

 THE CHURCH OF ENGLAND

THE REPORT OF THE  
ARCHBISHOP OF  
CANTERBURY'S  
COMMISSION ON THE  
RELATIONSHIP OF THE  
CHANNEL ISLANDS TO  
THE WIDER CHURCH OF  
ENGLAND

30 September 2019

*Letter from the Chair of the Archbishop of Canterbury's  
Commission on the relationship of the Channel Islands to the  
wider Church of England, the Right Revd & Rt Hon the Lord  
Chartres, GCVO PC*

Dear Archbishop,

At the beginning of the work of the Commission you insisted that we should not seek to pass judgement on the unhappy sequence of events which precipitated the breakdown of relations between the Diocese of Winchester and the Deaneries of Guernsey and Jersey. Rather we were to focus on the possibility and shape of a future relationship conducive to the mutual flourishing of the Church in the Islands and the wider Church of England. We were charged to consult with the ecclesiastical and secular authorities in the Islands, with the Bishop of Winchester, his staff and other interested parties. This we have endeavoured to do. In the Report which follows we have proposed a way forward which, I believe, honours the polity of the Church of England and in particular the enhanced level of accountability of its bishops in the light of recent legislation but which also recognises and respects the traditions, both legal and ecclesiastical, which obtain in the Channel Islands. Our recommendations for action are attached.

I have been very fortunate to be joined in this Commission by Baroness Judith Wilcox and Sir Christopher Clarke. After a distinguished business and political career, Baroness Wilcox has been able to offer a shrewd analysis of the context for our work while Sir Christopher Clarke with his extensive experience as a former Judge of the Courts of Appeal in Guernsey and Jersey, and Lord Justice of Appeal, has contributed an invaluable legal perspective.

We could not have been better served by our consultants, Sir de Vic Carey, former Bailiff of Guernsey and Mark Temple QC whose appointment as Attorney General of Jersey has been recently announced. They ought not to be held responsible for any solecisms into which the Commission may have fallen but without their help our report would have been a vastly inferior document.

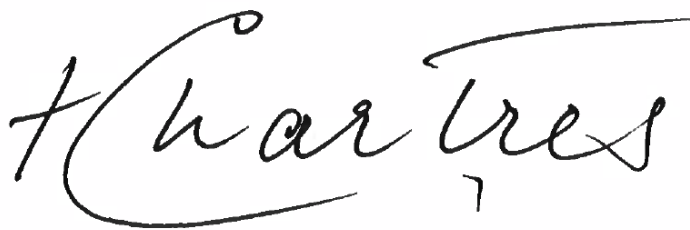
Opinions differ on the rights and wrongs of the events leading up to the breakdown of relations and positions on both sides are maintained with considerable passion. There is general agreement, however, that a close relationship between the Church in the Islands and some particular English Diocese will best enable the mutual flourishing which all parties desire. There is also sadly general agreement that there is no going back to the connection with Winchester. It is to be hoped that in time some act of reconciliation might be possible which recognises a shared history going back to 1569.

In the light of recent events almost everyone is also convinced that there cannot be any simple substitution of one Diocese for another. Legal changes are necessary to reflect the enhanced culture of accountability in the Church and to ensure the conformity of ecclesiastical law and practice with human rights legislation. Just as important it will also be desirable to have a memorandum of understanding which maps out more clearly the respective roles of Bishop and Dean in the day to day life and work of the Church in the Islands. Progress has already been made on this and other consequential issues. The ministry of Bishop Trevor Wilmott has helped to identify much of what needs to be done and there is universal gratitude to him for helping to navigate the Church in the Islands through a time of strain and uncertainty.

It has been a great privilege to be invited to undertake this work and to learn a little more about the remarkable history of the Deaneries of Guernsey and Jersey. Everyone who has given evidence either in person or in writing has done so in a courteous and constructive spirit exhibiting both a lively affection for the Church of England and pride in the particular customs and traditions of the Church in the Channel Islands. I pray that our recommendations will make a contribution to the mutual flourishing which all desire.

One thing remains, which is to thank our indefatigable secretary Jonathan Neil-Smith. This is no formal vote of thanks. He has enabled the Commission to digest a vast amount of evidence and helped us to see the wood for the trees. He has assisted our work with exemplary courtesy, patience and efficiency. Your Commissioners are very grateful to him and none more than the Chairman who has the honour to present this Report to you.

With thanks for our partnership in the gospel,

A handwritten signature in black ink, reading 'Richard Chartres'. The signature is written in a cursive style with a large, sweeping initial 'R' and a long horizontal line extending from the end of the name.

+Richard Chartres

30 September 2019, Festival of St Jerome

## Introduction

1. Since 1569 the Channel Islands – comprising the Deaneries of Guernsey and Jersey - have been attached to the Diocese of Winchester. The relationship between the Deaneries and the Bishop of Winchester (the Rt Revd Tim Dakin) broke down in March 2013 over the suspension of the then Dean of Jersey (the Very Revd Bob Key) in relation to the handling of a safeguarding matter. This led to an interim arrangement formalised on 25 March 2014 by which delegated episcopal oversight of the two Deaneries was granted by the Bishop of Winchester to the Rt Revd Trevor Willmott (Bishop of Dover until May 2019). As a former Bishop of Basingstoke, he has acted as an Assistant Bishop in the Diocese of Winchester.
2. Since 2015 the Diocese of Canterbury has provided support services for the Deaneries in respect of the payment of parochial stipends and associated costs, safeguarding and ministerial training; but with legal services remaining with the Winchester Diocesan Registry. At the time the Archbishop of Canterbury signalled that he would appoint a Commission to look at the relationship between the Islands, the Diocese of Winchester and the wider Church of England. The Archbishop subsequently appointed a Commission in June 2018. The membership and terms of reference are as set out in ANNEX 1. This is its Report.

## Background

3. The Commission's consultant from Guernsey drives a car with a Registration Plate '1066'. This is far from being just a mild eccentricity, for, as Lord Hugh Cecil reminded Parliament in 1931,  
“...the Channel Islands are, in respect of their Government, a most interesting place. They are part of the original Duchy of Normandy, and they say that they conquered England and not England them, and therefore they are not in any

sense subject to the Parliamentary institutions of England...”<sup>1</sup>

4. The Bailiwicks of Guernsey and Jersey are self-governing dependencies of the Crown. They each have their own directly elected legislative assemblies and their own administrative, fiscal, legal systems and courts of law. They have never been part of either the United Kingdom or the European Union – their special relationship with the European Union being covered in a Protocol to the Treaty of Accession in 1972. The Government of the United Kingdom takes the view that by convention Parliament does not legislate for the Islands, but English legislation may, after consultation with the Islands’ authorities and obtaining their consent, be extended to the Islands through an agreed “permissive extent clause” or by Order in Council (via The Ministry of Justice and Privy Council).<sup>2</sup>
5. The Church of England is the Established Church in the Islands. The two deaneries are made up of parishes which have historically been largely coterminous with the civil parishes which form the basis for local administration in the two Islands. In Jersey, there are twelve ancient parishes; there are also seven district churches, two daughter churches and two chapels of ease and one proprietary chapel. In Guernsey there are ten ancient parishes and four parishes which were created in the nineteenth century. There is also one daughter church (operating under a separate trust deed) and two further chapels – one owned by the States of Guernsey and managed by an ecumenical trust and a chapel owned by a private trust within the parish of St Andrew but used for Anglican and other services. There is also one parish in Alderney and one in Sark.

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<sup>1</sup> Extract from Hansard record of the House of Commons debate on The Channel Islands (Representation) Measure 1931, for 29 April 1931.

<sup>2</sup> For more details see:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/734590/crown-dependencies-factsheet.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/734590/crown-dependencies-factsheet.pdf)

6. In the ancient parishes, the church building belongs to the (civil) parish and, in both islands, these churches are maintained from secular rates. In Jersey, the rectories in the ancient parishes are also owned and maintained by the civil parish. This is the case in eight of the ancient parishes in Guernsey (but three of these rectories are not occupied by the rector). The rectories in the other two ancient parishes in Guernsey belong to the rector and churchwardens. In the newer parishes in Guernsey and Jersey, the parsonage house is owned by local trustees. There are no parochial church councils, nor any church schools. A consequence of these arrangements is that church and secular communities are intertwined in a way that contrasts with the situation in England.
7. Prior to the Reformation the Islands were part of the French Diocese of Coutances, although Henry VII had obtained a Papal Bull from Alexander VI transferring them to Salisbury in 1496, before a further Bull transferred them to Winchester. There is, however, considerable doubt about the authenticity of this latter Papal Bull<sup>3</sup>. The first hard and fast evidence of the link with the Diocese of Winchester stems from an Order in Council of 11 March 1569 made by Queen Elizabeth I, under which the Islands were 'perpetually united' to the Diocese of Winchester with the Bishop of Winchester constituted as the Ordinary. Reference is also made to the Deans of Jersey and Guernsey to whom the bishop could delegate powers, provided that neither might 'innovate anything'; the caveat being that the Bishop was obliged to accept the Crown's choice of Dean<sup>4</sup>. A full text is attached as ANNEX 2.
8. The office of Dean predates the Reformation, going back to the time when the Islands formed part of the Diocese of Coutances. In

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<sup>3</sup> According to *The Government and Law of Guernsey* by Darryl Ogier [States of Guernsey, 2012], the second Papal Bull which ostensibly cancelled the transfer to Salisbury only appeared on the register at Winchester but was not registered at either Coutances, nor, significantly, at the Vatican. In practice the connection with Coutances seems to have continued until 1569.

<sup>4</sup> An analysis of the Order in Council can be found in *Considerations on the Ecclesiastical Position in the Channel Islands and particularly in Guernsey* by Sir Havilland de Sausmarez, 1927.

