

# Changes in the Composition and Modified Constitutions of Districts

MC/24/15

Date of meeting	29-30 January 2024
Contact name and details	Joanne Anderton, Conference Officer for Legal and Constitutional Practice, <a href="mailto:LCP@methodistchurch.org.uk">LCP@methodistchurch.org.uk</a>
Action required	Decision
Resolutions	15/1. The Council receives the report. 15/2. The Council approves the policy recommendations as set out in paragraphs 1 to 3 of the report, and recommends to the Conference the adoption of the amendments to the Standing Orders in paragraph 4.

## Summary of content

Subject of aims	To propose Standing Order amendments to address the overlap between SO 401 and Section 48A of Standing Orders which concerns Districts with Modified Constitutions
Main points	Background Overarching principles and questions Proposed amendments to Standing Orders to address the concerns
Background context and relevant documents (with function)	Committee on Methodist Law and Polity Report (2) to the 2023 Conference, Section I
Consultations	Law and Polity Committee

## Background

The Law and Polity Committee's attention has previously been brought to the overlap between Standing Order 401 and Section 48A of CPD revealed by the amalgamation of the Wales Synod and Synod Cymru that came to the Conference in 2022. In particular, there was concern as to whether it should be possible to merge Districts via the route of adopting a modified constitution under Section 48A, without the extensive consultation and related provisions provided for amalgamating Districts under SO 401. The Committee's second Report to the Conference of 2023 indicated the following at Section I (page 513 of the Conference Agenda):

### 3. Changes in composition of Districts

The Committee has noted some possible areas of confusion between Standing Order 401, which deals with the changes in compositions of Districts, and Section 48A, which concerns Districts with modified constitutions, but which also strays into the territory of changes in the compositions of Districts. The Committee proposes to consider this, potentially to clarify the provisions and to consult with relevant others (such as the Secretary of the Conference and the Methodist Council), to check whether there are other process or policy considerations arising from the present provisions that deserve attention, in order to enable any proposed amendments to be brought to the Conference of 2024.

This paper now proposes some amendments to address these concerns.

## Overarching principles and questions

1. The working premise of these proposed amendments is that SO 401(1) should be applied to all changes in the composition of Districts, to ensure that the fuller consultation enshrined in that Standing Order takes place; this presumably reflects the Conference's existing policy intention regarding changes in district composition. Section 48A would then be reserved for the situations where an existing single District wished to adopt a modified constitution, or when two or more Districts are amalgamating and proposing that there be a modified constitution from the point when the new District comes into being (but without in itself effecting the amalgamation which would have to be agreed separately under Standing Order 401(1)). The proposed amendments below therefore seek to disentangle the two sets of provisions.
2. Regarding SO 401, the Law and Polity Committee makes the following recommendations:
  - a) The provision in 401(3) that "any Synod or Circuit Meeting involved has the right to make representations" is still needed, but should be amplified by stating that formal representations to the Conference should be made in writing in advance of the Conference.
  - b) The effect of 401(5) is that determination of any change in district composition is ultimately a decision of the Conference, and an amendment is proposed to make this clearer.
  - c) There are parallel considerations in relation to a) and b) above in respect of changing the composition of Circuits under SOs 501(5) and (7), and the relevant provisions should be amended accordingly.
3. Similarly regarding Section 48A, the opportunity may be taken to clarify or amend some of its other provisions.
  - a) The notice provision for the adoption or amendment of a modified constitution in SO 48A1(2) could safely be reduced from three to two months to allow greater pragmatic flexibility.
  - b) The Secretary of the Conference has previously expressed concern as to whether responsibility for ensuring and certifying compliance of any proposed modified constitution should lie with the Secretary. The consequent amendments below to SOs 48A1(6) and 48A3(2) give the responsibility for approval instead to the Connexional Council, but on the advice of the Secretary of the Conference (on the basis that this advice should be largely a technical check rather than a policy discernment in each case).
  - c) Again, there is a parallel consideration in respect of the adoption of a modified circuit constitution under Section 58 and specifically under SOs 581(2) and (6) and 583(2). The modified circuit constitution provisions should therefore be amended accordingly (and, regarding the certification of a modified circuit constitution, the approval should be that of the District Policy Committee on the advice of the Secretary of the Conference).
4. The Committee therefore proposes that the Council recommend to the Conference for adoption the following amendments to the Standing Orders:

**401 Changes in Composition.** (1) In this Standing Order any reference to a change in the composition of Districts is to a change in ~~the a particular~~ **a particular District or Districts** in which one or more Circuits are placed. This Standing Order applies to all such changes, except ~~those effected under Section 48A, but not~~ to transfers of Local Churches from one District to another arising solely out of changes, within Standing Order 501(4), in the composition of Circuits which themselves remain within their respective Districts. If proposals involve both a change within this Standing Order and a change within Standing Order 501, each such change shall be dealt with under the relevant Standing Order.

(2) All proposals for the division or amalgamation of Districts or other changes in their composition shall be considered by the ~~Connexional Methodist~~ **Connexional Methodist** Council, which shall consult the Synods and Circuit Meetings involved, formulate a draft recommendation, obtain the resolutions of the Synods and Circuit Meetings on that draft and report those resolutions to the Conference with its own substantive recommendation.

