness which is required of chairmen.

Mrs Penny Granger, in reply: Ms Humphreys has reminded us that she spoke against the inclusion of paragraph 2 of the Schedule at the revision stage last November, and failed then to win the support of the Synod. Members will have had an opportunity to read the text of her speech, if they were not present in the chamber when she made it, if they subscribe to the *Report of Proceedings* – which is something I urge all members of Synod to sign up for. It is an invaluable document and we were sent it early this time. I have my copy of her speech and it was very useful to be able to look at it while she was speaking again this time. She raised very similar objections this time, saying that it was unnecessary and arbitrary, unfair to individuals because it puts an additional obstacle in the way of a new member of a church standing for election to its PCC.

I am grateful to Dr Cull for her kind remarks to me and for again reminding the Synod that the route for getting 'must have' people on the PCC is co-option. I would also thank Mrs Spencer for making her contribution from her experience in her church, as did Dr Cull from her church in Cambridge. I was acutely embarrassed when I changed churches recently and was automatically on the PCC, when I really had no idea what was going on. It took me at least six months to find out. The original provision was for twelve months, so it is now very much shorter than it was. I think that we now have it right.

Dr Bowen mentioned the wider issue of chairing meetings. There is nothing to stop an incumbent or anybody else asking a layperson to take the chair for a particular meeting. It is a wider issue, however, not addressed by this Measure and, if he wants to take that further, it may need to be addressed somewhere else.

This is not the time to argue particular points on this Measure, nor to ride hobby horses. The revision stage, both in committee and in full Synod, was that time and it is now past. This is final approval, where we revisit the principle and consider the package as a whole. Individual members may be less than ecstatic about one point or another, but to vote the whole thing down at this stage – as Mr Cheeseman also suggested that we should, and he was talking about the wider principle – would be to lose painstaking work which has already been undertaken and money which has already been spent, and ensure that, without some difficulty, the matter could not be reintroduced in the lifetime of this Synod.

I would say to Mr Cheeseman in particular that this is part of a two-stage process: it is not a package on its own. This was the easy bit; we start the difficult bit on Tuesday. It

is seen as an ongoing process. If you stop this stage now, it makes things further on more difficult. It was considered necessary to have these various provisions. People supported them and I hope that they will continue to support them, in order to make life easier. I suggest, with respect to Mr Cheeseman, that PCC officials really should be familiar with the Church Representation Rules and it is up to us, as members of the Synod, to make sure, in deanery synods and so on, that they are. When the new edition comes out, and the handbook for PCC members and Church officials, they are always high in the best-seller list in the *Church Times*. That means that people buy it, even if they do not read it. Maybe we need to help by showing them which bits to read.

In any case, as I mentioned in my opening speech, we really will end up with egg on our faces if we do not get paragraphs 5 and 7 through, to make sure that we are in order legally with Church Representation Rules 18 and 54. I do not believe that is the wish of the majority of those in General Synod who have asked for these modest reforms and deemed them to be uncontroversial, and I therefore urge the Synod to vote overwhelmingly that this Measure be finally approved.

The motion was put and the *Chairman*, pursuant to SO 36(d)(iii), ordered a division by Houses, with the following result:

	Ayes	Noes
House of Bishops	24	0
House of Clergy	160	4
House of Laity	175	14

The motion was therefore carried.

THE CHAIR *Mr Anthony Archer (St Albans)* took the Chair at 11 a.m.

Draft Church of England (Pensions) Measure (GS 1419) Measure for First Consideration

Mrs Shirley Jackson (St Albans): I beg to move:

‘That the Measure entitled “Church of England (Pensions) Measure” be considered for revision in committee.’

I recognize that the pensions generally have been attracting very much debate. This Measure is not the place for controversial matters to be discussed but, rather, is essentially technical. As a result, I look first at the Pensions Board provisions dealt with in clauses 1 to 4 of the draft Measure.

The role of the Pensions Board in giving discretionary financial assistance to those of

its pensioners who need additional support is perhaps not as well known as its trusteeship of a number of pension schemes for various categories of people who work for the Church. The discretionary funds are completely separate from the pension funds, as you will have seen from the accounts set out in the Board's annual report. They derive from the generosity of parishes, trusts and individual Church members, either through donations or through gifts of property or legacies. The discretionary funds enable grant-making in the shape of supplementary pensions for those of the Board's pensioners, including widows, with low total incomes, and for assistance also with retirement housing. The latter aspect consists both of individual retirement accommodation, with the resources available very substantially increased by capital borrowed from the Church Commissioners, and residential and nursing home provisions.

Each of the three augmentation funds established by the 1961 Pensions Measure refers to specific categories of beneficiary. The Pensions Board took a first step in 1975 towards greater flexibility in this aspect of its work and, by resolution, they created a general purposes fund. Subsequent fundraising has centred on that fund. In recent years patterns of ministry and areas of need for assistance have changed. The Pensions Board now feel, therefore, that the best way to continue this part of its work would be through a single charitable trust fund, without changing or narrowing its liability to respond to need. Such a course would have the additional advantage of saving administration costs, and that is a very real part of today's world.

Clause 1 of the draft Measure which you have before you gives to the general purposes fund statutory form. The detailed provisions are a combination of those in respect of the existing three statutory funds. Clause 2 dissolves those funds and transfers all their assets into the general purposes fund.

The scope of the Pensions Board's power to assist with retirement housing quite naturally extends to a married pensioner and his or her spouse. It does not, however, cover a former spouse. A difficulty can therefore arise in the event of a divorce involving a couple who are being assisted with retirement housing by the Board. Assistance may be continued to the clergy pensioner but not to the former spouse. You may think that this is not even-handed. It can also be perceived, I think incorrectly, by some as being judgemental.

The purpose of clause 3 of the draft Measure is to place the Board in the position to be even-handed in the circumstances that I have just outlined by being able, if requested, to assist both the pensioner and the former spouse with housing. Similar criteria regarding the type of property would then have to be applied to each of those persons.

Both the Pastoral Measure and the Vacation of Benefices Measures laid down compensation arrangements which include augmentation of the individual's prospective pension rights. The cost of the whole compensation package falls to the diocesan board of finance. The 1997 Pensions Measure, which established the funded

pensions scheme for clergy for service after 1 January 1998, specifies the body responsible for paying the contributions to that scheme in various circumstances. It is felt that, for clarity, the situations arising from the Pastoral or Vacation of Benefices Measures should be included in that list. This is thus a technical matter, and clause 4 of the draft Measure makes no new provisions.

I turn now to the Commissioners' provisions, which relate to the management of the Commissioners' fund, and renew the mechanics which were set out in the 1997 Pensions Measure. The principles were agreed by Synod when it passed the 1997 Pensions Measure in November 1996, after wide consultation throughout the Church. Clause 5 proposes to extend the current power of the Church Commissioners to apply capital in the discharge of their pension liabilities for service before 1998. Synod will recall the financial presentation in London last November. As Shaun Farrell reminded Synod, the Commissioners expected to use about half of their capital in discharging their pension liabilities. That capital and the income from it will be spent out over the next 60 years or so. The Commissioners will then have no further clergy pension liabilities. That, of course, is because the persons in service before 1999 are the only eligible persons.

In the last year the Commissioners have spent approximately £35 million capital on pensions. That figure is likely to be significantly higher in the next few years. Were the power to spend capital not renewed, the Commissioners would have to contemplate two unwelcome possibilities. One would be a reorganization of their portfolio to increase the proportion of high-yielding assets, particularly bonds, at the expense of real assets such as shares which have generated much higher total returns over the years. The other option would be cuts in current spending. They would fall, in the first instance, on the Commissioners' discretionary categories of expenditure and, in particular, on the £22.4 million spent in the year 2000 to support the parish ministry. The renewal of the Commissioners' power is therefore essential to the successful management of their fund, enabling them to produce as much money as possible in support of the Church's nationwide ministry, particularly in areas of need and opportunity, in the most effective way.

