

**NOTICE OF MOTION**

To: The Honorary Secretaries to the Diocesan Synods of the United Dioceses of Dublin and Glendalough.

**TAKE NOTICE** that we the undersigned, acting on behalf of the Diocesan Councils, hereby propose the following Motion pursuant to Standing Order 23 of the Standing Orders of the Diocesan Synods of the United Dioceses of Dublin and Glendalough:

1. **THAT** leave be given to submit the Bill set out in the Appendix hereto.

Signed:   
**Robert Neill** 27.09.2022

 27/09/2022  
**William Olhausen**

## **EXPLANATORY MEMORANDUM FOR BILL NO 1**

This Bill is brought to the diocesan synods by the diocesan councils. It started life as a Motion, which is in the papers circulated to members of these synods. However, upon the advice of the Chancellor, it was considered legally preferable to move by way of a Bill, reflecting certain additions recommended by the Chancellor.

The Charities Act 2009 introduced a Governance Code in 2018 with which all charities must comply by the year 2020. The United Dioceses of Dublin and Glendalough is a registered charity. In June 2021 Councils received a presentation from Senior Counsel following which a designated working group was set up for the purpose of making recommendations to Councils on charities legislation and governance. This Bill will enable Diocesan Councils to meet the six principles of governance, including working effectively and being accountable and transparent.

The Bill is the product of more than a year's work by diocesan councils and has involved engagement with and input from the Archbishop, the two Archdeacons, the diocesan secretaries, all other members of councils and certain members of these synods.

The purpose of the Bill is to make provision for the membership, duties, functions and powers of the diocesan councils in a way which reflects and is based upon best practice within the Anglican Communion (both nationally and internationally), whilst at the same time reflecting the obligations on members of diocesan councils under the Charities Act 2009 as the 'charity trustees' for the united dioceses.

The detailed changes to the composition of councils are set out in paragraph 1 of the Schedule to the Bill. The four Honorary Secretaries to the synods will now also be the Honorary Secretaries to councils. There will now be two lay Honorary Treasurers, one from each diocese and these individuals will also be the Honorary Treasurers to councils. The number of members of councils will be reduced slightly from its current number, but the existing ratio of Dublin members to Glendalough members is being maintained.

Paragraph 6 calls on the members of these s to attempt, insofar as practicable, to achieve an appropriate balance in terms of skills, gender, ethnicity and cultural/social background when electing members of councils.

Paragraphs 7 and 8 of the Schedule reflect the role and duties of the members of councils as charity trustees, whereas paragraph 9 brings together in one place all of the various functions that are vested in diocesan councils by the Constitution of the Church of Ireland. It has been a deliberate decision by councils to place mission and ministry at the top of the list of proposed functions.

## **BILL**

### **To make provision for the membership, duties, functions and powers of the Diocesan Councils of the United Dioceses of Dublin and Glendalough**

WHEREAS it is desirable to make provision for the membership, duties, functions and powers of the Diocesan Councils of the United Dioceses of Dublin and Glendalough in a manner which reflects and is consistent with the position of the said Diocesan Councils as the Charity Trustees of the said United Dioceses for the purposes of the Charities Act 2009.

AND WHEREAS for this purpose it is necessary to repeal and replace all rules and regulations previously adopted by these Diocesan Synods in relation to the membership, duties, functions and powers of the said Diocesan Councils.

BE IT ENACTED by the Archbishop of Dublin and Bishop of Glendalough and by the clergy and laity of the Diocesan Synods of the United Dioceses of Dublin and Glendalough assembled in the parish of Taney in the year 2022 and by the authority of the same, as follows: -

1. With effect from the end of the current triennium, the following be substituted for Standing Order 7 of the Standing Orders of the Diocesan Synods of Dublin and Glendalough be amended, as follows:

“Two Honorary Secretaries, one clerical and one lay, and one lay Honorary Treasurer, shall be triennially elected by each Synod from among its own members. The election shall take place as soon as conveniently may be after the commencement of the first Session of the Synod after its election. Provided that any such Secretary or Treasurer may be removed at any time by a resolution of Synod, Provided also, that in case of a vacancy by death, resignation, or removal at any period intervening between such triennial elections, the Synod concerned shall, as soon as conveniently may be, elect one of its members, who shall be of the same order, and shall continue in office for the same period, as the person in whose place he or she shall have been elected would have continued, if he or she had not died, resigned or been removed.”