1656 Peter Heylyn commented that the Bishop of Coutances ‘...for the better executing of his episcopal jurisdiction in these places divided by the sea from the main body of his charge...had a Surrogate or Substitute, whom they called a Dean, in each Island one. His office consisting as I guess at it by jurisdiction of that of a Chancellor and an Archdeacon, mixed...’<sup>5</sup>. To this day Deans of Jersey and Guernsey are appointed directly by the Crown. The appointment in Jersey is by Letters Patent in Jersey; in Guernsey by warrant under the Royal Sign Manual. These documents are addressed to the Bishop and the respective Lieutenant Governor, Bailiff and other secular office holders as well as to the inhabitants of the Islands (see sample Warrant for the Dean of Jersey attached as ANNEX 3). They also hold a subsequent Commission from the Bishop (also attached).

9. A key development was the adoption of bespoke Jersey Canons in 1623 by Order in Council. These took account of Jersey’s existing particular arrangements and, significantly, enshrined the role of the Dean (already a Crown appointment), providing for an Ecclesiastical Court of which the Dean was the judge<sup>6</sup>. The 18<sup>th</sup> century historian Falle commented thus:

“...for though in matters of faith, and institutions of divine or apostolical appointment, and whatever else is held essential to an orthodox Christian Church, there cannot be too great an uniformity; yet in the outward face and habit of the same Church, some things may not so well comport with the constitution of one country, as with that of another; and consequently neither need, nor indeed ought, to be equally urged or insisted upon in all places....we think not ourselves the less of the Church of England, because of some variations in matter of mere circumstance only..”<sup>7</sup>.

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<sup>5</sup> From *A Full Relation of two Journeys* by Peter Heylyn, 1656.

<sup>6</sup> The Dean’s Court predates the 1623 Canons, dating from at least 1524. See article *The Ecclesiastical Court of Jersey: The Court of the Dean or of the Bishop?* by Gregory White in *Jersey & Guernsey Law Review*, October 2013

<sup>7</sup> Ref *History of Jersey*, Falle, 2<sup>nd</sup> edition, 1734.



10. The Islands were even further away from Winchester than Coutances, and sea travel across the Channel would not have been easy in a period when England was often at war with France. Coupled with this was the impact of Protestant migration to the Islands from France following the persecution of the Huguenots. A strong Reformed tradition developed and a synod in Guernsey in 1576 went as far as abolishing episcopacy and affiliating with the French Reformed Church. During the Civil War Guernsey was on the Parliamentary side, but matters were regularised at the Restoration in 1660. Until the 19<sup>th</sup> Century worship was conducted in French using translated versions of the Book of Common Prayer<sup>8</sup>. This background may explain why the first Church of England bishop to visit the Islands was the Bishop of Salisbury in 1818<sup>9</sup>. His were the first recorded episcopal confirmations<sup>10</sup>. The next such visit was from the Bishop of Winchester (Charles Sumner) in 1829. Episcopal visits continued to be comparatively rare – and impossible during the German occupation from 1940-5. However, with the development of regular air services from Southampton, annual visits to both Bailiwicks by the diocesan, supplemented by visits by the suffragan bishops, became the norm<sup>11</sup>.

11. Church of England Measures do not apply automatically to the Islands but must be expressly extended in accordance with the procedure set out in the Channel Islands (Church Legislation) Measures of 1931 and 1957. The process for the adoption of such Measures is complex involving both Island legislatures. Synodical government extends to the Islands so both Deaneries have Synods and they are represented in diocesan synod and in the General

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<sup>8</sup> For further details see *Confirmation in the Channel Islands* by Philip Tovey

<sup>9</sup> The then Bishop of Winchester, Brownlow North, was 77 at the time and regarded as being incapable of bodily exertion.

<sup>10</sup> See *Confirmation in the Channel Islands* by Phillip Tovey

<sup>11</sup> A second suffragan see, of Basingstoke, was created in 1973.

Synod by one of the two Deans (customarily by alternation), and by 2 lay members<sup>12</sup>.

12. This necessarily brief historical survey indicates that the Islands' relationship to the wider Church of England has been very distinctive, with a strong ethos of self-determination having grown up partly through their unique historical development, and also as a consequence of geography. De facto leadership of the church community has been exercised through the two Deans who have exercised quasi-episcopal oversight and relate to independent legislatures in both Islands. Indeed, the Dean of Jersey sits in the States of Jersey, and makes contributions to debates from a moral/ethical standpoint. Though not a member of its States, the Dean of Guernsey also plays an analogous role in civic life, and in 2018 played a significant role in the public debate about the proposals for assisted dying which were brought to the States of Guernsey.<sup>13</sup> The ecumenical representatives whom we met endorsed the Deans' ecumenical role as leaders of the faith communities in the Islands: a role that is coming into sharper focus as the tide of secularism gathers apace across North Western Europe.

13. This distinct relationship of the Islands to the rest of the Church of England needs to be set alongside moves towards greater regulation and accountability within the Church of England in the light of the passage of successive Synodical Measures (following the creation of the General Synod in 1970), coupled with the sea change in church finance with parishes increasingly sustained by congregational giving (rather than historic endowments). The dynamics of church life have been shifting and diocesan bishops, and their administrations, and all office holders are required to be more accountable. The roles of bishops and clergy have been

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<sup>12</sup> Channel Islands (Representation) Measure 1931

<sup>13</sup> See <https://jerseyeveningpost.com/news/2018/04/09/assisted-death-discussion-will-give-chance-to-develop-end-of-life-care/>

coming into significantly sharper focus in such key areas as discipline, safeguarding, and clergy terms of service and ministerial development – with the adoption of significant reforms in the Clergy Discipline Measure in 2003; the implementation of successive House of Bishops Safeguarding policies<sup>14</sup>, undergirded by the Safeguarding and Clergy Discipline Measure 2016; and the advent of the Clergy Terms of Service Regulations in 2009. These changes did not sit easily with the arrangements obtaining in the Channel Islands. The strain had indeed been evident before the appointment of Bishop Tim Dakin as Bishop of Winchester. In his submission of 17 May 2019, the Very Revd Mike Keirle (Dean of Jersey) commented that:

“...the breakdown of the relationship which found its focus in Bishop Michael [Scott-Joynt]’s successor and my predecessor, was a consequence of a wider relationship which did not have a sufficiently firm basis of clarity, understanding or mutual respect. One must acknowledge however that it functioned for almost 400 years under the 1623 Canons, which defaulted to a light touch and distant relationship with the Bishop, probably based on benign neglect, due to the lack of modern communication and transportation.”

14. The adoption of a new set of Jersey Canons in 2012 left some unresolved issues. We have received evidence to suggest that they are not fit for purpose, and that there were serious flaws in the provision they make with respect to disciplinary arrangements. It should be noted that when they were being drafted in 2010 the Legal Office in Church House raised concerns with the then Dean of Jersey that they overly restricted the role of the diocesan bishop and did not appear to be compatible with Article 6 of the European Convention on Human Rights<sup>15</sup>. On this issue there is

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<sup>14</sup> See the latest policy at: <https://www.churchofengland.org/sites/default/files/2019-05/PromotingSaferChurchWeb.pdf>

<sup>15</sup> Letter of 10 January 2010 from Adrian Iles to the Very Revd Bob Key, Dean of Jersey

indeed some common ground between the Bishop of Winchester – who believes that they ‘require further work’ and that the disciplinary arrangements are ‘ill conceived and unworkable’<sup>16</sup> – and Jersey’s chief judge and first citizen, the Bailiff Sir William Bailhache, who has written that

“...the existing Jersey Canons are inapt in a number of respects...there are a number of errors and discrepancies in the Canons and they need to be changed – not least is my belief that the present Canons are very likely to be incompatible with the European Convention on Human Rights, which form part of the law of this Island so far as disciplinary matters are concerned. In addition, there are some practical questions which need further thought, not least in the relationship between the Bishop and the Dean.”<sup>17</sup>

#### The break with Winchester

15. It was against this background that matters came to a head between the Bishop of Winchester and the then Dean of Jersey, the Very Revd Bob Key, in March 2013. The breakdown had its origins in a 2008 safeguarding issue involving a vulnerable adult and the process by which that issue was dealt with. The Commission has no desire to rehearse the events in a way that adds to the personal distress of any individuals. What follows is necessarily focussed on the lessons to be learned from this difficult episode in so far as they are covered by our Terms of Reference, and particularly the implications for the relationship between the Bishop and the Deans.

16. In 2011 the Safeguarding Panel for the Diocese of Winchester appointed Ms Jan Korris<sup>18</sup> to investigate the response of the Diocese to the safeguarding issue referred to in para 15 above. Ms

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<sup>16</sup> Letter to the Commission from the Bishop of Winchester of 20 February 2019

<sup>17</sup> Letter to the Commission from Sir William Bailhache, Bailiff of Jersey, 13 May 2019

<sup>18</sup> Ms Jan Korris was a psychotherapist and social worker with experience of case reviews, vulnerable adults and 30 years input into clergy training

Korris reported to the Bishop in early 2013 and her report was published on the diocesan website on 8 March 2013 (where it remained until 2016). The report was, rightly or wrongly, highly critical of the way the Dean and others had handled the issue.