The Commissioners are not proposing to renew their power to spend capital on transitional relief. That comes to an end at the end of the year 2004, as there is no provision in the original Measure for such relief to continue. It was a key part of the 1997 Pensions Measure that the Commissioners' transitional support to help fund the cost of post-1998 pensions would be time-limited. This is in recognition of the principle, agreed by Synod and Parliament in passing the 1997 Pensions Measure, that pension contributions for service from 1998 onward would be made transparent, raised from dioceses, provided by DBFs, as a recognized component of the current cost of ministry, and invested in a separate fund. Using the Commissioners' fund indefinitely to subsidize this cost would reduce their funds further, particularly those funds which are used for the support of parishes in need of assistance.

It is worth reminding Synod that this support was given explicit emphasis in the

National Institutions Measure, passed by Synod and Parliament in 1998, which obliges the Commissioners to have particular regard to section 67 of the Ecclesiastical Commissioners Act 1840 relating to the making of additional provision for the cure of souls in parishes where such assistance is most required.

The arrangements now embodied in the draft Measure before Synod allow for further renewals, for specified and limited periods, of the power to spend capital. These would, in the first instance, be empowered by your approval of this Measure and enabled eventually by orders which would come into force, after being approved by Synod and being laid before Parliament, so that there would be no difficulty in our continuing, as the Church, to arrange our own affairs in this matter.

Clause 6 of the draft Measure would effect a number of repeals consequent upon the amendments to be made by clauses 1 to 4. Clause 7 deals with the short title, commencement and extent of the Measure.

I commend this Measure for the approval of Synod.

Mr Mike Tyrrell (Coventry): I wish to make one point concerning clause 1 and the proposals, which seem to be eminently suitable. I am just concerned about the way we are dealing with them.

If you look at GS 1419X and look at the last two sentences in paragraph 5, you read, 'As the amalgamation can be achieved by Church legislation, no Charity Commission Scheme is needed to give effect to the proposal. The Commission has, however, been consulted informally.' We have a privilege in our Church legislation, but one of the principles should be that we should not use it when there are alternative secular methods available to us. We can use a Charity Commission Scheme to achieve our objectives. Why are we not doing that? I would urge Synod to ask that that is what we do.

It says that the Commission has been consulted informally, but does not tell us with what result. If they were against it and against the proposals that we have now repealed in the Church Representation Rules on district councils, then beware. If, on the other hand, they think that it is a good idea, why can we not do it like every other Church would have to – through a Charity Commission Scheme? We should only use our legislative powers when we need to, for the conduct of our Church, and not do it a different way from others. I think that brings our powers into disrepute.

The Bishop of Winchester (Rt Revd Michael Scott-Joynt): I welcome clause 3 and I want to thank the Pensions Board and its staff for the ways in which they have listened to representations, especially to representations from Broken Rites; for the way they have worked carefully with those making the representations; for the fact that they have come to agree that here is a matter that justifies attention, very rarely though it occurs or should occur, and for finding this way of attending to it – by giving an additional discretionary power. I am convinced that it is proper for the Board to have this power.

I ask the Synod to give its approval at this and at each subsequent stage to this clause.

Mr Alan Cooper (Manchester): I wish to speak in support of and welcome clause 5, dealing with the Church Commissioners and our power to spend capital. It hardly seems yesterday since we were confronted, in 1997, with all the great difficulties associated with the future funding of pensions and all the turmoil that we met, session by session. 1997 was a watershed; it will not be repeated. There was a split, and the Commissioners took responsibility for past service. For that, they had to spend capital. I am a Church Commissioner and I well remember then as now the great agonizing there was about it. It was necessary, however. A rock upon which the agreement was made was that the spending of capital should be time-limited. To endanger that in any way would endanger the ability of the Commissioners to support various other aspects of the Church.

When we are thinking of this matter before us today, therefore, we also have to think of the other financial matters which will occupy us for a great part of this week. We all wear different hats in this assembly – not all at the same time, of course, otherwise we would look most peculiar! As a chairman of a diocesan board of finance in Manchester, however, I would be delighted if the Commissioners spent their capital for ever, giving transitional relief to dioceses to help them with the great problem of funding pensions. That is too easy a road, however. I know how hard it is for my colleagues who are chairmen of DBFs, but we have to stand quite firm and support clause 5, in that pension relief cannot be found from further use of the capital. Stipends, pensions, housing of the clergy are as one, and we must see it as such.

I therefore hope that we will support – now, through the steering committee and the final vote – this particular clause in relation to the Commissioners' right to spend capital on pensions and that we in DBFs, who are set about with balance sheets right, left and centre, will also support this clause and decide that those matters which are rightly ours are the support of pensions as they were set from 1998 onwards. In particular, colleagues who went through all the agonizing, and colleagues who have joined since, need to be united in this.

I hope that the mover of the motion will reiterate the necessity of standing by this important clause, which protects the Commissioners in what they have to do with past service and also protects them in what they want to do, to assist the Church in a wider sense. It is essential that the capital and the spending of it is time-limited. That limitation is the year 2004. We must resist asking the Commissioners to find more relief for us by spending the capital. That would not be a wise move. I therefore wholeheartedly support the matter before us, in particular clause 5.

Mr Gavin Oldham (Oxford): I suspect that the Chairman thinks that I am a bit like the Ancient Mariner, denying him the possibility of the wedding feast with a tale which would be better told on Monday. Fear not, O Chairman, I also wish to speak in support of clause 5.

First, there is the importance of the right to spend capital. This has made a great difference to the performance of the Church Commissioners' funds. It would not be wrong to describe it as outstanding over the last few years. There has been a great turnaround over the last ten years, largely because we can structure our assets correctly for the sort of fund that we are. The ability to spend capital has played no small part in enabling us to do that. It is therefore essential that we move that forward, as Alan Cooper has said.

I also believe that it is absolutely right that the transitional powers should be limited to 2004. It will be a great opportunity for a catalyst for change in the Church. When I was at the Finance Forum in May, it was interesting that the Secretary General on his second point, the issues to be addressed, referred to the reconsideration of a clergy benefits package. I think that is an essential part. There are a lot of ideas – they will come out on Monday and now is not the occasion – the most important of which is moving to a defined contribution basis for pensions.

We also need to appreciate that focusing Church Commissioners' help on areas of need and opportunity means that the transitional period has to run out in 2004. The use of this transitional help is a very blunt instrument in terms of assistance to different areas of the country. It is much better if we can focus that attention, and that is what the Church Commissioners want to do more and more. It is therefore important that we see this transitional period as concluding in 2004, and I very much support what Alan Cooper said in that regard.

I look forward to the debate on Monday. It is a time of great opportunity as well as challenge, and I know that we will rise to it. I urge you to vote in favour of this motion.

Mrs Shirley Jackson, in reply: I would thank Synod for making my task very simple and for the brevity of the debate. I am glad to hear that the support is universal, but there are one or two matters I would like to clarify, in particular in response to Mike Tyrrell. He suggests that there is no need for this to be Church legislation. It is necessary, however, because these are statutory funds. The Charity Commission could effect the changes only through a complex procedure, which includes parliamentary approval. That is time-consuming and unnecessary. There is no advantage that we can see in that route being taken. The Commissioners have been assured by the Charity Commissioners that they would be quite content with the action we propose to take with the Measure which is before you.