2. With effect from the end of the current triennium, but subject to the provisions of section 3 below, all rules and regulations previously adopted by the Diocesan Synods of Dublin and Glendalough in relation to the membership, duties, functions and powers of the Diocesan Councils of Dublin and Glendalough are hereby repealed and replaced with the Diocesan Councils Regulations set out in the schedule hereto.
3. The Diocesan Councils Regulations set out in the schedule hereto may from time to time be amended, varied, abrogated or repealed in whole or in part by such legislative measure or Bill as may be passed or enacted, as the case may be, by the Diocesan Synods of Dublin and Glendalough.
4. Notwithstanding section 3 above and any provision of the Standing Orders of the Diocesan Synods of Dublin and Glendalough, Article 1 of the Diocesan Councils Regulations set out in the schedule hereto may at any time be temporarily abrogated by such motion as may be passed by the Diocesan Synods of Dublin and Glendalough for their duration, which motion shall not for that reason be considered or be required to be a legislative measure or Bill, and the Diocesan Synods may by such motion and for their duration make provision for the composition of the Diocesan Councils whether annually or triennial.

## SCHEDULE

### UNITED DIOCESES OF DUBLIN AND GLENDALOUGH

#### THE DIOCESAN COUNCILS REGULATIONS

##### Membership

1. The Diocesan Councils shall consist of the following:
  - (a) The Archbishop, *ex officio*.
  - (b) The Archdeacon of Dublin, *ex officio*.
  - (c) The Archdeacon of Glendalough, *ex officio*.
  - (d) The four Honorary Secretaries of the Diocesan Synods, *ex officio*.
  - (e) The two Honorary Treasurers of the Diocesan Synods, *ex officio*.
  - (f) Six clerical and twelve lay members of the Diocesan Synods from the diocese of Dublin, to be elected triennially at the first ordinary meeting of the Diocesan Synods by the members of the Diocesan Synods from the diocese of Dublin, with such voting to be by orders.
  - (g) Two clerical and four lay members of the Diocesan Synods from the diocese of Glendalough, to be elected triennially at the first ordinary meeting of the Diocesan Synods by the members of the Diocesan Synods from the diocese of Glendalough, with such voting to be by orders.
  - (h) One member of the clergy under the age of 45 from the United Dioceses at the date of co-option, to be co-opted for the triennium by the members of Diocesan Councils pursuant to Section 35(2) of Chapter II of the Constitution.
  - (i) One member of the laity under the age of 45 from the United Dioceses at the date of co-option, to be co-opted for the triennium by the members of Diocesan Councils pursuant to Section 35(2) of Chapter II of the Constitution.

2. For each place, the person who shall receive the greatest number of votes shall be declared elected. In the event of a tie, it shall be decided by lot under the direction of the Honorary Secretaries.
3. A supplemental list shall be formed consisting of the two clergy and two lay persons from each diocese who shall have received the highest number of votes and who have not been declared elected. Casual vacancies shall be filled from the list of supplementals.
4. The Honorary Secretaries of the Diocesan Synods shall be ex-officio Honorary Secretaries of the Diocesan Councils.
5. The Honorary Treasurers of the Diocesan Synods shall be ex officio Honorary Treasurers of the Diocesan Councils.
6. In electing the membership of Diocesan Councils the members of the Diocesan Synods shall attempt, insofar as practicable, to achieve an appropriate balance in terms of skills, gender, ethnicity and cultural/social background.

#### **Duties, Functions and Powers of the Diocesan Councils**

[Statutes, codes, policy documents, provisions of the Constitution and other documents referred to below to be hyperlinked]

7. (a) The members of the Diocesan Councils are the charity trustees of the United Dioceses for the purposes of the Charities Act 2009.
- (b) Notwithstanding any dissolution of or demise in Diocesan Councils, and saving any vacancies in office as members of Diocesan Councils or as charitable trustees otherwise occurring, the members of Diocesan Councils in office upon such dissolution or demise shall continue in office as charitable trustees until the election of new Diocesan Councils. Any decision made by the said charitable trustees during a dissolution or demise in Diocesan Councils which meets the conditions set out in the following sentence shall be binding upon the Diocesan

Councils next established and shall be adopted as a valid decision of Diocesan Councils at the first meeting thereof. The conditions referred to in the preceding sentence are that the said decision is otherwise valid, lawful and made in accordance with these regulations and the procedures applicable to Diocesan Councils as if both applied to the said charitable trustees.

8. The members of the Diocesan Councils shall at all times perform their duties, functions and powers in a manner which is consistent with –
  - a. the provisions of the Charities Act 2009;
  - b. the provisions of any Charities Governance Code that may, from time to time, be issued by the Charities Regulator;
  - c. such other guidelines and codes of conduct as may, from time to time, be issued by the Charities Regulator;
  - d. the Diocesan Charities Governance Code;
  - e. the Diocesan Conflict of Interest Policy
  - f. the Diocesan Data Protection Policy;
  - g. such other policies as may, from time to time be adopted by the Diocesan Synods and/or the Diocesan Councils; and
  - h. the Diocesan Code of Conduct for charity trustees.

