

## **A BILL FOR THE SPECIAL TRIBUNAL (REMOVAL FROM OFFICE) CANON 2022**

### **EXPLANATORY MEMORANDUM**

#### **General Background**

1. Under s 56(1) of the Constitution the Special Tribunal consists of three persons being a person qualified to be a lay member of the Appellate Tribunal (who shall be the President of the Special Tribunal), a Diocesan Bishop and a priest of at least 7 years' standing. Section 56(3) permits members of the Special Tribunal to be appointed from a panel of persons elected by General Synod as prescribed by canon. Section 25 of the Special Tribunal Canon 2007 provides for the panel and the election of panel members by the General Synod. Section 26(1) of that Canon sets out each of the circumstances in which a member of the panel will cease to hold office. The circumstances include death, resignation, and reaching the retiring age (which is the commencement of the ordinary session of General Synod which takes place next after the member attains the age of 75 years). For a Diocesan Bishop, membership ceases on becoming Primate or ceasing to be a Diocesan Bishop. Membership of the panel by a priest ceases, if the priest becomes a bishop.
2. A person has the potential to remain a panel member for many years and there is presently no means by which the person's membership of the panel can be reviewed. The present circumstances in which a panel member ceases office results in some infrequent turnover of the membership. If, it is considered desirable to incorporate another means to bring to an end the membership of a panel member, the appropriate body to do so is the General Synod which is the body which elected the panel member in the first place.
3. The Bill inserts an additional paragraph into s 26(1) of the Special Tribunal Canon 2007 to enable a panel member to be removed from office by a resolution of the General Synod voting as a whole and passed by a two-thirds majority of those members present and voting.

#### **Notes on Clauses**

- Clause 3      Amends the section dealing with when a member of the panel ceases to hold office to include a provision that a member of the panel may be removed from office by a resolution of the General Synod voting as a whole and passed by a two-thirds majority of those members present and voting.