I would take this opportunity to thank the Bishop of Winchester, Alan Cooper and Mr Oldham for their support. The assets can be structured properly. I am assured by the Church Commissioners that they have the power to spend the capital; they will spend the capital. They have been greatly helped by the good performance produced on the equities that they have held and the way in which they have held them – something about which the rest of us would love to know the secret!

There is no doubt but that the transitional relief will end on the last day of December 2004. That will give the Church Commissioners the scope to use those monies that they have when the transitional relief to dioceses has ended to help those really needy parishes. We must all know that there are places where money can be very specifically targeted. Mr Oldham used the word 'focused' in that connection: that is exactly what the Church Commissioners and the Pensions Board want to do for the Church.

Alan Cooper has reminded us of the 1997 discussions. No one has mentioned the division of clergy families after divorce. This is an area where the Pensions Board, the Church Commissioners, and certainly I myself, would accept that you believe we have been even-handed in this proposal. That no one takes issue with it is something on which we should commend Synod. I would like to thank you for the way in which this debate has been conducted.

The motion was put and carried.

THE CHAIR *Mrs Diana Webster (Europe)* took the Chair at 11.30 a.m.

Parochial Fees Order 2001 (GS 1422)

Order Under the Ecclesiastical Fees Measure 1986

The Bishop of Gloucester (Rt Revd David Bentley): I beg to move:

'That the Order entitled "Parochial Fees Order 2001" be approved.'

This is the third year in which the Archbishops' Council has prepared a draft Parochial Fees Order for consideration by Synod. The Synod last debated parochial fees in 1998 and this is the first year that a debate has been called since responsibility for the preparation of Parochial Fees Orders was transferred from the Church Commissioners to the Archbishops' Council. I am therefore introducing a debate on parochial fees for the first time, in my capacity as chairman of DRACS.

In September 1999 the Council's Deployment, Remuneration and Conditions of Service Committee, known affectionately as DRACS, conducted a review of parochial fees and reconsidered the principles behind the current structure. As a result of the review it agreed that future increases in fees should be linked to increases in the national stipend benchmark for incumbents. The increase from 1 January 2001 was calculated on this basis and included in the Parochial Fees Order 2000, and that was approved by the Synod without any debate. Subsequently, the 2000 Order has not attracted adverse comment, which suggests a broad level of agreement within the Church about the general level of parochial fees.

The thinking behind this change was a need to acknowledge the cost of paying clergy

stipends and to recognize the increasingly important contribution which parochial fees make towards this. In the stipend year beginning April 2000 fees paid to incumbents contributed £14.2 million towards a stipends bill of nearly £175 million, some 8 per cent of the total. The amount received in PCC fees is likely to have been even more substantial. According to the latest figures, those for 1999, the amount received was £21 million, although this figure does include non-statutory extras which are set by PCCs and do not come under the scope of the Parochial Fees Orders.

In the last stipend year, 2000–01, dioceses paid £21 million towards the cost of pensions. The effect of the actuarial review of the pension fund is likely to add some £11 million to the amount paid by dioceses. In the view of the committee and of the Council, we believe that it is right to acknowledge the effect of the increase in the pension contribution rate by proposing a greater-than-usual increase in the level of fees. As a result, we are proposing an increase of 8.5 per cent from 2002.

It should be stressed that the fees covered by Parochial Fees Orders do not include the extras charged by PCCs. These extras are sometimes the cause of some concern. It may therefore be worth my emphasizing that these extras should be for additional items and that administration charges should not be made. Details of the amounts payable for these extras should be made known to the parties concerned at the earliest possible stage, and the amount should be properly itemized. They should also reflect any guidelines which are laid down by the appropriate diocese. When the fees tables are distributed to clergy, we intend to emphasize these particular points.

Against this background, substantial increases in parochial fees need careful thought. For instance, we note the continuing fall in the number of Church of England marriages, from 66,800 in 1998 to 65,850 in 1999. We are also aware that in November 1998 the Synod expressed its concern about the conduct of funeral services, and in particular that people were being discouraged from having funeral services in church. Nevertheless, we do believe that the increase of 8.5 per cent contained in this Order is appropriate and right, for the following reasons. First, pensions are deferred stipend. The incumbent's statutory fee is a contribution to stipend. Some additional fee income may help parishes and dioceses as they rise to the challenge of raising a great deal of additional money for clergy pensions.

Second, in practical terms an 8.5 per cent increase sounds more enormous than it actually is. In practice, no fee for any service will go up by more than £12 as a result of this increase.

Third, current fee levels are still moderate when seen in the context of the total amount spent on weddings and funerals. To give some examples, it is not unusual for weddings to cost in the region of £12,000. Florists' quotes for wedding flowers tend to start at about £500, compared with the fee we are proposing for the whole service of £152. A coffin costs upwards of £300, compared with proposed fees totalling £205 for a funeral service in church followed by burial of a body in a churchyard.

Fourth, incumbents can always consider waiving the fee if they find a case of extreme or exceptional financial hardship. Fifth and finally, if we set fees at too modest a level, it could be taken as implying that what the Church offers is neither important nor of a high standard. We believe that the fees proposed in the Order are easily affordable by the great majority of people and that it is right to ask those who are spending large sums on weddings and funerals to make a reasonable contribution, to ensure that the money is there for the Church in the future to continue to provide that service for future generations.

The committee also considered whether to increase the fee for burials, given the pressure on burial space. In the committee's view the current structure is about right, but we did hold some informal discussions with the Council for the Care of Churches and, as a result of these discussions, the draft Order incorporates some further modest changes to the current structure. First, the fee for a small vase has been increased so that it is the same as that for a tablet commemorating a person cremated. This change has been made partly to simplify the existing structure and partly because the Council for the Care of Churches advises us that these monuments are now relatively unusual.

Second, the maximum dimensions specified in the fee for a tablet commemorating a person cremated have been changed to agree with those specified in the new edition of the *Churchyard's Handbook*. Third, the incumbent's fee for such a tablet has been increased to the same as that for an additional inscription on an existing monument. This is because both are likely to involve the same amount of work for that incumbent.

Finally, I would encourage any members of Synod to write in to the Ministry Division if they have particular views that they would like DRACS to take into account in determining fees policy. We would be very happy to consider any points of substance that are made either in writing or in any debate this morning. In the meantime I would strongly urge Synod members to support the Parochial Fees Order 2001.

Revd Chris Lilley (Lincoln): I may see myself rather as Jacob clinging tenaciously on to the Fees Order. I rather suspect that most of Synod will instead see me as a troll, preventing them from crossing the rickety-rackety bridge to the richer, greener grass of the Care of Cathedrals Measure.

I do not disagree with anything in the booklet and I concur with everything that the bishop has just said. I want to raise two fresh issues and request that they are taken back to DRACS for consideration. As the bishop has just said, we now have the very clear link between fees and clergy costs, and the fees should try to cover the cost of time taken at these occasional offices.

I was initially going to put my first proposal as an amendment. I have agreed not to do that but to ask for it to be considered, because it raises a number of complex issues. The fee for funeral services does not include any element for what we might describe as excess travel time. I live in Lincolnshire and I am fortunate to be surrounded by

three crematoria. I have taken services in each in recent weeks. One is 20 miles away; the next is 25 miles away, and the other is nearly 30 miles away. Some of my colleagues quite frequently have weeks when they spend five to ten hours in their cars, travelling to and from crematoria. None of this time is recoverable in the present fee structure. We may or may not think that should be recovered; but I feel that it should be considered very carefully. My proposal would allow for normal travel time of, say, 15 minutes each way, but then charge beyond that per hour or part of hour – on a similar basis to the charge we already have in the Fees Order for searches in parish registers, which charge £14 per hour or part of hour.