17. For a number of reasons it did not prove possible for the Bishop and the Dean to meet to discuss the Korris Report at the time, nor was it shown to the Dean in advance of publication. However, in the light of the recommendations from the Korris Report, the Bishop wrote to the Dean on 9 March withdrawing his Commission with immediate effect. The Bishop also informed him that he would be initiating an investigation into what had happened. The Bishop gave a temporary commission to the Revd Canon Geoffrey Houghton, one of the two Vice-Deans.
18. The suspension of the Dean came as a seismic shock to the civic authorities and church people in Jersey, and triggered a breakdown in trust between the church and people in both Islands, and Winchester. Questions were immediately raised as to the propriety, and indeed legality, of the Bishop's actions. Particular concern was expressed at the way the Bishop had instructed that the Dean should not elect to follow Jersey law rather than fulfil his duty of obedience to the Bishop<sup>19</sup>. Claims were also made that the Korris Report – which had prompted the Dean's suspension – had serious flaws<sup>20</sup>. The Bishop nevertheless insisted that he was carrying out his responsibility for safeguarding matters: a responsibility that rested with diocesan bishops (the Church of England's nationally agreed guidance was in the name of the House of Bishops). His action was in the context of a Report by the

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<sup>19</sup> Two complaints were made against the Bishop under the CDM but in neither case was the complainant deemed to have a proper interest in the matter. Concerns about the Bishop's actions were also raised publicly in the States of Jersey: see, for instance, <https://statesassembly.gov.je/assemblyquestions/2013/deputy%20le%20fondre%20to%20cm%20re%20instructions%20from%20bishop%20of%20winchester%20to%20dean%20of%20jersey.pdf>.

<sup>20</sup> That there were flaws may, in significant measure, be attributable to the fact that the draft report was published on the diocesan website before the participants could take advantage of the offer provided by Ms Korris to give them the draft report for their feedback.

Archbishop of Canterbury's Commissaries - Bishop John Gladwin and Chancellor Rupert Bursell QC - into the handling of safeguarding matters in the Diocese of Chichester published in August 2012<sup>21</sup> which had emphasised that '...final responsibility for safeguarding matters rests finally on the diocesan bishop...' and that '...although delegation is essential in practice for the exercise of episcopal ministry, this should never be allowed to undermine the overarching position of the diocesan bishop.'<sup>22</sup> Safeguarding professionals maintain that suspension in these circumstances is a neutral act to allow investigations to proceed, and has been exercised in many other such instances.

19. The following events unfolded:

- On 26 March 2013 the Bishop of Winchester announced an independently-led Inquiry into safeguarding procedures in the Deanery of Jersey, headed by Bishop John Gladwin. Bishop Gladwin's Report has not been published but its recommendations have been passed to the Dioceses of Canterbury and Winchester, and the NCIs' National Safeguarding Team. A copy of the recommendations was shared with the Commission at its first meeting.
- On 28 April 2013 the Dean of Jersey's Commission was restored. This followed a statement in which the Dean apologised for mistakes in the handling of the safeguarding issue. He also recognised that there were areas in Jersey Canon Law which could benefit from review.
- In May 2013 the Bishop of Winchester commissioned Dame Heather Steel to report specifically on whether or not disciplinary proceedings should be brought against any

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<sup>21</sup> See <http://aoc2013.brix.fatbeehive.com/articles.php/2604/archbishops-chichester-visitation-interim-report-published>

<sup>22</sup> See <http://aoc2013.brix.fatbeehive.com/canterbury//data/files/resources/2604/INTERIM-REPORT-OF-THE-COMMISSARIES-APPOINTED-BY-THE-ARCHBISHOP-OF-CANTERBURY-IN-RELATION-TO-A-VISITATION-UPON-THE-DIOCESE-OF-CHICHESTER.pdf>

member of the Jersey clergy relating to the alleged safeguarding issue.

- On 6 June 2013 the Bishop of Winchester set out his thinking to the two Deans on ways in which bishops of the diocese might be more involved in ministry in the Islands. The letter was marked confidential and made proposals for further discussion. But its contents soon became widely known. The effect of the proposals contained in it has been seen in the Islands as resulting in a severe diminution in the role and status of the Deans.
- On 3 August 2013 a full page advertisement concerning the Steel Investigation was taken out in the name of the Bishop of Winchester in the Jersey Evening Post newspaper. This set out the terms of reference of the Steel Investigation following the Korris Review into Safeguarding in the Deanery of Jersey (which the Bishop had agreed with the Bailiff). The terms of reference stated that Dame Heather Steel was to deliver a copy of her report to the Bishop of Winchester and that “Upon receipt the Bishop of Winchester will supply a copy of the report to inter alia the Bailiff of Jersey, the Dean of Jersey and the Ministry of Justice.”
- On 22 November 2013 the Bishop of Winchester announced that, on the basis of Dame Heather Steel’s findings to date, he would not be taking any disciplinary action against any member of the clergy in relation to the handling of the safeguarding issue in question or the subsequent review process. Although he had previously expressed his intention to publish the report, after receiving legal advice, the Bishop decided not to do so.<sup>23</sup> The Steel Report has not subsequently

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<sup>23</sup> The Winchester County Court made an order for the anonymization of the complainant (ref para 15) in certain proceedings against the Bishop. The Bishop undertook not to cause or permit the publication or dissemination of the Steel report unless not less than two weeks’ notice of such intended publication had been given to the complainant. If that notice was given and no objection was made publication could take place. In addition an application could be made to the court to allow publication. No such notice and no such application were ever

been published, even in redacted form, nor shared with the former Dean, the Bailiff, the Ministry of Justice, or indeed this Commission.

- In December 2013 there was pastoral visit to the Islands from the Rt Revd Nigel Stock (Bishop at Lambeth), and the Rt Revd Trevor Willmott (Bishop of Dover, and former Bishop of Basingstoke) on behalf of the Archbishop of Canterbury. Representations were made to them. A submission from the Standing Committee of the Deanery of Guernsey expressed a commonly held view when it said:

“...Whilst the handling of the Jersey safeguarding issue may have been the trigger for the current position it is not the only matter which has so seriously strained the relationship. Bishop Timothy has consistently been resistant to the Islands’ special relationship to the Diocese and his apparent wish to treat Guernsey and Jersey as English deaneries is unacceptable to both the secular authorities and the church communities in the Islands.”<sup>24</sup>

- On 22 January 2014 the Archbishop of Canterbury announced that the Bishop of Dover would assume interim oversight of the Channel Islands<sup>25</sup>. At the same time the Archbishop signalled that he would be appointing this Commission.
- On 25 March 2014 formal agreement was reached by the Archbishop of Canterbury, the Bishops of Winchester and Dover and the Deans of Jersey and Guernsey that the Rt Revd Trevor Willmott (Bishop of Dover) should exercise delegated episcopal functions in the Islands as an Assistant

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been given or made, despite requests to the Bishop from the Bailiff of Jersey that notice of intended publication be given. The order was made before the legal advice referred to.

<sup>24</sup> See attachment to a letter of 17 December 2013 from Mr Peter Guilbert, Lay Chair of Guernsey Deanery to Bishops Nigel Stock and Trevor Willmott

<sup>25</sup> See <https://www.churchofengland.org/more/media-centre/news/bishop-dover-assume-interim-episcopal-oversight-channel-islands>



Bishop in the Diocese of Winchester. Agreement was also reached that the Deaneries should pay parish share to the Diocese of Canterbury. A copy of this agreement is attached as ANNEX 4.

- On 5 January 2015 further arrangements were announced whereby the Canterbury Diocese assumed full responsibility for the provision of central diocesan services in respect of finance; ministerial training; and safeguarding<sup>26</sup>. Diocesan Registry services remained with Winchester (as there had been no change in the underlying legal position). Over time bespoke financial arrangements have developed with both Deaneries setting up their own Boards of Finance, and a highly developed transparent accounting system for the payment of parish share. Under this the Islands pay their own way, but do not contribute to services such as Church Schools as these do not apply to the Islands.
- On 31 July 2015 Dame Heather Steel confirmed to the Bailiff of Jersey that ‘...on the evidence before me [there is] no established ground’ for a disciplinary complaint against the Dean. This is the conclusion which she had reached and communicated to the Bishop of Winchester in November 2013.
- On 11 May 2016 the Archbishop of Canterbury met the Dean of Jersey and Mrs Key and apologised to them for the hurt and the treatment that they had received and described them as ‘faithful servants of the Church and disciples of Jesus Christ.’ The Archbishop conveyed these remarks to the Bailiff of Jersey.
- On 19 May 2016 the Bailiff’s Chambers issued a press release following the Bailiff’s receipt of a letter from the Bishop of Winchester informing him that the Steel Report would not be

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<sup>26</sup> This included agreement about the amount payable by the two deaneries to the Diocese of Canterbury to cover the cost of parochial stipends and associated costs, a contribution towards the services provided by Canterbury Diocesan Board of Finance and a contribution to the National Church Institutions. Parish share is collected by and paid to each deanery’s board of finance. Funds are transferred to Canterbury DBF as and when this is required for the payment of stipends and other costs, and held in a ring-fenced account.

sent to the Bailiff. The press release also stated that Dame Heather Steel had telephoned the Bailiff that morning and informed him that she had written to the Archbishop of Canterbury to say that the Dean and the other clergy person concerned should be exonerated.

20. The Commission heard many heartfelt comments about the events summarised above on their visits to the Islands (and in written submissions). We acknowledge the strength of feeling, and do not wish to belittle that. It has not been our task to pass judgement on these events, though we note that the non-publication of Dame Heather Steel's Report further undermined trust following the difficulties that had arisen. Our task has been to focus on the lessons to be learned from this painful episode, and to propose a way in which the Church in the Islands and the wider Church of England can work together in a way that enables mutual flourishing.