#### **Functions of Diocesan Councils**

9. The functions of the Diocesan Councils shall be:

#### **Principal Functions**

- (a) Subject to the directions of the Diocesan Synods –
  - i. to forward the mission of the Church within the United Dioceses;
  - ii. to support and promote ministry within the United Dioceses and, subject to the overarching authority and jurisdiction of the Archbishop in respect of ministry, to encourage the development of ministry with the United Dioceses; and
  - iii. to be responsible for the management of its funds and property.

- (b) To work to promote giving and genuine Christian stewardship within the United Dioceses and to support and facilitate the development of the gifts and ministry resources of all members of the Church within the United Dioceses.
- (c) In conjunction with the Archbishop, to ensure that the Safeguarding requirements of Parts I and II of Chapter XVI of the Constitution are implemented and adhered to by all parishes, clergy and diocesan bodies within the United Dioceses and in any diocesan activity.

### **Preparation for and Implementation of Decisions of Diocesan Synods**

- (d) To have the lay members of the Diocesan Councils elect additional members of Diocesan Synods for each triennium in accordance with the provisions of Sections 10 and 11 of Chapter II of the Constitution.
- (e) To assist and collaborate with the Honorary Secretaries and the Archbishop in planning the business of the Diocesan Synods, including the preparation of the agenda for its sessions and the circulation to members of information about matters for discussion.
- (f) To prepare and publish a list of members of the Diocesan Synods pursuant to Section 19 of Chapter II of the Constitution, at least seven days before the first meeting of each session of the Diocesan Synods.
- (g) To make special arrangements, at the discretion of Councils, pursuant to Section 6 of Chapter II of the Constitution for the return of separate synod members in respect of any church or chapel in any cure where there is more than one church or chapel with a separate register of vestry members.
- (h) To initiate proposals for action by the Diocesan Synods and to advise it on matters of policy which are placed before it.
- (i) To advise the President of the Diocesan Synods on any matters which he or she may refer to the Diocesan Councils.



- (j) To carry into effect all resolutions, enactments and decisions of the Diocesan Synods.

### **Delegated Functions**

- (k) Subject to the directions of the Diocesan Synods, to transact the business of the Diocesan Synods when they are not in session and, without prejudice to the generality of the foregoing, to exercise the powers of the Diocesan Synods under Sections 5, 31, 32 and 42 of Chapter II of the Constitution as well as Sections 6, 7, 24, 27 and 35 of Chapter III of the Constitution and under Sections 14 and 16 of Chapter IV of the Constitution and the Diocesan Councils shall at the next ordinary meeting of the Diocesan Synod list in its Report to the Diocesan Synod a summary of all actions taken by it in connection with any of the aforementioned provisions of the Constitution and the Diocesan Synods shall have power to prospectively alter, repeal or supersede all or any such acts of the Diocesan Councils; and provided also that no such exercise of the said power by the Diocesan Synods shall have the effect of invalidating anything heretofore done by the Diocesan Councils.
- (l) To carry out such other functions as the Diocesan Synods may delegate to it pursuant to section 36 of Chapter II of the Constitution.

### **Diocesan Finances**

- (m) To prepare the Diocesan Financial Scheme and to submit same to the Diocesan Synods and to the Representative Body for approval.
- (n) To superintend and implement the Diocesan Financial Scheme, once approved by the Diocesan Synods and the Representative Body.
- (o) With the assistance of the diocesan staff, to prepare annual estimates of expenditure and any supplementary estimates of expenditure that may be required for the United Dioceses.

- (p) To advise the Diocesan Synods on such action as may be needed to raise the income necessary to finance such expenditure and to carry out the Diocesan Synod's instructions in this respect.
- (q) To oversee expenditure by bodies in receipt of the Diocesan Synods' funds against estimates of expenditure approved by the Diocesan Synods.
- (r) To advise the Diocesan Synods on the financial aspects of its policy and on any other matter that the Diocesan Synods may refer to it.
- (s) To nominate a registered auditor for election by the Diocesan Synods to audit the accounts of the United Dioceses annually.

#### **Diocesan Property**

- (t) To appoint a diocesan architect or chartered building surveyor pursuant to Section 3A of Chapter XIII of the Constitution and to fix the duties and remuneration of such individual.
- (u) To take measures, in conjunction with the rural deans, for the inspection and preservation of all churches, glebes, graveyards and other property in the United Dioceses.
- (v) Having consulted with the relevant rural dean, to fix the amount for which each church and glebe house is to be insured pursuant to Section 24(4) of Chapter III of the Constitution.
- (w) To make regulations pursuant to Section 24(5) of Chapter III of the Constitution concerning the carpets, curtains and equipment to be provided by the select vestry of a parish for each ecclesiastical residence within the parish.