I realize that different issues arise in urban areas. I am not competent to comment on that, but I think that there may still be occasions when such charges may be appropriate. The principle I am looking at here is that a fee should be charged for travel time necessarily incurred.

My second point is rather different and relates to the fairly recent increasing practice of seeking to hold a cremation at one part of the day, perhaps in the morning, and then followed later in the day by a service of thanksgiving in church. This means that we have two services; they each have to be prepared for quite separately; there are separate things to say, and two-thirds of a working day is frequently taken up by that. I would like DRACS to consider whether it would be permissible to charge two fees at the new proposed rate of £72 rather than to be able to charge just the one fee.

Those are the two points. They are fairly straightforward in concept, even though in law they may produce a number of complex issues that need to be worked through. I would be grateful if they could be taken back to DRACS.

The Chairman imposed a speech limit of five minutes.

Revd Tim Stratford (Liverpool): The old hands from Liverpool on the General Synod told me that I could play a new-Synod-member card once, and that is what I am doing now.

I have never understood the flat rate for fees across every church. Whilst funeral fees are relatively low and, in my experience, the level of service consistently very high, they do not seem to give cause for concern. Anyway, in my parish the DSS pays for nearly every funeral. The wedding fees in the community of which I am a part seem, however, to be very high indeed: twice as much as a funeral, £152 against £72. They are perceived as being a payment for a church's particular amenities, perhaps more than for the clergy's involvement.

Here is one small statistic from my parish. We have a number of small data areas from the last census where over 90 per cent of the children live in single-parent households. We would like to be able to present something more positive about marriage in our

patch, but the Church is perceived as perhaps profiteering by marriage. That may be distinctive to our context.

In a next-door parish to me the church is a small mission hall. It was built as a church hall to my church. It is small and very simple; it is surrounded by barbed wire and has wire mesh over all its windows. It does not look pretty to anybody's eyes. Yet if somebody is to be married in that parish – and if the couple both live in the parish, this is where they must be married – they have to pay the same fee as anyone would anywhere else. There is another church not very far away. It is a beautiful church in a lovely setting. Not surprisingly, there are many who would rather be married there than on some of the estate churches that are more typical of our area. They can establish regular attendance fairly quickly and consequently they can be legally married there. They face an additional fee, which they willingly pay, to cover the Quota that that church will face by having more people on its electoral roll. I am sure that there are even more devious ways that other churches know of for increasing the extras.

The system that we operate seems to me to belong to an age when the Church of England could be more imperialistic and when people were less likely to explore other options which are open to them. Surely it would not be too difficult to have a legal means by which churches, for socio-economic reasons or because of lack of amenity in the church itself, could gain approval for a lower rate of fees? I do not think that waiving is an option. Waived fees cannot be publicized very easily. I could easily describe three-quarters of the weddings that I carry out, and where I think there is hardship, as 'exceptional'. They are the majority of our weddings. There should perhaps also be a way that some particularly high-profile churches on the wedding circuit could find to gain approval for a higher rate.

I am here to ask if this Synod, and myself in particular as a new member, could be given a rationale for the current system of charging a flat rate of fees. Following the debate on the Business Committee report, it seems mad that we are asked to approve almost automatically incrementing figures every year. We should be about determining and revising policy. Once that is done, the outworking of that policy does not need to come back every year. Why not bring it back for revision only once every five or ten years? In that way we can focus on the principles in an organized way. However, please let us see a rationale for the current flat rate principle that we have.

Mr Gavin Oldham (Oxford): Some time ago I went into Yahoo.com and entered my maternal great-grandmother's surname. I was amazed to find that I had a whole mass of relatives that I never knew I had before. I added a complete branch of ancestors to my family tree. I am a great *aficionado* of family tree software and use it on my portable PC. I have over 1,000 ancestors on it, and the tree goes off in every direction. I have great fun talking with my relatives about the various parts of it.

There are firms which specialize in family tree software: it is big business. Using this software, you can mine the Internet and draw down from databases to find out who

your relatives are. As I was reading this Order, I found myself asking why we do not look on the registers as a commercial opportunity. Why do we not invite some of these software firms to tender bids for access to the data which is stored in our registers across the country? I know that there is a huge amount of work involved in putting this into computer data form but, on the other hand, there are quite a number of firms which would value the opportunity to do just that, and which would pay a licence for the ability to make use of that opportunity. They know that that will mean they can sell more of their product, which would not only bring us income but would bring income for them.

I am not aware that the Data Protection Act would create a problem, especially for those who are already dead, although that would need to be investigated. We undoubtedly need to look further at the structuring of our search fees if we are going to do anything like this. For example, there is something on page 10 which says, 'The fee for a more general search of a church register is negotiable with the incumbent and the Parochial Church Council'. I cannot think that would stand the test of time when you enter your credit card payment on the Internet and put in your family names to see what comes up. There needs to be a rather more consistent basis for that.

There is clearly work to be done, but I think that this is a commercial opportunity and that we should look to take it.

Mr Barry Barnes (Southwark): I beg to move:

'That the question be now put.'

This motion was put and carried.

The Bishop of Gloucester, in reply: I am grateful to the speakers who have responded. I thank Mr Lilley very much for his graciousness in giving notice of what he was going to say, and indeed in not pressing his amendment. He recognizes that the whole question of making driving chargeable as an expense is extremely complicated, as is the possibility of two services on the same day both having a fee. I give an absolute guarantee that both matters will be carefully looked at by DRACS and, if necessary, brought back to Synod for the next Fees Order.

I congratulate Mr Stratford on his maiden speech and thank him for the points he has made. I am sorry that sometimes the Church may be seen as profiteering. I would suggest once again that, if a fee for a wedding does seem particularly heavy to a particular couple in his parish, he does have some discretion to waive it; but he may need to check what they are also spending on food, drink, photographs, videos, cars and all the rest.

I did try to make the point about the extras as clear as I could, but certainly we will try to strengthen this point when we send out the Order. As regards the rationale, I do not

have time to do more than make the obvious point that we are a national Church and we are committed to working as one body; therefore it seems to be perfectly right and proper that a national Church has national fees, and we have had them for some years. I do not personally see any reason to change that, although I am willing to be persuaded in the future.

It seems to me that the extras are the place where one particular church may feel the need to charge, shall we say, much more for the organ, the choir and the bells than another – not in the fee.

With regard to Mr Oldham's point, DRACS seems to cover a multitude of sins. I am not entirely sure that the matter he raises is our business, but no doubt it could be somebody's business in the Synod and clearly there is very interesting work to be done. I will make sure that whoever does it – and I guess it will not be me – does do it.

The motion was put and carried.

THE CHAIR *Mr James Humphery (Salisbury)* took the Chair at 12 noon.

Care of Cathedrals Measure Review (GS 1417)

Mrs Janet Atkinson (Durham): I beg to move:

'That the Synod do take note of this Report.'

I imagine that there are two broad groups of people in the hall this morning: those who have a professional, strategic or managerial responsibility for the matters contained in the Care of Cathedrals Measure 1990 and another, much larger, group of people without these responsibilities but who would hope and trust in a general way that if, for instance, an heirloom needs to be moved or some medieval stonework replaced in their own cathedral, the proper procedures and expertise will be in place to ensure that all goes well. The working party hope, of course, that both sorts of people will be happy to endorse our modest but useful amendments to what is generally seen to be a workable and acceptable Measure.

Cathedrals are a vital part of the life and mission of the Church today as well as the heritage of the past. It is in the interest of both Church and State, in each case at both national and local level, that they are properly preserved in a way that still makes it possible to carry out appropriate development.