21. We started our work in July 2018 and have met on 7 occasions. We were greatly assisted in our thinking by an initial submission from the Deanery Synods of Guernsey and Jersey. Our consultations have included meetings with the Most Revd Justin Welby, Archbishop of Canterbury, the Rt Revd Tim Dakin, Bishop of Winchester, the Rt Revd Trevor Willmott, Bishop of Dover, the Very Revds Tim Barker and Mike Keirle, the Deans of Guernsey and Jersey. We met a cross-section of church and civic representatives on both Islands during visits to Guernsey on 4-5 April 2019 and to Jersey on 17-18 May 2019. A full list of all those whom we consulted and/or submitted representations is attached as ANNEX 5. We are very grateful to all those who have assisted us in our work, and for the hospitality extended to us by the Lieutenant-Governors of Guernsey and Jersey. The range of input demonstrated the very close interest that there continues to be in church matters within the wider community on the Islands.

The respective roles of the Bishop and the Dean

22. The breakdown clearly exposed a lack of clarity about the respective roles of the Bishop and the Dean. There is too much ambiguity for comfort and consequent scope for misunderstanding between the post holders. We propose a Memorandum of Understanding which might set out their lead roles as follows:

<b>Bishop</b>	<b>Dean</b>
Ordinations & Chrism Eucharists	Operation of Faculty Jurisdiction
Confirmations	Normally presiding at Institutions & Collations
Oversight of clergy discipline	Pastoral care of the clergy & their Ministerial Development Review
Oversight of safeguarding	Ensuring best practice in safeguarding and accountability for this to the Bishop.
Consulted about shortlisting for clergy candidates for appointments (so that he/she can cross-check them with the Lambeth and Bishopthorpe lists)	Responsibility for clergy appointments, including consultation with the Bishop about shortlisting as noted in the 1 <sup>st</sup> column.
Oversight of mission (in consultation with the Deans in view of their local knowledge)	Taking a lead on ethical issues vis-à-vis the Island legislatures / local media. Public face of the Church in the civic life of the Islands

23. We envisage that the above might form a draft agenda for the detailed drafting of such a Memorandum, which would need to be the subject of negotiation between the relevant diocesan bishop

and the two Deans, together with the Deanery Standing Committees. This relationship is clearly crucial to the success of any future link between the Islands and the wider Church of England. It will need to be a *partnership* but one where there is greater clarity than hitherto, but exercised with sufficient flexibility. Within the roles as set out above, any bishop will need to show sensitivity to the acknowledged role and status of the Deans on the Islands. The Deans for their part need to recognise that they should co-operate with the bishop, to whom they owe canonical obedience. The Bishop's insights as a chief pastor in the national church need to be fused creatively with the Deans' experience of the distinctive pastoral context. We are aware that some work is already under way about clarifying the Bishop / Dean relationship, but that this obviously cannot progress without knowing to which Bishop the two Deans will need to relate in the longer term.

24. It was clear from our consultations that the Deans of Jersey and Guernsey are held in very high regard in the Islands. They have an acknowledged place in both church and civic life, and are widely regarded as the de facto leaders of the faith community in the Islands, maintaining close working relationships with the leaders of other Christian and non-Christian worshipping communities. Indeed, such is their standing that it has been suggested to us that their role should be redefined as suffragan bishops. While we understand the motivation for this, we do not believe that this would be the right way forward. The role of Dean in the Islands has been established over many centuries and they already carry inherent respect and authority, comparable in some respects to the distinctive role of Cathedral Deans. Moreover the creation of two additional suffragan sees (as we discounted the prospect of a Jersey cleric exercising authority over a Guernsey cleric or vice versa as this would not sit with the distinctively different traditions of Jersey and Guernsey) would run counter to the current thinking of the Dioceses Commission which is highly unlikely to countenance agreeing to the creation of such small Sees

(when they would normally expect a bishop to be ministering to c.50-100 clergy). Such a development might also lead to the marginalisation of any role exercised by a diocesan bishop from an English diocese, and limiting the scope for mutual flourishing that might ensue from that relationship.

25. We do however believe that the Deans' role in the Islands should be properly recognised by the national Church. Their role is unique. They currently attend Archdeacons' Conferences and the Canterbury Senior Staff meetings. It is important that they continue to be connected to wider church networks, but we doubt whether attendance at all diocesan senior staff meetings is necessarily the most effective use of their time (given the travelling involved)<sup>27</sup>. It is important that the Deans are not overly distracted from their responsibilities in the Islands. Given their role in civic society, we nevertheless suggest that they might receive bishops' mailings. The Deans have a key part to play as the hinge between the Islands and wider society in England at a time of significant social change. The Deans can play a significant part in interpreting between the Islands and the rest of the Church England by appropriate involvement in the life of the diocese to which they are attached.

### Legal Reform

26. We have already highlighted problems with the Jersey Canons in para 14 above. The Gladwin Report recommended that:

“...a small working party be established, comprising lawyers with drafting skills and a good knowledge of Jersey law and English ecclesiastical law, to redraft the 2012 Jersey Canons to eliminate inconsistencies, lack of clarity and conflicts with the European Convention on Human Rights.”

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<sup>27</sup> Ways could perhaps be found for the Deans to contribute to these as necessary by Skype/conference call.

27. We support this recommendation and propose that joint work be undertaken between representatives of the Jersey Deanery Standing Committee, and the Church of England Legal Office to seek to establish a set of amendments to the Canons which could address serious concerns about the disciplinary arrangements and clarify the role of the Dean (particularly in respect of clergy discipline<sup>28</sup>), while at the same time making updated provision in respect of such areas as safeguarding and women bishops. This could build upon work on the Canons which we understand is already in progress under the aegis of the Deanery Standing Committee. We also encourage the proposed joint group to follow up Bishop Gladwin's proposal that it should also '...be asked to report on ways in which church legislative processes relating to Jersey could be improved to both benefit the Island and facilitate good relationships with the diocese to which it belongs.' This latter aspect will need to take account of our further recommendation at para 39.

28. We further note Bishop Gladwin's recommendation that '...steps be taken to appoint an appropriately qualified Jersey Advocate as Deputy Registrar for Jersey to provide independent legal advice to the Bishop and the Dean like that provided for Bishops and Archdeacons in England. That person should be distinguished from the Proctor who provides legal advice when he/she is sitting as President of the Ecclesiastical Court.' Bishop Gladwin observed that agreement had been reached in principle for such an appointment. We would wish to endorse this recommendation and encourage moves in this direction. The functions of the Ecclesiastical Court in Guernsey are different and currently relate mostly to the grant of Probate and letters of administration. We understand that steps are in hand to transfer these functions to the

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<sup>28</sup> The Clergy Discipline Measure 2003 has been applied with necessary modifications to the Deanery of Guernsey: see: <https://www.churchofengland.org/sites/default/files/2018-10/gs1622x-explanatory%20memorandum.pdf>

Royal Court or some other States Body, leaving the Court with residual functions such as the granting of marriage licenses and faculties. The Court's role does not extend to clergy discipline as in Jersey. We are nevertheless persuaded that a future diocesan bishop needs to be able to call upon a legal adviser qualified to practice the laws of Guernsey, Alderney and Sark, and that a Deputy Registrar for Guernsey is also required.

29. In Guernsey we understand there was early and apparently successful resistance to the formal adoption of Canons to apply to the Deanery. Instead an informal system of applying the Church of England Canons as mediated at the discretion of the Dean evolved and seems to have served the Deanery well. However, in a more accountable age we have real concern that the continued absence of formal rules regulating the life of the Church in the form of Canons could at any time give rise to uncertainty and stress and should be addressed without delay. We accordingly recommend that the Guernsey Deanery Synod take up suggestions on the lines of those contained in Bishop Gladwin's report in respect of Jersey and establish a suitably qualified working party either to produce draft Canons for the Guernsey Deanery or an order applying the English Canons with modifications, similar to that adopted in the Diocese of Europe, with the assistance of the Church of England Legal Office.

30. In para 11 above we alluded to the complex process for the adoption of Church of England Measures<sup>29</sup>. This is not helpful to the furtherance of the Church's mission and is one reason why the legislation passed in the General Synod to allow the ministry of women bishops in July 2014 has yet to be adopted on the Islands. We picked up considerable concern about this.

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<sup>29</sup> The extension of Church of England Measure to the Island Deaneries requires their alignment to the law, practice and customs of the Channel Islands – for example, the removal of references to UK legislation and references to parochial church councils.

31. A further example of a Church of England Measure which has not yet been extended to the Islands is the Safeguarding and Clergy Discipline Measure 2016. Bishop Gladwin has recommended that ‘...as a matter of urgency, consideration needs to be given as to how a duty to have regard to the House of Bishops on the safeguarding of children and vulnerable adults can be introduced and enforced in Jersey<sup>30</sup>.’ It is nevertheless important to note that the current safeguarding arrangements appear to be working well; and that a Social Care Institute for Excellence [SCIE] audit of the diocese of Canterbury and the Channel Islands undertaken in March 2017 commented that ‘...casework...is of a good standard...there was an overall sense of safety...’<sup>31</sup>.

32. We are grateful in this context for the work of Jurat David Robilliard for proposing a streamlined mechanism for the adoption of Measures in Guernsey (see ANNEX 6) and commend this for consideration. We also heard evidence about a proposed change to the Jersey Canons to empower the Deanery Synod to pass Regulations without reference to the States but with the consent of the Ordinary. We support these developments and hope that they might be incorporated into amending legislation in the General Synod and the States of Jersey and Guernsey.

#### The attachment to an English diocese

33. Notwithstanding the difficult events described above, we detected no desire from the Islands to go it alone. They still value the attachment to an English diocese and recognise that they need diocesan services (or those of the National Church, as appropriate) in such areas as the payment of clergy stipends, safeguarding advice, vocations work and ministerial training. We picked up some suggestions that the Islands might contract into services as

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<sup>30</sup> Ref s.5 of the Safeguarding and Clergy Discipline Measure 2016, which has not yet been extended to the Channel Islands.