(3) When any recommendation for change in the composition of Districts is before the Conference any Synod or Circuit Meeting involved has the right to make **formal** representations **in writing** to the Conference **in advance of the meeting of the Conference**.

(4) Upon making any change in the composition of Districts the Conference may give consequential directions, in particular as to transitional arrangements, including directions as to the making of appointments to district committees and offices.

**(4A) If in addition to the proposed changes in composition of a District or Districts it is also proposed to modify the standard constitution of the District, this shall be dealt with according to the provisions of Section 48A of Standing Orders either contemporaneously or subsequently.**

(5) **The determination of any change in district composition is ultimately a matter for the Conference, but** if, in the judgment of the Conference, any change resolved upon by the Conference is substantially out of accord with the reported resolution of any Synod involved it shall take effect only if confirmed by the Conference of the year next following.

## **Section 48A Districts with Modified Constitutions**

**48A0 Definitions.** In this Section:

- (i) an 'adoption resolution' means a resolution for the adoption of this Section passed in accordance with the provisions of Standing Order 48A1 below;
- (ii) a 'Section 48A District' means a District in respect of which an adoption resolution is in force;
- (iii) a 'modified constitution', in relation to any Section 48A District, means the constitution by which the affairs of that District are governed.

**48A1 Adoption resolutions.** (1) Subject to the further provisions of this Section, a District may at any Synod pass a resolution that this Section shall apply to that District, **or to a District amalgamated under Standing Order 401 of which it will be part**, with effect from the beginning of such connexional year as the resolution may specify and that the affairs of the District shall thereafter be governed by a modified constitution in the form of a draft identified in the resolution.

(2) A resolution under clause (1) above must be brought on behalf of the district Policy Committee by two of its members and notice of the resolution must be given to all members of the Synod no later than **two** ~~three~~ months before the date of the Synod at which the resolution is to be debated. A copy of the draft modified constitution must be supplied free of charge to any member of the Synod who requests one.

~~(3) A draft modified constitution may provide for the governance as a single District of more than one existing District.~~

(4) In the debate on a resolution under clause (1) above, no proposal for the amendment of the draft modified constitution shall be considered unless written notice of the proposed amendment has been given to the Synod secretary no later than 14 days before the date of the relevant Synod, unless the Synod otherwise agrees. **If the draft modified constitution relates to a District to be formed by amalgamation under Standing Order 401, such notice must be given to the secretaries of the relevant Synods involved no later than 14 days before the date of the relevant Synod, unless the Synods otherwise agree.**

(5) A resolution under clause (1) above is only valid if it is passed by three quarters of those present and voting at the relevant meeting of the Synod ~~or, if the draft modified constitution provides as set out in clause (3) above,~~ **relates to a District to be formed by amalgamation under Standing Order 401** provides as set out in clause (3) above, the resolution is only valid if it is passed by ~~such a majority~~ **three quarters** of those present and voting at the meeting of the Synod of each ~~relevant~~ District **involved** and the terms of the draft modified constitution identified by the resolution passed by each District are identical.

(6) A resolution under clause (1) above will only take effect according to its terms if the **Connexional Council, on the advice of the** Secretary of the Conference, confirms before the relevant 1st September that the draft modified constitution complies with the requirements of this Section. Such confirmation may be given prior to the passing of the resolution but if the draft modified constitution is passed in an amended form after confirmation has been given, a further confirmation must be obtained. If no such confirmation has been given before the relevant 1st September, the resolution will not take effect until 1st September next following such confirmation.

(7) ~~If a~~ **the** draft modified constitution **is approved, the Connexional Council shall direct at which date it shall take effect** ~~provides as set out in clause (3) above,~~ the Districts which have passed the relevant adoption resolution shall form one new District from the date on which the adoption resolution takes effect and the form in which the constitution and enumeration of the Districts is set out pursuant to Standing Order 400 shall reflect that change **from that date**.

**48A2 Termination of effect of adoption resolutions.** (1) Subject to the further provisions of this Section, the Synod of a Section 48A District may at any time pass a resolution that with effect from the beginning of such connexional year as the resolution may specify this Section shall cease to have effect in relation to that District, ***after which the affairs of the former Section 48A District will be governed by the provisions of Part 4 (other than this Section) as amended from time to time.***

(2) The modified constitution of a Section 48A District must specify by which officers or members of the Synod a resolution under clause (1) above may be moved, what period of notice of such a resolution must be given and by what majority such a resolution must be passed. The modified constitution (whether as originally agreed or as amended in accordance with Standing Order 48A3 below) may specify additional requirements in relation to such a resolution.

(3) ~~Where~~ ***Unless*** the modified constitution of a Section 48A District ***relates to a District created by an amalgamation of previous Districts*** in accordance with Standing Order ~~401~~ ***48A1(7) above expressly so provides***, the coming into force of a resolution under clause (1) above will not reconstitute ***any of the Districts which existed prior to the coming into force of the adoption resolutions leading to the creation of that District, and the provisions of Standing Order 401 would again need to be applied to reconstitute any of the previous Districts if desired*** but the affairs of the former Section 48A District will be governed by the provisions of Part 4 (other than this Section) as amended from time to time.