As you will have read in the report, the group started work in November 1999 and met on nine subsequent occasions. We conducted a careful review of the whole 1990 Measure, plus the recommendations in *Heritage and Renewal*. We also conducted a two-stage consultation process, which resulted in a substantial response, the second stage focusing on the amendments the group was minded to propose. It became clear

at an early stage that the Measure was basically sound and required only fine-tuning. The group had no agenda of its own to pursue any other outcome. As with any consultation-based exercise, it is not possible to include all observations received into the recommendations made. To those whose views have not prevailed may I offer reassurance that every point made was thoughtfully discussed, and we were grateful for the level of interest taken in this review.

We heard oral evidence from representatives of the Society for the Preservation of Ancient Buildings – founded, I was interested to discover later, in the 1870s by William Morris no less – and officers of the group had a meeting with Government officials of the Department of Culture, Media and Sport (DCMS) and the Department of the Environment, Transport and the Regions (DETR) – as they were then. The outcomes of these meetings are reflected in our report.

Our review of the 1990 Measure found that it was generally working well. This is a tribute to the Cathedrals Fabric Commission for England (CFCE) and its staff, and to the cathedrals and their FACs themselves. However, there were a few rubbing points, and we felt that it was essential to deal with these promptly so that the cathedrals and the CFCE, and indeed the Church and State, continue to have confidence in the system as one that is workable and effective in practice. Our guiding principles have been that the legislation must be clear and straightforward to implement. It must be flexible enough to take account of the wide variety of different cases that arise. It must make the best use of resources. It must take account of the legitimate interests of cathedrals themselves and those who serve and worship in them, including the wider Church and secular and amenity bodies, such as the DCMS, English Heritage, local planning authorities, and so on.

The legislation must also take account of fresh thinking and fresh developments in other fields since the 1990 Measure was passed, and it must avoid being over-prescriptive, so that where guidance on good practice is sufficient that should be used instead. One aspect of some of these principles is to make sure that the legislation is flexible enough to allow each case to be dealt with at the appropriate level, local or national. Another aspect is the difficult area of dual control: the overlap between controls under the 1990 Measure and the secular controls. This is something the Church can only tackle in collaboration with the secular authorities.

Our view was that this question of dual control should be minimized as far as possible in the interests of simplicity but that, in planning matters where both sides are involved, the advisory profile of the CFCE could profitably be enhanced. The urgency of the situation has been modified, however, by the non-appearance in the Queen's Speech of any mention of a fresh Bill on heritage matters, so there is plenty of time for discussion with the Government.

A quick glance at the membership list for the group will reveal the fact that, apart from the chairman, everyone else is an expert and heavily involved in the cathedrals' world,

bringing to our meetings an immense and impressive knowledge, from strategy to details, of all aspects of our work. Dr Richard Gem, as secretary to the CFCE, knows everything that is to be known and was a tower of strength throughout – a tower designed on impeccably aesthetic principles and built in absolutely the right kind of stone.

Apart from being particularly educational for the chairman, the working group also developed its own philosophical dimension, with fascinating debates on the meanings of fairly basic words such as ‘fabric’, ‘buildings’, ‘precincts’; is ‘archaeolatry’ really a word? How outstanding is ‘outstanding’? The definition of what constitutes a ‘start’ led on to the concept of the pre-emptive brick! The purpose of all this was to make our recommendations absolutely clear – for the avoidance of doubt, as the lawyers say – though I was drawn to quote from *Through the Looking-Glass*: ‘When I use a word’, Humpty Dumpty said in a rather scornful tone, ‘it means just what I choose it to mean – neither more nor less.’ We need to be precise; we need to have robust systems in place; we need to cover all eventualities in our provisions, if we are to show the State that we are keeping our own house, and God’s house, in order.

I do not propose to go through and justify all our recommendations one by one. Apart from the risk of repetitiveness, as you have the report before you, that would work out at more than five per minute of the time available to me. Many of them are self-evident, we believe, and any contentious points can of course be raised in the debate.

May I take a slightly longer view? Some years ago, my brother Stephen was visiting from Australia, where he lives, and was with us in our cathedral, Durham, where we got into conversation with one of the archdeacons. My brother told him that at home he worshipped in Melbourne Cathedral, which was then coming up to celebrating its centenary. ‘Rather different from Durham’, I said, with the arrogance of the Old Country. ‘We’re planning our nine-hundredth.’ ‘Never mind,’ said the archdeacon kindly to Stephen, ‘everyone has to start somewhere!’ My Australian sister-in-law’s plan for an ideal holiday one day is to tour all the English cathedrals. I have not actually seen all of them myself so, as part of this work, I treated myself to a book of inspiring photographs and useful historical detail and borrowed another. How lucky we are! Any Anglican can rightly rejoice in these jewels in our crown. Treasuring, protecting, repairing, restoring our jewels is a duty and a blessing that we have inherited.

How badly the business of restoration has sometimes been handled in the past. Particularly in the nineteenth century came an outbreak of misguided and insensitive alterations, in line with transitory fashions in ‘improvements’ and belief in the interpretation of the past. I was relieved at the local level to read that, at one point in Durham, ‘... the Dean and Chapter did, for once, stand between their cathedral and the wilder excesses of their hired architect.’

David Edwards recounts how a number of these architects – principally Sir George

Gilbert Scott himself – were involved in the Victorian restoration of Chester Cathedral, which may be taken as a specimen of their ‘rescue’ of old churches up and down the country. One critic wrote that Scott, ‘went everywhere, leaving a trail of disaster and, in Chester, managed to make a genuine medieval cathedral look like a municipal waterworks pretending to be one’! With this history behind us, we have cause to be thankful for the modern understandings now enshrined in the Care of Cathedrals Measure. Any feeling of lack of local autonomy is surely compensated for by reassurance that consistently high standards are being maintained.

As well as the hard work and expertise contributed by the members of the working group, I have been particularly grateful for the skills of two members of the Legal Department, whose names do not appear on the cast list on the front page, namely Ingrid Slaughter and Robert Wellen. Ingrid, as a repository of ecclesiastical law and experience, gave much wise counsel and a great amount of her time. Robert kept on top of the considerable volume of paperwork, wrote up all our discussions in detail and with clarity, and kept remarkably calm throughout. They and all the team made it a pleasure to work with them.

I take my final tip from Anthony Trollope: not, maybe surprisingly, from the *Chronicles of Barset*, though I am sure that there must be a pithy remark somewhere about the fabric of Barchester Cathedral. I have embarked on his political series of novels and cherish his remarks on the difficulties for a newcomer speaking in Parliament.

There are many rocks which a young speaker should avoid, but no rock which requires such careful avoiding as the rock of eloquence. He should not be inaccurate, which, however, is not much; he should not be long-winded, which is a good deal; he should not be ill-tempered, which is more; but none of these is so damnable as eloquence.

I trust I have not been inaccurate. I have fortunately not had the chance to be long-winded. I have not felt in the least ill-tempered. I therefore feel that I do not need to attempt to be eloquent. I believe that our report stands for itself.

Canon Hugh Wilcox (St Albans): SO 98 makes it possible for the tabling, when we are discussing any item of business such as this, of a financial statement to draw our attention to the implications. There is a very good discipline here. All synods – especially General Synod – can fall into the trap of discussing matters without really thinking about the question ‘How much will the implementation of this cost us?’

I draw your attention to the fourth notice paper which, for this and other items, clearly sets out the financial implications. Let me say to Synod what the implications for the Care of Cathedrals Measure Review are. They should be minimal, as the proposals do not involve any substantial changes in role or activities, but it is important to remember that there are one-off costs, primarily in the Legal Office.

Most of us do not often think about how much the ongoing costs of these things are in terms of staff time, but it is something that we shall have to think about more and more as we embrace the current financial crisis.