<sup>31</sup> See SCIE Audit report March 2017, section 2.5, page 11, from evidence submitted by the Canterbury Diocesan Safeguarding Advisers



they felt appropriate in more than one diocese. That might be feasible as far as the occasional clergy training course is concerned, but we do hold strongly to the view that for a link to be mutually beneficial and to enable relationships to develop, the link should be with *one* English diocese. This is particularly important in the area of safeguarding where there needs to be a clear linkage between a bishop who is a member of the House of Bishops and the relevant Diocesan Safeguarding Advisers. The Canterbury Diocesan Staff reported to us that in their opinion the current arrangements in this area are working well, partly due to the successful outworking of these relationships. A similar model should be adopted whatever diocese the Islands are attached to in future.

34. We encountered a great deal of residual affection for the historic attachment to the Diocese of Winchester and this feeling was indeed reciprocated by the Clergy and Lay Chairs of the diocese when they met with us. A number of people have indeed urged some form of reconciliation as being consonant with the Gospel and to set an example for the outside world. However, after listening carefully to the full range of views in the Islands, and noting that the difficulties in the relationship are perceived both there and within the diocese, we have come to the conclusion that the split is too great for it to be retrieved in the foreseeable future. Nor do we feel that it will be possible to negotiate the proposed Memorandum of Understanding (referred to in paras 22-23) encumbered by the unhappy history of recent years.

35. We received appreciation for the reconciling episcopal ministry offered by Bishop Trevor Willmott since 2014. His episcopal ministry has clearly played a large part in enabling church life to flourish on the Islands (helped by his knowledge of them from his time as a suffragan in the Winchester diocese). The 'can do' welcoming approach of the Canterbury diocesan staff to the Islands has also been hugely appreciated.

36. We have given very careful consideration as to whether the current arrangements with Canterbury should be formalised and made permanent. In many respects this would be advantageous as it would build upon the relationships which have developed in all sorts of ways since 2014. Bishop Trevor, however, retired in May 2019 and his successor<sup>32</sup> has no previous connection with the Islands. Canterbury is also a diocese which relies very heavily on the ministry of the Bishop of Dover due to the Archbishop's national and international responsibilities. When the Canterbury Diocesan Secretary came to see us, he ventured to suggest that the diocese needed to reclaim the suffragan see of Maidstone<sup>33</sup> for its own use if future episcopal care of the Islands was to be sustainable in the future. We do not see this being a practical possibility at present. We therefore doubt, looking into the future, that there is sufficient episcopal capacity in the diocese to provide sustainable oversight to the Islands<sup>34</sup>. Nor is travel between them and Canterbury particularly easy<sup>35</sup>. We also picked up in our consultations that the ability of the Bishop of Winchester to raise Islanders' concerns in the House of Lords was of value. The Bishop of Dover is not eligible to be a Lord Spiritual.

37. We have explored other options. Some have mentioned the Diocese of Gibraltar in Europe, given the geographical location of the Islands and the diocese's experience of relating to church communities in a range of different legislatures. The fundamental difference, however, is that the church communities in that diocese

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<sup>32</sup> On 28 June 2019 it was announced that the Revd Preb Rose Hudson-Wilkin would be the next Bishop of Dover: see - <https://www.canterburydiocese.org/rose-hudson-wilkin-named-bishop-of-dover/>

<sup>33</sup> In December 2014 the Dioceses Commission agreed to a proposal from the Archbishop of Canterbury that the See of Maidstone be revived to enable ministry to those who held a conservative view on headship, as part of the outworking of the agreed arrangements for the consecration of women bishops. Bishop Rod Thomas was appointed in 2015 and as at 18 February 2019, ministers to 74 parishes where he had been officially asked to provide extended episcopal ministry, and a further 65 Resolution Parishes where he also is 'invited to be involved as issues arise' (ie a total of 137) – see: [https://www.churchofengland.org/sites/default/files/2019-05/report\\_-\\_30-4-19\\_-\\_final.pdf](https://www.churchofengland.org/sites/default/files/2019-05/report_-_30-4-19_-_final.pdf)

<sup>34</sup> See also statistical data at ANNEX 7.

<sup>35</sup> The submission from the Deaneries of Guernsey and Jersey noted that '...in ideal conditions, it took some three to four hours to make the journey from Jersey to Canterbury.' See also ANNEX 7.

comprise chaplaincies, rather than parishes as in the Islands. Besides the Islands, despite their proximity to France, look to the UK in so many ways, and have never, for instance, been part of the EU. We have detected no support for this option. We also looked at other possibilities: London was mentioned in the Two Deaneries' submission but we did not see any obvious missional synergies with such an urban diocese. Notwithstanding its location on the South Coast we did not consider it would be sensible to consider a link to the Diocese of Chichester given the current pressure on its senior leadership<sup>36</sup>.

38. Portsmouth would be a logical link given the relative ease of transport via Southampton Airport and the direct ferry link. But the diocese has no suffragan bishops and while there is a pattern of enhanced delegation to Archdeacons which might help provide an analogous model for the Bishop/Dean relationship, there remain questions as to episcopal capacity. We are also conscious of the perception, particularly in Jersey, that Portsmouth is too close to Winchester (with which it shares some common services) and might at some point be amalgamated with it, though we are assured that the Dioceses Commission has no such plans.

39. We are therefore drawn to Salisbury as the diocese to which the Islands should be attached. On our visit a member of the Jersey Deanery Standing Committee involved with in-service training for the clergy raised the possibility of participating in training at Sarum College which would be relatively easy to access via Southampton Airport. This triggered the thought in our mind that Salisbury might work in other ways too. Concerns about episcopal capacity would not be as great as the diocese has two suffragans. As well as the air link via Southampton, there is also a ferry link from the Islands to Poole. There are also the historical facts that as early as 1496 the then Pope sought to establish a connection, and

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<sup>36</sup> See: <https://www.iicsa.org.uk/news/inquiry-publishes-report-diocese-chichester-and-peter-ball>

that the first bishop to visit the Islands was Bishop John Fisher of Salisbury in 1818. The diocese shares legal services with Winchester. As noted in para 19, these did not move to Canterbury, and given the particular legal context we believe that it could be advantageous to retain knowledge and experience in this area. We accordingly propose that the Islands should in future be attached to the Diocese of Salisbury and that the necessary legislative steps – which we are advised should be relatively straightforward – be taken to achieve that. We have informally canvassed the willingness of the current Bishop of Salisbury, the Rt Revd Nicholas Holtam, to take this on and he has indicated his willingness to do so, subject to further detailed discussions about the practicalities.

#### Possible way forward and provisional timetable

40. We are conscious that over six years have elapsed since the breakdown with Winchester and that temporary arrangements in respect of episcopal oversight and administration have now been in place since 2014/5. It is not conducive to mission for the uncertainty about these arrangements to persist. So we have rejected the option of further stopgap provision (such as identifying another serving bishop who could by agreement provide oversight for another designated period). While primary legislation should not be embarked upon unless it is absolutely necessary, we take the view that this is the only way that the issues we have identified can be properly resolved.
41. We understand that the necessary provision to move the Islands from the oversight of the Bishop of Winchester to another bishop could be made by a Church of England Measure (which has the effect of an Act of Parliament as far as England is concerned). This measure could potentially sweep up other consequential changes that needed to be made, possibly including the planned simplification of the process for adopting future Measures. The Archbishops' Council would be responsible for bringing such a Measure to the General Synod).

42. As soon as the Measure has received Parliamentary consent, we propose that it be passed to the Lord Chancellor so that it can be forwarded to the two Bailiwicks inviting their respective States to request that Her Majesty in Council approve the application of the Measure to the Islands by Order in Council.

43. We suggest that it is also made clear as part of this package that alongside the Deaneries' acceptance of key Church of England provisions in such areas as women bishops and safeguarding, Bishops would be expected to respect the principle of subsidiarity, and acknowledge the particular customs and traditions of the Islands (reaffirming the understanding of the original Elizabethan Order in Council from 1569).

44. The timetable could then be as follows

- Early October 2019: the Archbishop of Canterbury formally receives our report
- October 2019: publication of the Report
- December 2019: Archbishops' Council considers our Report and consequential legislative proposals
- February 2020: Measure taken to the General Synod - First Consideration, followed by meetings of the relevant Revision Committee
- July 2020: General Synod Final Drafting and Final Approval
- By autumn 2020: Measure receives Parliamentary consent
- By end of 2020: Measure passed to Lord Chancellor for forwarding to the two Bailiwicks inviting their respective States to request the Privy Council to approve the application of the Measure to the Islands by Order in Council.

### Concluding comments

45. It is clear from our visits and the submissions that we have received that there is within the Islands not only considerable degree of engagement, but a strong reservoir of goodwill towards the Church of England. They clearly wish to be loyal members of the Church, but in a way that does not conflict with their distinctive traditions and ways of working. Life as part of the Church of England nevertheless brings with it certain responsibilities to observe nationally agreed policies in such areas as clergy discipline and safeguarding. The challenge will be to forge a future relationship which acknowledges these aspects, and releases energy for mission in a way that will enable the Islands and wider Church to flourish. We are hopeful that the steps we have outlined will help move the Islands on from what has evidently been a painful episode. We pray that all concerned will display sufficient goodwill to enable the Islands to enter into a new chapter in its long and distinguished history as part of the Church of England.