(4) ~~If the modified constitution of such a Section 48A District does provide that the coming into force of a resolution under clause (1) above will reconstitute the former Districts, the resolution must specify, by reference to an identified draft if appropriate, the arrangements by which the former Districts are to be enabled to operate again from the relevant 1st September and the reconstitution will only then take effect if before that date the. If no such confirmation has been given before the relevant 1st September, the reconstitution will not take effect until 1st September next following such confirmation and in the meantime the affairs of the former Section 48A District will be governed as the affairs of one District and by the provisions of Part 4 (other than this Section) as amended from time to time.~~

**48A3 Amendment of modified constitutions.** (1) The modified constitution of a Section 48A District must specify the procedure by which the modified constitution may be amended.

(2) The procedure specified under clause (1) above must include a provision that any amendment to the modified constitution will not come into force until the ***Connexional Council, on the advice of the*** Secretary of the Conference, has confirmed that the modified constitution in its amended form will continue to comply with this Section.

**48A4 Continuing application of existing constitutional provisions.** (1) Nothing in this Section affects the provisions of the Methodist Church Act 1976, the Deed of Union or the Model Trusts ("the overriding legislation") and a modified constitution must conform to the requirements of the overriding legislation.

For the Methodist Church Act 1976 see Vol. 1 p. 2, for the Deed of Union Book II, Part 1 and for the Model Trusts Book II, Part 2.

(2) While an adoption resolution is in force the provisions of Part 4 (other than this Section) as amended from time to time shall continue to apply to the relevant Section 48A District except as otherwise provided by the District's modified constitution.

(3) A modified constitution may not contain provisions contrary to the following provisions:

- (i) Standing Order 400A (nature and purposes of a District);
- (ii) Standing Order 501(2) to (7) (composition of Circuits);
- (iii) Standing Order 403 (connexional affairs);
- (iv) Standing Order 404 (expenses);
- (v) Standing Order 411 (meetings of the Synod);
- (vi) Standing Order 412 (functions of the Synod);
- (vii) Standing Order 413 (procedure at the Synod);
- (viii) Standing Order 415 (minutes and records of the Synod);
- (ix) Standing Order 416 (expenses);
- (x) Standing Order 417 (Conference representatives);
- (xi) Standing Order 417A (Children and Youth Assembly representatives);
- (xii) Standing Order 417B (lay stationing representative);
- (xiii) Standing Order 418 (connexional bodies);
- (xiv) Standing Order 419 (memorials and resolutions to the Conference);

- (xv) Section 42 (the Chair) other than Standing Order 426 (Permanent Deputies, Temporary Deputies and Assistants);
- (xvi) Standing Order 440 (city centres); and
- (xvii) Section 48 (Presbyteral Session of the Synod).

(4) A modified constitution may not contain provisions varying any other Standing Orders except as provided in Standing Order 48A5 below.

**48A5 Further provisions relating to modified constitutions.** (1) A modified constitution may contain provisions varying the provisions specified in clause (2) below, but if such provisions are included the modified constitution shall also include provisions to secure the effective carrying out within the Section 48A District of the areas of work covered by the Standing Orders and Sections listed, taking into account also the need to comply with any other Standing Orders applicable to such work and the need to ensure consistent and fair treatment of all people across the connexion.

(2) The provisions referred to in clause (1) above are the following:

- (i) *[deleted]*
- (ii) Section 43 (District Policy Committee);
- (iii) Standing Order 442 (chaplaincies);
- (iv) *[deleted]*
- (v) Standing Order 444 (formal education);
- (vi) *[deleted]*; and
- (vii) Section 47 (property).

(3) A modified constitution shall contain provisions to ensure that as respects all the functions given by the overriding legislation (as defined in Standing Order 48A4(1) above) and Standing Orders to the district Policy Committee there is an identified body responsible for the performance of each of those functions, by whatever name that body or (if more than one) those bodies may be known.

(4) A modified constitution shall contain provisions to ensure that as respects all the functions given by the overriding legislation and Standing Orders to the Synod secretary there is an identified individual responsible for the performance of each of those functions, by whatever title that individual or (if more than one) those individuals may be known.

(5) A modified constitution shall contain provisions for the appointment of District trustees.

(6) Subject to the foregoing provisions of this Section, a modified constitution may make such provision as the Synod approves with regard to:

- (i) *[deleted]*
- (ii) the constitution of the Synod;
- (iii) the functions, powers, duties and membership of the committees or other bodies constituted to carry out the purposes of the Section 48A District;
- (iv) the functions, powers, duties and terms of employment (if applicable) of the officers of the District.

### \*\*\*RESOLUTIONS

**15/1. The Council receives the report.**

**15/2. The Council approves the policy recommendations as set out in paragraphs 1 to 3 of the report, and recommends to the Conference the adoption of the amendments to the Standing Orders in paragraph 4.**