The one-off costs, primarily in the Legal Office, in preparing the necessary legislation to implement these recommendations, are estimated at £33,500. I invite Synod therefore to look at the details. I am not making this speech to dissuade you from adopting the proposal. That is not my role, but somebody has to get up, as a kind of Scrooge 'troll' as it were, to say, 'There are costs involved. Make sure you understand them.'

The Archdeacon of Durham (Ven. Trevor Willmott): It is said of Durham Cathedral that it only has to open its doors and people will come flooding in. In many ways that is our experience; but those who come bring their questions with them. Earlier this week we welcomed hundreds of schoolchildren, at the end of their term, to come and make that transition. One of those children said to me at the end of the service, 'What do you do when you are not doing this?'

Last year we also welcomed, without much publicity, the film crew for *Harry Potter* to come and use part of our buildings. One of the film crew raised the question with us, 'How do you change the fabric of this cathedral to make it more acceptable, more usable, for your daily work?' It emerged in that conversation that the person was not a member of a Christian faith but had, in their time with us, experienced something of what we were about and had also recognized some of the constraints on our activity.

In my four years' experience as a member of the Durham Chapter, I can say that we have welcomed the Care of Cathedrals Measure because it has provided us with a context in which we can give answers to those very demanding questions. In particular, we have welcomed the work of the Fabric Advisory Committee in Durham, in its role as a critical friend to the Chapter. It has provided us with that ready forum for discussion, but at times has not been afraid to challenge some of the views or suggestions that we have brought before it. I, for one, hope that that role of critical friend, and the good practice which has emerged from it in the past ten years, will provide a model for the yet-untried Cathedral Councils in our country.

Looking at this review, however, I raise two questions. In particular, the chairman of the review group spoke of fine-tuning. It seems to me that there is one area in the Care of Cathedrals Measure which has yet to be tuned at all: it is the question of items of outstanding interest, which form sections 6, 7 and 8 of the original Measure. Neither the Measure nor the guidelines which have come from it have offered us any clear guidance as to the purposes behind the category of outstanding interest. In addition to involving the CFCE in any consideration of sale, disposal or loan of items so designated as outstanding, there seems also to be a requirement to seek the Commission's advice, as well as that of the local FAC, about their conservation. In our experience, without there being clear guidelines as to how we determine 'outstanding interest' that conversation becomes more difficult.

In this respect, Durham is indeed like the rich young man, with many inherited possessions: 7,000 medieval seals to name but one. If we are to put all of those as items of outstanding interest, our inventory committee will be at it until kingdom come! Without some agreed standard of designation, confusion and ambiguity will continue and, I would suggest, could well lead to confrontation between a chapter and its own FAC and the CFCE. Consistency in designating such items is clearly not easy to achieve and there is a delicate balance to be struck. We certainly do not want to cause future waste of time and unnecessary bureaucracy by designating too much. To designate too little, though, may be financially disadvantageous to a chapter's collection in the future, as I think it is clear that the 'outstanding' designation will be one of the links made for bids to secure external funding. The temptation therefore is to declare everything outstanding. As any item is outstanding only in relation to others, I would suggest that the way through would be at least to establish as clear and common a standard as possible between all cathedrals. Although time-consuming now, it might possibly save us some time in the future.

I turn now to one of the recommendations in the report, on page 41, paragraph 130. This refers to a new recommendation brought forward by the review group, under which all members of chapters shall be disqualified from holding office as secretary of the FAC. For more than ten years the Chapter Clerk of Durham has also acted as secretary to our FAC, thereby bringing knowledge, efficiency and convenience to the workings of both parties. During this time the committee has found no conflict of interest which has inhibited the workings of the FAC. I can only assume from the recommendation that it is a potential conflict of interest that has brought forward this suggestion. Changes in the Cathedrals Measure of 1999 whereby the cathedral's administrator may also be a member of the chapter should not, to my mind, be allowed to disrupt co-operation and mutual benefit which has been created by a common secretariat, but which can still work independently for each principal.

If this recommendation were to be passed in due course, I would suggest that an FAC would be less well-served and a chapter more impoverished by having to expend more money on a separate secretariat. I, for one, would value the review group's rationale behind their recommendation on this matter.

When the Measure was passed in 1991 it was broadly welcomed by cathedrals. Having served on chapters of two of them, I would echo my welcome to it. Our experience in Durham has been good, with immense strength from a friendly rapport between chapter and FAC. I believe that the original legislation was brought in in a spirit of co-operation. It seems to me, in particular in the item to which I have referred, a great pity if that co-operation were then to become confrontational between a chapter, its FAC and the CFCE.

Canon Peter Atkinson (Chichester): At the beginning of this year the Synod elected me as one of its representatives on the Cathedrals Fabric Commission for England. I have been a member of a cathedral chapter for precisely the ten years in which the Care of

Cathedrals Measure has been in operation, and so I have shared with the members of other cathedral bodies the experience of adjusting to a new way of working, and indeed the relinquishing of some ancient liberties.

Just as parishes from time to time chafe under the operation of the DAC, so I suspect some deans and chapters from time to time have chafed under the new regulations and the operation of this Measure. I must confess that it was with a tinge of wariness that I attended my first meeting of the CFCE. Three long meetings, however, have rapidly revised my perception of the Commission's task. It does not feel like a watchdog, let alone a police dog, out to stop deans and chapters from doing what they think best in their respective cathedrals. Rather, it brings together round one table, and in a context of prayer, a range of expertise – architectural, archeological, aesthetic, historical, theological, liturgical and pastoral – and palpably a group of people with a common concern for the Church's mission and a shared commitment to considering the sometimes vexed issues of conservation in that context. As such, I am sure that the CFCE and this Measure represent the Church's best defence against those powerful voices who would have the consideration and conservation of our ancient churches and cathedrals conducted without reference to the Church's mission or to the needs of our worship.

It is good that the review of the Measure has concluded that it is broadly working well. However, the small staff of the Commission deal with an ever-increasing workload as deans and chapters and, despite their own slender resources – to which the Bishop of London alluded last night – continue to create bold and imaginative schemes to make their cathedrals ever more expressive instruments of the gospel. It is therefore essential, as the review group underlines, that the CFCE continues to be adequately resourced.

Given that provision, if it is sufficiently funded, then it will be possible for this Measure to continue to operate effectively. That in turn will enable cathedrals to respond ever more imaginatively to the needs and challenges of the twenty-first century.

The Bishop of Southwell (Rt Revd George Cassidy): It is good to be talking about cathedrals this morning, because they play a very exciting part in our national Church life. We heard the Archdeacon of Durham refer a moment ago to what is happening in Durham. In Southwell Minster several weeks a year are set aside totally for schoolchildren in the county. Some 6,000 of them come to 'time travel', which is a great teaching and evangelistic opportunity.

I would first of all say thank you to Mrs Atkinson and the distinguished members of her group for all the work they have put into this review. It is a very thorough and excellent document. I have the feeling that, to many of those who are not actually involved in the ministry and mission of cathedrals on a day-to-day basis and in the intimacy of the Care of Cathedrals Measure, this whole operation must seem very

esoteric and arcane. The Summary of General Principles and Recommendations on pages 57 to 72 are excellent, however, and I believe that the Commission is broadly in support of all of them.

I have seen it from both sides of the fence, having been on an FAC for eight years in 1991 to 1999 and previously having served on the Commission. I would agree with those who say that it is still new legislation, but increasingly it is working better. The Commission broadly welcomes the report as a tidying-up exercise of existing procedures, to help the system run more smoothly. Even better, as far as one can tell, the changes recommended will not require additional financial resources – for which the Finance Committee ought to be grateful. That needs slight qualification.