## Summary of recommendations

- (1) The respective roles of Bishop and Dean, and between Diocese and Deanery, be clarified by means of a Memorandum of Understanding. This would need to be worked out in detail between the respective diocesan bishop and the two Deans and the Deanery Standing Committees. *[Paras 22, 23]*
- (2) The 2012 Jersey Canons should be revised, with joint work being undertaken by representatives of the Jersey Deanery Standing Committee and the Church of England Legal Office, to establish a set of amendments which would address such areas as clergy discipline, the role of the Dean, safeguarding and women bishops. *[Paras 26, 27]*
- (3) Appropriately qualified Jersey and Guernsey Advocates should be appointed as Deputy Diocesan Registrars to provide independent legal advice to the Bishop and Dean. *[Para 28]*
- (4) Canonical provisions for the Deanery of Guernsey should be reviewed by representatives of the Guernsey Deanery Standing Committee and the Church of England Legal Office, either to produce draft Canons for the Guernsey deanery, or an order applying the Church of England Canons with appropriate modifications. *[Para 29]*
- (5) The Bishop and Priests (Consecration and Ordination of Women) Measure 2014 and the Safeguarding and Clergy Discipline Measure 2016 should be extended to the Islands as soon as practicable. *[Paras 30, 31]*
- (6) A streamlined process for adopting Church of England Measures on the Islands should be introduced. *[Para 32]*
- (7) The Deaneries of Guernsey and Jersey should in future be attached to the Diocese of Salisbury. A Measure should be introduced in the General Synod to enable the change of oversight to the Bishop of Salisbury *[Paras 39, 40, 41, 42.]*





**The Archbishop of Canterbury's Commission on the relationship of the Channel Islands to the wider Church of England**

**Terms of Reference**

The Most Reverend and Right Honourable Justin, Lord Archbishop of Canterbury and Primate of All England hereby appoints the Right Reverend and Right Honourable the Lord Chartres KCVO PC with the assistance of The Baroness Wilcox and the Right Honourable Sir Christopher Clarke, and in consultation with Sir de Vic Carey and Mr Mark Temple QC:

1. For the purposes set out below, to consult with the relevant bishops, deans, synods, councils, the civil authorities on the Channel Islands (including the States of Jersey and Guernsey) and the Crown;
2. To review the constitutional, legal, financial and other structural mechanisms which currently govern the status in the Church of England of the deaneries of Jersey and Guernsey, and their relationship with the wider Church of England;
3. To consider the most appropriate relationship between the deaneries and the wider Church of England, and to consider whether the deaneries should be treated together or separately, and to identify the changes in constitutional, legal, financial and other structural matters which would be needed to give effect to that relationship;
4. In any event, to identify such changes to the current constitution, canons, and wider legal framework of the deaneries as may be necessary or desirable for the mission and good order of the deaneries (including consideration of extending Church of England Measures that do not currently apply);
5. In the event that the recommendation is that the relationship between the deaneries and the wider Church of England is best expressed in a connection with a diocese of the Church of England, to review the relationship which exists between the deaneries and the Diocese of Winchester and is presently mediated through the oversight of the Bishop of Dover with the agreement of the Archbishop of Canterbury, and to consider to which diocese the deaneries ought to be related, whether Winchester, Canterbury or any other diocese, and what form that relationship should take;
6. To propose a timetable to bring about any such changes.
7. To report to the Archbishop of Canterbury as expeditiously as possible

*+ Justin Cantuar:*

Given under our hand this 20<sup>th</sup> day of July in the year two thousand and eighteen.



**Text of the Order in Council of 11 March 1569\***

"Item, it is ordered that the Queen's Majesty's letters to the Bailiff and Jurats touching the separation for ever of those Isles from the Diocese of Coutances, and to be perpetually united to the Diocese of Winchester, shall not, from henceforth, be brought into any question, but shall be followed and executed according to the tenor and effect of the same. And the Reverend Father in God the Bishop of Winchester, being presently constituted ordinary in the said Isles, and his successors, shall from time to time execute that charge, and upon presentment from the Queen's Majesty or the Captain, shall institute, induct and authorise the Deans, Ministers, Curates and School Masters, such as, by his good discretion, may be thought meet to execute those charges, according to the language, country, quality and disposition of the people there, and as best may be for the advancement and maintenance of God's holy word and glory in the said Isles. Foreseeing always that neither the Dean for the time being, nor any other ecclesiastical officer within the said Isles, shall innovate anything, or take or exact any more, directly or indirectly, for probations of Testaments, amercements, or such like then only such duties and sums of money as hath heretofore anciently accustomed to be paid to the said Isles in that behalf, neither shall the said Dean compel any of the said Inhabitants of the said Isle to repair into England for any ecclesiastical cause, but that the same may be determined there by commission unless it be by assent of both parties according to the ancient usages of the said Isle."

\*We are grateful to Dr Rachel Cosgrave, Senior Archivist at Lambeth Palace Library, for locating a copy of the full text of this Order in Council (which was thought to have been lost)<sup>1</sup>.

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<sup>1</sup>Ref: MS 929 item 31

Letter [from Thomas Tramalier, Tremailier, to Archbishop Tenison, 19 July 1700], approving the Canons for Jersey and Guernsey, despite some objections to the use of surplices. Approves of an amnesty for irregularities over 40 years, and urges the imposition of the Canons without alteration. Enclosed, Order of the Privy Council separating the Channel Islands from the diocese of Coutances and uniting them to the diocese of Winchester, 11 March 1568. Copies. Endorsed by Archbishop Tenison. 3 ff. [NB the date on the document is old style dating when the year ended on 24 March hence it means 11 March 1568/9, or 11 March 1569 as we now think of it]

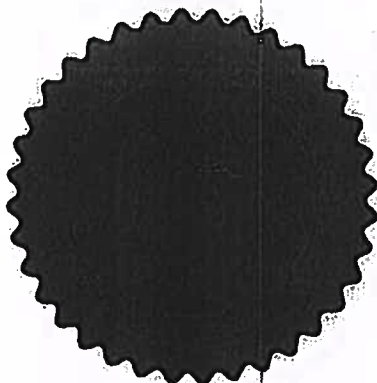




**E**LIZABETH THE SECOND by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen Head of the Commonwealth Defender of the Faith To the Right Reverend Our right trusty and well beloved Trevor by Divine Permission Bishop of Dover and Bishop in Canterbury exercising by agreement for the time being episcopal oversight over our Isle of Jersey and To Our trusty and well beloved The Lieutenant-Governor of Our Isle of Jersey for the time being To the Bailiff Deputy Bailiff and Jurats of the said Isle for the time being And To all the Officers Ministers and Inhabitants of the said Isle for the time being to whom it shall or may appertain Greeting Whereas the Office of Dean of the said Isle is now void by the resignation of the Very Reverend Robert Frederick Key Bachelor of Arts lately Dean thereof and is in Our Gift in full right of nominating and presenting another fit person to the same Know Ye that We have nominated and presented and by these Presents Do nominate and present unto the said Office and Dignity of Dean of the said Isle Our trusty and well beloved Michael Robert Keirle Clerk in Holy Order Bachelor of Arts unto you the said Bishop Willing and Requiring you to admit him to the said Office and Dignity And We do hereby also Will and Command you and every of you the said Lieutenant-Governor Bailiff Deputy Bailiff Jurats and all others before mentioned to accept him the said Michael Robert Keirle as lawful Dean of the said Isle with all such jurisdictions privileges and emoluments as do belong to the said Office and Dignity and to yield unto him such assistance in the exercise of the Office as appertaineth And Further Know Ye that We do hereby give and grant unto the said Michael Robert Keirle Dean of the said Isle all and all manner of Tithes of Corn or Grain from time to time coming growing arising renewing and being payable in within or out of the Parish of Saint Saviour in the said Isle formerly accustomedly paid unto the Governor of the said Isle for the time being To have hold and enjoy the said Tithes of Corn or Grain with the appurtenances to the said Michael Robert Keirle and his successors Deans of the said Isle for ever In Witness whereof We have caused these Our Letters to be made Patent Witness Ourselves at Westminster the seventh day of September in the sixty-sixth year of Our Reign

BY WARRANT UNDER THE QUEEN'S SIGN MANUAL

HEATON





DEAN OF JERSEY - BISHOP'S COMMISSION

I TREVOR By Divine Permission Bishop of Dover exercising the powers duly delegated to me by an Instrument of Delegation dated the first day of April made by Timothy by Divine Permission Bishop of Winchester to our well beloved in Christ

The Very Reverend MICHAEL ROBERT KEIRLE Clerk Dean of the Island of JERSEY and within the jurisdiction of the said Bishop

GRACE AND BENEDICTION

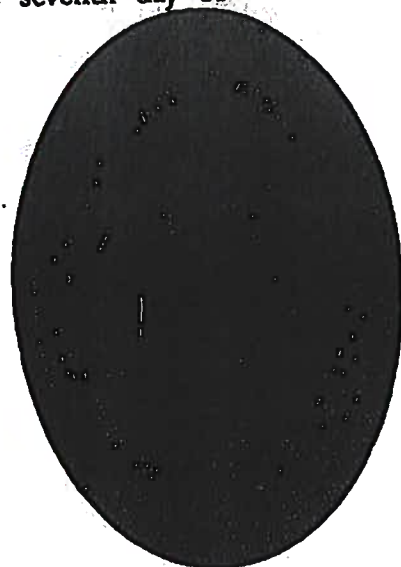
I entirely confiding in your gravity sound conscience circumspection and industry in the dispatch of business do by these Presents constitute you the said MICHAEL ROBERT KEIRLE our Commissary General in the said Island and do commit unto you full power and authority to take cognisance of proceed in and duly and finally to determine all causes business litigations and complaints within the said Island which of right or by lawful custom do belong to the Ecclesiastical Court Also to hold Visitations and Synods of the Clergy according to Ecclesiastical Law and custom and agreeably to the Canons and Statutes as confirmed by Royal Authority and to correct according to Law reform and punish all crimes excesses and offences whatsoever and to impose and injoin salutary punishments and penances according to the Canons Also upon vacancies to put all Ecclesiastical Benefices within the said Island under safe sequestration And to cite admonish and punish all persons whosoever being rebellious fractious contumacious and incorrigible and to pronounce the sentences of lesser or greater excommunication and to inflict and declare suspension whensoever it shall be requisite according to Law with the advice of the ministers who shall be present in Court

