

# Amendment to Standing Orders

There was quite a lot of debate, during the COVID-19 period, about whether it was lawful for Synods and PCCs to meet virtually. Lawyers, including church lawyers, were split: some argued that you could be “present” by being virtually present; others took the view that the circumstances required adaptations under the legal doctrine of necessity, but only for as long as it was necessary.

However, in 2021 a High Court judgment<sup>1</sup> pretty much ended the discussion: the High Court ruled that a local authority did *not* have the authority to meet remotely unless such meetings were lawfully provided for. In other words, you cannot imply that remote meetings are permitted: it must be explicitly authorised. Ever since this judgement the Diocesan Registrar has been advising that it is not lawful for Synods to hold remote meetings unless there is an amendment to standing orders.

The Diocesan Registrar has drafted the following new Standing Order, 115A, to allow for Diocesan Synod to conduct business at remote or hybrid meetings. It is not the intention of the Business Committee to move away from in person meetings of Diocesan Synod. The amendment would allow for urgent items of business to be conducted at remote meetings.

## Remote meetings

115A In these standing orders:—

- (i) A reference to a meeting of the synod includes a reference to a meeting which persons may attend, speak at, vote in, or otherwise participate in without all of the persons, or without any of the persons, being together in the same place.
- (ii) A reference to a place where a meeting of the synod is held, or is to be held, includes a reference to more than one place, including electronic, digital or virtual locations, web addresses or conference call telephone numbers.
- (iii) A person is to be regarded as present at a meeting of the synod at any given time if the person is at that time able to hear and be heard, and where practicable see and be seen, by the other persons present and by members of the press and public.
- (iv) A reference in these standing orders to being present at a meeting of the synod includes a reference to being present by electronic means, including by telephone conference, video conference, live webcast or live interactive streaming.
- (v) A reference in these standing orders to taking a vote includes a reference to taking the vote on an equivalent basis by electronic means.
- (vi) A reference in these standing orders to delivering any document or written item includes a reference to sending the documents or written item to the persons concerned by electronic means.
- (v) These Standing Orders have effect in spite of any inconsistent provision in the standing orders of the Synod; and any such provision is accordingly to be ignored.

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<sup>1</sup> <https://www.bailii.org/ew/cases/EWHC/Admin/2021/1093.html>