We ought to appreciate, however, that the Commission is under intense pressure. I want to underline one aspect of this. General Synod members need to be aware that we are a voluntary organization; we can only refer to that. We ought to be aware of the enormous amount of *pro bono* work that is done both in the Cathedrals Commission, on the Fabric Advisory Committees, and also on our DACs, by experts – in some cases national experts – who give their services free to the Church. At the last meeting of the Commission one such person commented that, because of the efficient core staff and the excellent briefing papers, the well-organized agendas and site visits, he was enabled to give his valuable time to serve on the Commission, as were others like him. They do that with no reward, except a bus or train ticket. We need efficiency, both in the system at law and in the management of that system, to keep many of these very high-calibre folk on board.

It is also worth remembering that we have little room for discretion here. The CFCE is a mandatory body. While that does not preclude change, undoubtedly, as the Church of England reconfigures, re-engineers, reorganizes itself at the centre over the whole question of heritage, change will take place. That is for a future day, however. We certainly have total confidence in the secretary, Richard Gem, and his competence to be a midwife of such change.

I do not believe that the enormous pressures on the Church at the moment will allow us to maintain the system of Ecclesiastical Exemption on a sustainable basis, without developing further the partnership with Government. There is this sort of tripod partnership between the CFCE, the cathedral bodies and the State. The partnership is seen on the part of the cathedrals in the enormous amount of work they have put into the implementation of the Measure since 1991, setting up the Fabric Advisory Committees, the appointment of cathedral archaeologists, the compilation of inventory, et cetera. The Commission is financially challenged. We are being referred to by the Royal Peculiars as an extra burden. We could always let them stay royal and peculiar a little longer, while we sort out our own budget.

Cathedrals, I believe, will have an increasingly important part to play in mission and evangelism in the nation. In order that they have the freedom to do that, to play their

part in that we – they – need the best possible regulation in place. This review enables us to achieve that. I would encourage Synod members to say both a sincere thank you to Mrs Atkinson and the group, and also to take note when the time comes.

The Provost of Newcastle (Very Revd Nicholas Coulton): I wish to speak particularly to paragraph 161 on page 51 of this report. As one of the executives of the Association of English Cathedrals, I echo the group's acknowledgement of the generous assistance given through English Heritage by Government towards the repair of cathedrals over the last ten years. There is no doubt but that huge help has been given.

As provost of one of the parish church cathedrals, however, set in our northernmost post-industrial city, I also want to emphasize the sentence which the review group has set in bold print in that paragraph and which it has repeated in its recommendation 78: '... the continuation of Government assistance towards the repair of historic cathedral fabric (is) of fundamental importance.' Ours is not a cathedral requiring large amounts of stonework renovation, with crumbling parapets and pinnacles. I had that in my previous church.

In Newcastle we are fortunate that the city council has legal responsibility for the upkeep of our fifteenth-century lantern tower, and was itself able to get English Heritage funding, from a different pocket from that which funds cathedrals and churches. To have an external Fabric Advisory Committee distinct from Chapter has been a huge help in maintaining our relationship with the city. The city council's responsibility is attributable to its need of ready access to the bells, to warn the good citizens of Newcastle against marauding Scots! That day may come again. In the last decade the city's regeneration efforts have brought it once again to an appreciation of its neglected historic core around cathedral and castle, and to a recognition that in all the great paintings of the city our lantern tower is the major skyline feature. It even features alongside the Tyne Bridge on the labels of bottles of Newcastle Brown and, as such, travels the world.

The castle and cathedral area is one where the city has begun to put funding but, with huge regeneration demands also across the city's housing estates, they can do little specifically for us. In the meantime, inside the cathedral our main priority throughout the last ten years has been to find enough capital to renew our electrical wiring, which was condemned as urgent at the start of that period. Our Fabric Advisory Committee has fully shared our frustrations in that search.

At the same time, as cathedrals in cities like ours increasingly find themselves one of the Church's mission frontiers, with a nation which is at best ignorant and at worst deeply suspicious of what the Church stands for, and of the roots of its own culture and heritage, we know that we need to update our lighting, our sound reinforcement and our quite inadequate heating system. All of these are long past their sell-by date. That is care of cathedrals: caring that our cathedrals should properly be able to exercise the role as a centre for worship and mission, which this Synod has set as its

primary purpose. Even if we could raise the funds simply to renew electrical wiring, it would not be sensible to do so until we were clear what wiring would be required when new lighting, new heating, new sound became possible. Nor would it be sensible, or prudent or good stewardship, to go ahead with wiring, only for the place to be disrupted again in a few years when subsequent phases are tackled. When public utilities dig up the same road again and again, they are rightly condemned.

I am not talking about fashion and fripperies. I am talking about what makes our cathedrals accessible, suitable and welcoming for a wide range of use across the community. People are hoping to find at the heart of our rapidly changing metropolitan cities places which can put them in touch with continuity, but not places which have been left high and dry as the world has moved on. To be warm and well lit, safety compliant and responsive to disabilities meets the Government's own objectives for better community use of the buildings it funds.

I fully support the large historic cathedrals, with their never-ending stonework renovation. They too have major mission opportunities in a secular world; but one-tenth of the grants which they receive would make every difference to non-endowed cathedrals in cities like ours: cities where the levels of wealth in the community to respond to appeals are substantially less than in many other parts of the country.

Yes, there are countless parish churches with similar needs and similar frustrations, particularly in town centre situations, also grappling with this huge mission challenge to reach out beyond the ordinary boundaries of parochial life. That is not this debate, however. This is care of cathedrals.

I am not attacking English Heritage. It is Government criteria which tie their hand and Government funding which has not kept pace with inflation. Unless the cathedral is practically on the point of catching fire, English Heritage cannot help. What stewardship is it for us to wait until then? I ask Government not only to continue its funding but to increase it and to expand its criteria, to help cathedrals with work which matches the Government's own priorities of renewing the life of communities, particularly the fragmented communities which can be drawn together in our cities. That is where many of our cathedrals are working really hard. Caring for cathedrals is caring for that, and caring that we can get on with that work.

Mr Tony Redman (St Edmundsbury and Ipswich): I am Surveyor of the Fabric to St Edmundsbury Cathedral. In that respect I find that there is a certain correlation with the previous speaker. As part of our millennium contribution we too are building a lantern tower, which will probably be finished in 2004. Our local brewery is also very conscious of the Christian heritage surrounding the cathedral. Abbot Ale has a little evangelistic message on the back of every bottle, telling you what an abbot is and what a Christian is. Sadly they do not see fit to support the cathedral in financial terms very much at the moment, but we are working on that.

I am also a member of the Cathedrals Fabric Commission and I want to speak very warmly in favour of the motion to support this Measure. Mrs Atkinson and her crew have done a tremendous piece of work, trying to sort out some of the anomalies and the rubbing points which have been discovered as a result of the ten years of the Care of Cathedrals Measure 1990. They should be complimented on having produced a very lucid report.

I should also like to pay a tribute to Dr Richard Gem, who in the chairman's report has been described as a piece of well-fashioned stone. I believe that he is much more than that. It is thanks to his ministry in the CFCE that the system works as well as it does. It would be wrong of us to conclude this debate without mentioning that, when John Newman wrote his report on the future of Ecclesiastical Exemption, out of all the established churches in the country it was only the CFCE under Dr Gem which was considered to be positively working efficiently to maintain the exemption. This will give Dr Gem problems in the future. These are challenging financial times for all of us but, with a staff of three including himself, it will be difficult to make a 10 per cent cut. More careful consideration will need to be given in the future, and we wish him well.

I have two specific points to make regarding the report. I was pleased to hear Mrs Atkinson say that the review group were very conscious of the concern about fixing matters to do with legislative procedures in a way which could tie our hands in future. In order to give us more flexibility, I would ask that, as this Measure becomes an Act of Parliament, it is looked at to see whether there are items which could be taken out of legislation. Financial constraints mean that we will need to be flexible, as we deal with conservation bodies and the work which legislation requires the Commission to do.