AND GENERALLY I DO on behalf of the Bishop of Winchester GIVE AND GRANT to you the said MICHAEL ROBERT KEIRLE full power and authority to do exercise and expedite all and singular other things necessary or fit to be done in and about the premises according to the Canons in particular I DO empower you to receive inspect and examine the presentations petitions Letters of Orders and Testimonials of all such Clerks as shall be presented or shall petition to be admitted and instituted to vacant Benefices within the Island of Jersey AND upon my request to admit and institute them to the respective Benefices to which they shall have been presented or have petitioned to be admitted and instituted and cause them to be

inducted in and to the same they the said Clerks first in your presence taking such Oaths and making and subscribing such Declarations as are by law or custom in such cases required AND also to receive inspect and examine the nominations of Clerks to Lectureships Proprietary Chapels Chapels of Ease Chaplaincies and Stipendiary and other Curacies within the said Island AND to license them to the respective Lectureships Proprietary Chapels Chapels of Ease Chaplaincies and Stipendiary and other Curacies they the said Clerks in your presence taking such Oaths and making and subscribing such Declarations as are by law or custom in such case required

AND since it is necessary for the due discharge of my Office that I use all vigilance to see that good faithful worthy and sufficient labourers be sent into the Vineyard of the Lord I do hereby specifically and particularly reserve unto the Bishop of Winchester (save only as herein specifically authorized) and to such person or persons as may from time to time be appointed or delegated by the Bishop of Winchester for that purpose the personal examination approbation admission and institution of all clergy whomsoever to all Ecclesiastical Benefices and Offices whatsoever within the said Island whether of such as be presented or of such as by right of lapse are collated by me And I also reserve free and full authority and power on behalf of the Bishop of Winchester whether personally or by his or my Commissary General in spiritualities or by special Commissioner or Commissioners whomsoever really and actually to visit the Island aforesaid and the clergy and the people dwelling in the same so often and whensoever it shall appear expedient And to exercise and discharge all other things as the nature and quality of such Visitation shall demand whensoever the premises may require according to the power thus specially and particularly reserved to me

IN TESTIMONY whereof I have hereunto set by hand and caused the Episcopal Seal of the Bishop of Winchester to be hereunto affixed this seventh day of September in the year of Our Lord two thousand and seventeen





**Agreement concerning Interim Episcopal Oversight of the Deaneries of Jersey and Guernsey**

Date

25<sup>th</sup> March 2014**Parties**

- (1) The Most Reverend and Right Honourable Justin Portal Welby  
Archbishop of Canterbury and Metropolitan
- (2) The Right Reverend Timothy John Dakin Bishop of Winchester
- (3) The Right Reverend Trevor Willmott Bishop of Dover
- (4) The Very Reverend Robert Frederick Key Dean of Jersey
- (5) The Very Reverend Kenneth Paul Mellor Dean of Guernsey

**Recitals**

- (1) The Deaneries of Jersey and Guernsey ('the Deaneries') are part of the Church of England as by law established
- (2) The Deanery of Jersey extends to the whole of the Bailiwick of Jersey including its territorial sea and the Deanery of Guernsey extends to the whole of the Bailiwick of Guernsey and its territorial sea. ('the Islands')
- (3) Since an Order in Council of Her late Majesty Queen Elizabeth I dated 11th March 1589 ordinary jurisdiction and episcopal oversight for the Islands has been provided by successive Bishops of Winchester and the Deaneries are annexed to and united with the Diocese of Winchester ('the Diocese') without prejudice to the continuing exercise within the Deaneries of the jurisdiction exercised by the Dean of each respective Deanery
- (4) The Canons of the Church of England in Jersey ('the Jersey Canons') make provision for certain episcopal functions to be performed by or on behalf of the Bishops for the time being of Winchester and were approved by Her Majesty in Council on the 14<sup>th</sup> March 2012 and registered in the Royal Court of Jersey on 23<sup>rd</sup> March 2012.
- (5) Save as specifically enacted by schemes made under the provisions of the Channel Islands (Church Legislation) Measure 1931 the ecclesiastical and canon law affecting both the Deaneries is contained in the traditions, charters, customs and protocols which obtain in the relevant Islands



- (6) The position of the Deaneries in relation to the Diocese is to be reviewed as provided in this agreement
- (7) Pending the outcome of such review episcopal oversight of the Deaneries is to be exercised by the Bishop of Dover

**Now it is hereby agreed and declared as follows:**

**1. The Bishop of Winchester hereby:**

- (1) appoints the Bishop of Dover as an assistant bishop in the Diocese
- (2) delegates to him the episcopal oversight and functions reserved to the Bishop of Winchester in the Jersey Canons and the customs and protocols of the Deanery of Guernsey
- (3) delegates to him such other episcopal functions as may be assigned to the Bishop of Winchester in all other ecclesiastical legislation, canons, customs and protocols as may apply in the Islands

**2. The Bishop of Dover confirms that he will exercise the episcopal functions delegated to him:**

- (1) in canonical obedience to the Archbishop of Canterbury and paying due regard to the provisions of the Jersey Canons and the other ecclesiastical and canon laws, customs and protocols that obtain on the Islands; and
- (2) in such manner as will minimize administrative disruption and expense for the Diocesan Boards of Finance of the Dioceses of Winchester and Canterbury

**3. The parties will work with the Archbishop of Canterbury in all respects to ensure that every part of the Church of England provides a safe environment for all persons who worship in and are ministered to by our churches.**


**4. Recognising the ministry of the whole Church of England and the Islands' part in it, the Deans of Jersey and Guernsey will use their best endeavours to encourage payment of the agreed parish share for 2014 upon completion of this agreement to the Canterbury Diocesan Board of Finance for 2014 with agreed increases for inflation (1.8%) being applied for 2015 and 2016**



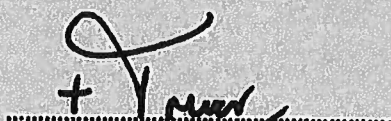
5. The Archbishop after consultation will appoint a Commission to report to him as to the legal relationship of the Church of England in the Islands with the Church of England on the mainland and make recommendations for any change it may consider necessary or desirable

**AS WITNESS** the hands of the parties to this agreement the day and year first before written

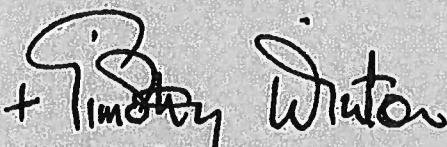
**SIGNED** by the Most Reverend  
and Right Honourable Justin  
Portal Welby

  
.....  
**Archbishop of Canterbury and  
Metropolitan**

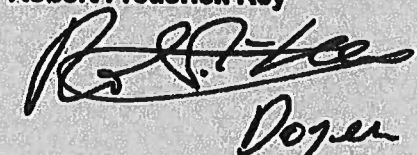
**SIGNED** by the Right Reverend  
Trevor Willmott

  
.....  
**Bishop of Dover**

**SIGNED** by the Right Reverend  
Timothy John Dakin

  
.....  
**Bishop of Winchester**

**SIGNED** by the Very Reverend  
Robert Frederick Key

  
.....  
**Dean of Jersey**

**SIGNED** by the Very Reverend  
Kenneth Paul Mellor

  
.....  
**Dean of Guernsey**



**LIST OF THOSE WHO EITHER MET THE COMMISSION AND/OR  
SUBMITTED A REPRESENTATION**

**Alderney**

Robert McDowall, Parish Treasurer\*

Ms Ruth Hoffmann-Sales, Deanery Synod Representative\*

**Guernsey**

Ms Ruth Abernethy, Company Secretary, Deanery Board of Finance#

Ms Celia Allen, Secretary of the Deanery Leadership Team#

The Very Revd Tim Barker, Dean of Guernsey\*#

The Revd Matthew Barrett, Rector of Town Church [St Peter Port] and Vicar of St. John's Church\*

Mr Michael Bubb, Chair, Deanery Board of Finance#

Sir Richard Collas, Bailiff#

Vice-Admiral Sir Ian Corder, Lieutenant Governor#

Mr Peter Guilbert, Lay Chair#

The Very Revd John Guile (former Rector of St Andrew, Archdeacon of Winchester and Dean of Southwell)\*#

Major Jamie Hill, the Salvation Army#

The Revd Dr David Hinchliffe, Chair, Channel Islands District, Methodist Church#

The Revd Jon Honour, Vice-Dean, Vicar of Holy Trinity#

The Revd Jan Le Billon\*

Pastor Mike Leggett, Elim Church#

Mr Richard McMahon, Deputy Bailiff#

The Revd John Moore, Vice-Dean, Rector of St Stephen#

Ms Megan Pullum, HM Procureur and Receiver General#

Jurat David Robilliard, Lay Member of General Synod & Deanery Treasurer\*#

The Revd Juliette Robilliard\*#

Deputy Gavin St Pier, President of the States of Guernsey Policy & Resources Committee#

[Attended a meeting with members of the Deanery Synod attended by 49 people]