### **Other Functions and Powers under the Constitution**

- (x) To determine pursuant to Section 28 of Chapter III of the Constitution whether separate registers of vestry members should be maintained for each parish within a newly formed union of parishes and to make such regulations as the Diocesan Councils may think fit under the said Section 28 for the separate representation of an individual parish or parishes comprised in a union of parishes on the select vestry of such union.
- (y) To exercise the functions and powers conferred on it by Sections 30 and 32 of Chapter III of the Constitution in respect of new cures.
- (z) To hear appeals pursuant to Section 36 of Chapter III of the Constitution in respect of disputes that may arise as to the election of any churchwarden, glebewarden, select vestry member or other official who shall be the subject of election by a general or select vestry.
- (aa) To appoint parochial nominators pursuant to Section 7 of Chapter IV of the Constitution, in the event of the general vestry failing to elect such nominators.
- (bb) To exercise the functions and powers conferred on it by Sections 13, 14 and 43 of Chapter IV of the Constitution in respect of vacant cures.
- (cc) Subject to the opinions, consents and approvals provided for in sections 44 and 47 of Chapter IV of the Constitution, to exercise the functions and powers contained in the said Section concerning the establishment of the office or offices of vicar and the determination of the terms of each such appointment to the office of vicar.
- (dd) To fix the approved stipend and expenses of office allowance pursuant to Sections 51 and 52 of Chapter IV of the Constitution.
- (ee) To exercise the functions and powers specified in Part XIV of Chapter IV of the Constitution in relation to the granting of leave of absence for clergy from parishes which cease to provide adequate work.

- (ff) To determine the salary and expenses, if any, payable to the Diocesan Registrar and any Assistant Registrar pursuant to Section 3(e) of Chapter VIII of the Constitution.
- (gg) To make such provision pursuant to Section 4 of Chapter VIII of the Constitution for the safe custody of the Diocesan Registry and its contents as the Archbishop shall require.
- (hh) To exercise the functions in relation to the deployment of clergy on a part-time basis specified in Canon 34(4) of the Constitution.
- (ii) To fill any vacancy arising among the members of Representative Body elected by the United Dioceses pursuant to Section 3 of Chapter X of the Constitution.
- (jj) To be responsible for all employment and human resources matters relating to staff engaged by the United Dioceses.
- (kk) To appoint members of committees or to nominate members for election to committees, subject to the directions of the Diocesan Synods.
- (ll) To hear appeals pursuant to Section 6 of Chapter III of the Constitution against the admission or rejection of any person in the registration or revision of a register of vestry members.
- (mm) To exercise the powers conferred on Diocesan Councils by Sections 13 and 16 of Chapter III of the Constitution in relation to the appointment of churchwardens and glebewardens, the fixing of the number of select vestry members and the convening of Easter Vestries.
- (nn) To make arrangements pursuant to Section 7 of Chapter III of the Constitution for the settlement or revision of any register of vestry members that has not been settled within the time prescribed by the Diocesan Synods.
- (oo) To exercise such other functions, powers and duties that may, from time, be specified in the Constitution.

### **Bye-Laws**

- (pp) To make bye-laws for the regulation of their procedure, to provide an office and to appoint such officials as they shall deem necessary for the transaction of business.

### **Collaboration with Diocesan Staff**

10. In the performance of their powers, functions and duties, the members of the Diocesan Councils shall collaborate and liaise, as appropriate or necessary, with the diocesan staff and shall not only have due regard to the existing workload and commitments of the diocesan staff but shall also ensure that the diocesan office is, at all times, adequately staffed, resourced and funded in order to enable it to properly and efficiently perform its functions.

### **Unions, Groups and Parochial Boundaries**

11. Before exercising the delegated power under section 27 of Chapter III, with the consent of the Representative Body, to group or unite any parishes or to alter the boundaries of any parish within the United Dioceses the Diocesan Councils shall give due notice to the Incumbent (or Rural Dean in the case of a vacancy) and Select Vestries of any parishes affected by the proposed alteration and shall give an opportunity to such Incumbents and Select Vestries of laying their view before the Diocesan Councils or one of its committees.

### **Diocesan Trustees**

12. The Diocesan Trustees are empowered to act under the direction of the Diocesan Councils, who are authorised to represent the Diocesan Synods in the control and management of the several Trusts vested in the Diocesan Trustees and to direct the Diocesan Trustees in relation to those Trusts.

### **Report of Diocesan Councils**

13. The Diocesan Councils shall prepare a report for each ordinary meeting of the Diocesan Synods, such report to be sent to all members of the Synod at least 14 days before the day of the meeting. The report shall contain an account of all the diocesan funds and the resolutions which the Diocesan Councils propose to submit to the Synods for adoption, and such resolutions shall have precedence over all other business.

### **Attendance of Members**

14. The names and members of the Diocesan Councils and the number of meetings attended by each member shall be published. In each year in which an election of representatives to the General Synod takes place, the Diocesan Councils shall include in its report a record of the attendance at the General Synod of the representatives since the preceding triennial election.