My second point is more specific. It has to do with the loss of the term 'Surveyor of the Fabric', in recommendation 118 of the report. There is a particularly fine specimen of the Surveyor of the Fabric lurking at the back of the stage this morning, and I am very glad that he is here. Under the 1963 Measure, Surveyors of the Fabric were mentioned and the title could be taken up by either an architect or a chartered building surveyor. Somehow, we seem to have lost the plot. Chartered surveyors are no longer mentioned in the new Act or in this Measure. May I humbly suggest that, as the group reviews the process and the progress towards legislation, some further consultation might take place with the Ecclesiastical Architects and Surveyors Association, the Royal Institution of Chartered Surveyors and others, to see how in the future we can use the skills of both professional bodies effectively?

Revd Richard Thomas (Oxford): I should like to draw Synod's attention to page 59 of the report of the review group. Paragraph 14 reads, 'Section 3(2) should also be amended to give the CFCE a specific duty to promote, in consultation with others ... standards on the compilation, maintenance and dissemination of information about the architectural, archaeological, artistic and historic interest of cathedrals.'

First, I strongly welcome that. Secondly, I would note that it is very easy to think of art in terms of inanimate objects: stained glass, paintings, stonework, and so on. Yet within our English cathedrals we have one of the greatest examples of living art of national significance. I refer to our cathedral choirs – the great choral tradition of this country. In fact, I would go so far as to suggest that it is not just an artistic issue of national importance but of international importance, because English choral music is renowned throughout the world. Many international visitors come to our cathedrals to hear it. It blends together in a wonderful way both art and spirituality.

I invite the Synod to commend the creative and imaginative ways that our cathedrals have found for continuing this great tradition. My family worships in Wells Cathedral in Somerset. Both our children have been choristers there; my daughter still is. Recently, faced with huge difficulties in funding the girls' choir, Wells Cathedral Chapter have come up with an extremely imaginative way of keeping that new extension of the tradition going. They have devised a way where children from local schools as well as from the cathedral music school can take part in that great tradition, thereby expanding, at a stroke, the opportunity for local children to take part in what is, after all, a young person's vocation to ministry. I do not use that word 'vocation' lightly. In order to take part in this great choral tradition young people give themselves very willingly to sing. Having watched both boys and girls do that, it is a real vocation.

Faced with the difficulties of recruitment – nearly all cathedrals report the difficulty in recruiting young people to sing in their choirs – I should like to encourage the Synod to do all it can to take that message back to the parishes, to say what a tremendous tradition this is, and what huge opportunities there are for young people to come and sing in our cathedral choirs. I should like the Synod to thank those who have made that possible, not least the Government with its support through the music and ballet scheme and the continuation of the assisted places scheme in our choir schools. We should be thankful to the Choir Schools Association and the various trusts, who still make it possible to maintain our great choral traditions.

I would like to suggest that art should not simply be seen as inanimate objects, but that we should welcome and celebrate what people do to maintain the living art in our cathedrals.

Mrs Janet Atkinson, in reply: Thank you all for being so positive – with a few little pinpricks here and there. It was nice to start in Scrooge mode with Hugh Wilcox. When he mentioned the word 'Scrooge' I thought, 'Oh, is he going to say "Bah, humbug!?"', but he did not. He just said, 'Watch the pennies, folks.' He was absolutely right to give that message. We have learned to our cost in the past that we get fired up, carry motions and then think afterwards, 'What about budgets?' It is absolutely right that at every stage we have a green paper giving the figures.

I was interested in my colleague Trevor's message about the result of *Harry Potter*.

People had been rather dubious about where it was going to be filmed, but it is interesting that the crew were beginning to ask themselves questions.

What constitutes 'outstanding'? You will recall that I said in my opening remarks that we had a good debate about this. It is almost one of those unanswerable questions. I am more familiar with the Children Act 1989 than with the Care of Cathedrals Measure 1990. We spend a lot of time in family courts talking about what constitutes 'the risk of significant harm to a child'. You cannot tie it down completely. However, we believe that there should be a way through to discuss this matter further, so as not to make 7,000 fiddly pieces of work for Trevor, which would unbalance his working pattern.

The point was made about the secretary of the FAC. There were various views about whether there could be a conflict of roles and we took a middle path. The point is not so much that it can work perfectly well among colleagues who know and trust each other but that, in the eyes of the world, we need to make sure that independent views are being taken. We were not legislating just to make trouble for already busy people but to establish this principle of independence. No, we do not want these matters to become any more confrontational. We have to have robust regulations and systems but we are not looking for trouble. The way it has all worked has been very co-operative and encouraging.

I was glad that Peter Atkinson thought that we were not a watchdog. This backed up what I would say in response to Archdeacon Trevor: as the systems bring people from a multiplicity of backgrounds to work together, that is surely the best way forward for us all?

I liked the Bishop of Southwell's time-travelling children's trips: I would like to go on one of those myself. I was amused that he described the CCM as 'esoteric and arcane'. I recall that when I was a sixth-former I was making a concerted attempt to widen my vocabulary. Those two were part of a clump of words that I learned in my teens, and I always associate them together. I will tell you some time about the rest of the clump of words I learned as a teenager! It is encouraging that you feel that it is working well and working improvingly well.

The main point I took from his remarks was in relation to the *pro bono* side of the work. There is this enormous amount of expertise being given free, and that is to be cherished and encouraged. It would be a disaster if we were to lose it.

There was one thing about the recent census that made me cross. There was a section with a mention of voluntary work, saying, 'Do you help a neighbour by reason of age or infirmity?' There was no other way of saying, 'I work my socks off most of the working week for a variety of voluntary occupations.' I do not think that the Government wanted to know how much good voluntary work is being done. I am sure that most of us here, apart from our Church work, do a myriad of other voluntary

things. It is a great shame that side of life is left out, and I was glad that you made those remarks.

The Provost of Newcastle is lucky to have a city council keeping his tower up! We do take his point that care is not just for the wonderful medieval glories, but having safe electrics. I totally support what he says about being accessible and welcoming to the community. A month or two ago I was at the service in Newcastle Cathedral for the people lost in the Selby rail accident. The church was packed with people, mostly railway people and mostly in uniform, some of them in tears. I was waiting outside with a group of them before going in, and they all felt completely at home. It really felt the right place for that grieving community to come together. If that is what he means and he is afraid of the place catching fire, then I am entirely with him. The people inside the system are developing a better understanding with English Heritage. Let us hope for improvements there, therefore, before he does catch fire.

I totally endorse Tony Redman's view about Richard's work not just being that of great expertise. He used the word 'ministry', and I think that is very true. He wanted there to be further consultation on the question of the title, Surveyor of the Fabric. We are perfectly happy for there to be further consultation on that. This is just a preliminary stage.

Richard Thomas was concerned about choirs and the places where they sing. There was a chorus of agreement with him on that. The Association of English Cathedrals have started discussions with the Department of Art, Media and Sport towards more formalized support for the English choral tradition. We are therefore getting there.

The motion was put and carried.

Mrs Janet Atkinson (Durham): I beg to move:

‘That this Synod:

- (a) approve the recommendations summarized on pages 57 to 72 of the report; and
- (b) instruct the Business Committee to introduce a draft Measure to give effect to those recommendations referred to in paragraph (a) above which require legislation by the Synod by Measure.’

The motion was put and carried.

(Adjournment)

THE CHAIR *The Bishop of St Albans (Rt Revd Christopher Herbert)* took the Chair at 2.30 p.m.