**Jersey**

Sir Philip Bailhache, Chair, House of Laity\*#

Sir William Bailhache, Bailiff\*#

Ms Fleur Benest, LLM, Holy Trinity\*

Sir Michael Birt, ex-Bailiff\*

The Revd Paul Brooks, Vice-Dean, Vicar of St Paul's\*#

Air Chief Marshal Sir Stephen Dalton, Lieutenant Governor#

The Revd Peter Dyson, Rector, St Saviour\*

Senator Ian Gorst, Minister for External Relations (& ex-Chief Minister)#

The Revd Graeme Halls, Methodist Church#

The Revd Canon Geoff Houghton, Vice-Dean, Rector of Holy Trinity#

The Very Revd Mike Keirle, Dean of Jersey\*#

The Very Revd Bob Key, former Dean of Jersey\*

Senator John Le Fondre, Chief Minister#

Advocate Peter Maurant, Proctor Substitute to the Ecclesiastical Court\*#

The Revd Ian Pallent, Rector, St Ouen\*

Ms Rosemary Ruddy, Deanery Synod Rep, St Ouen with St George\*#

Mr David Smith, Deanery Executive Secretary\*#

Advocate Gregory White, Proctor (*Avocat Promoteur*) of the Ecclesiastical Court \*#

Brigadier Bruce Willing, Deanery Synod Representative\*#

[Attended a meeting with members of the Deanery Synod attended by 46 people]

**Canterbury**

Mr Paul Brightwell, Diocesan Safeguarding Adviser\*#

Ms Fiona Coombs, Diocesan Safeguarding Adviser\*#

Mr Julian Hills, Diocesan Secretary\*#

Mr David Kemp, Chair of the Diocesan Safeguarding Panel\*

The Rt Revd Trevor Willmott, Bishop of Dover (to May 2019)#

### **Winchester**

Mrs Alison Coulter, Chair of the House of Laity#

The Rt Revd Tim Dakin, Bishop of Winchester\*#

The Revd Andrew Micklefield, Chair of the House of Clergy#

Mr Andrew Robinson, Diocesan Chief Executive#

### **Others**

The Rt Hon David Gauke, MP, Lord Chancellor & Secretary of State for Justice (as at January 2019)\*

Ms Jan Korris, psychotherapist and social worker\*

The Revd Alexander McGregor, Chief Legal Adviser, the National Church Institutions#

Ms Sarah Smith, Policy Adviser, Crown Dependencies Team, Ministry of Justice\*

Dame Heather Steel, a Judge of the High Court of Justice, Queen's Bench Division\*

\*a written submission

#an oral contribution







# The Deanery of Guernsey

## MEMORANDUM

**To:** Deanery Standing Committee  
**From:** Deanery Treasurer  
**Date:** 23<sup>rd</sup> April 2019  
**Subject:** Extension of Measures to Guernsey

1. In the course of the conversation which took place on the 5<sup>th</sup> April 2019 when the Deanery Executive met the Archbishop of Canterbury's Commission on the relationship of the Channel Islands to the Wider Church of England, we touched briefly on the rather convoluted process involved in the application of a Church of England Measure to the Channel Islands.
2. The present process is set out in the Channel Islands (Church Legislation) Measure, 1931, as amended, and is illustrated in a flow chart attached as Appendix A to this memorandum.
3. All Measures which are capable of application in the Channel Islands contain a standard extent clause, in the following terms:  
*"This Measure may be applied to the Channel Islands, or either of them, in accordance with the Channel Islands (Church Legislation) Measures 1931 and 1957; and a reference in this section to the Channel Islands or either of them has the same meaning as a reference in those Measures to the Islands or either of them."*
4. The position with regard to the Isle of Man varies in that some Measures apply automatically and, in such cases the extent clause is worded as follows:  
*"This Measure extends to ... the whole of the province of York, including the Isle of Man."*  
In other cases when the Measure does not have automatic application the extent clause is in the following terms:  
*"This Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands and the Isle of Man, except that— (a) ... (b) if an Act of Tynwald or an instrument made under an Act of Tynwald so provides, section 1 and this section shall extend to the Isle of Man subject to such exceptions, adaptations or modifications as may be specified in the Act of Tynwald or instrument."*



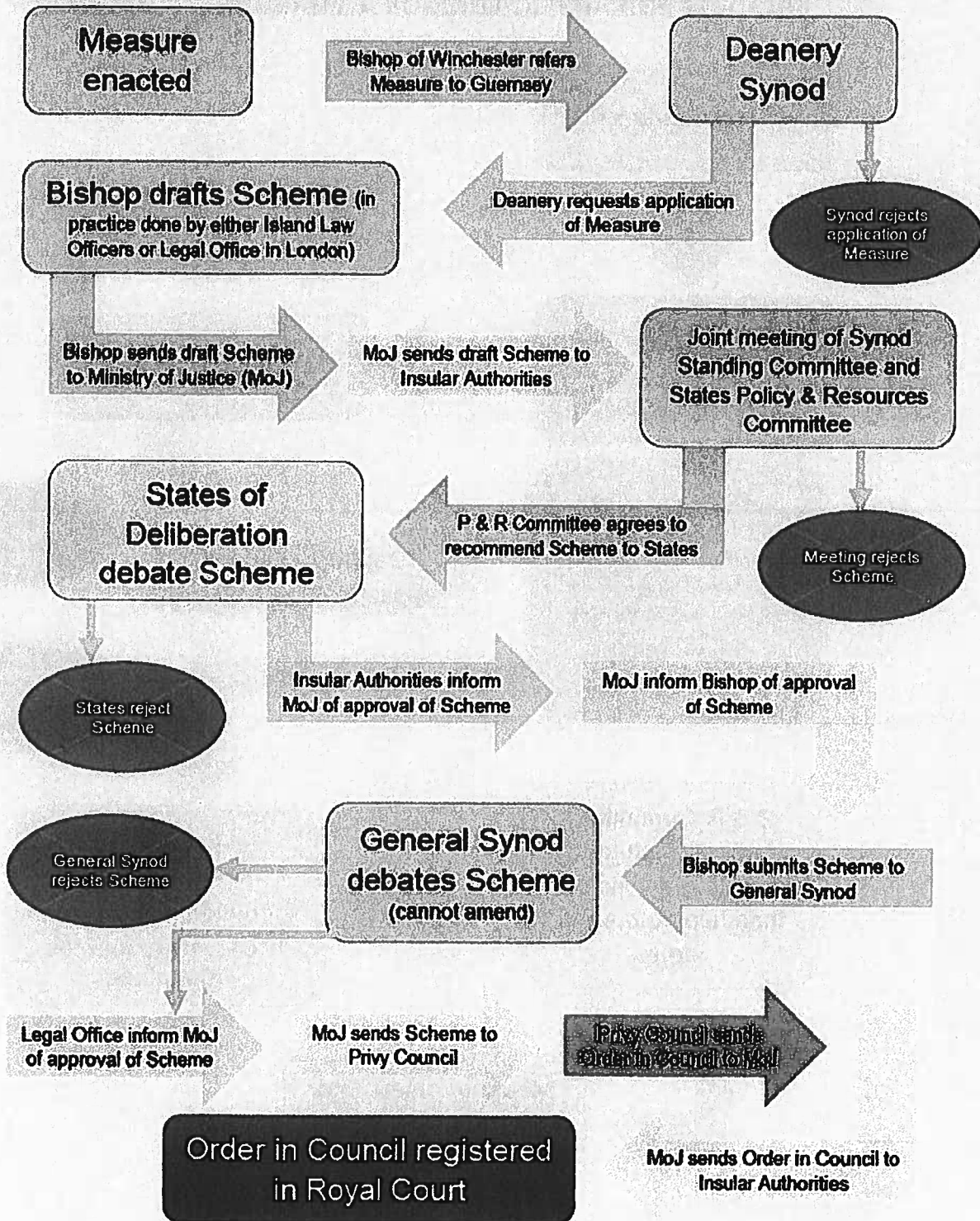
5. The system for extending a Measure to the Isle of Man is considerably simpler than that which applies to the Channel Islands. In particular, a Scheme applying a Measure to Guernsey must be (inter alia):
  - o Debated by the States of Deliberation;
  - o Approved by General Synod;
  - o Approved by the Privy Council in the form of an Order in Council; and
  - o Registered in the Royal Court of Guernsey.
6. It seems to me that the four stages above could be dispensed with by adapting the simpler system which applies to the application of Measures to the Isle of Man. There is one significant difference, however, between the Isle of Man and Guernsey – in the former island the Bishop is a member of Tynwald and consequently is able to present matters directly to Tynwald.
7. The simplified procedure which I propose would follow the following path:
  - o Measure enacted by General Synod receives Royal Assent;
  - o Bishop consults Guernsey as to whether application of the Measure to the Bailiwick is appropriate;
  - o If so, a Scheme, approved by the Bishop and in the form of a draft Statutory Instrument, is considered at a joint meeting of the Deanery Standing Committee and the Policy and Resources Committee;
  - o If approved the Policy and Resources Committee makes the Statutory Instrument which is then laid before the States.
8. Insofar as the Church is concerned the proposal would be consistent with the current policy of the Church, i.e. simplification. A Simplification Task Group was established in 2014 to consider constraints caused to the mission and growth of the Church of England by existing canons, legislation, regulations and procedures, and to bring forward options and proposals for simplification and deregulation. Isle of Man ecclesiastical legislation does not have to return to General Synod for approval: that being so there is no logical reason why Channel Islands legislation should do so.
9. I would expect that the proposed procedure would also find favour with the States. At present a policy letter has to be drafted and then debated by the States. Many States Members are not comfortable with debating ecclesiastical legislation and such debates inevitably draw out the disestablishment stance.
10. Measure could be extended to the Bailiwick far more speedily than at present.
11. Whilst I am not fully conversant with the Jersey procedure, I would anticipate that it would be possible to apply a Measure to that Bailiwick in a similar fashion to that proposed for Guernsey.
12. The Standing Committee is asked whether it would support a representation being made to the Archbishop's Commission on the lines set out above.

**DAVID J. ROBILIARD**  
**Deanery Treasurer**



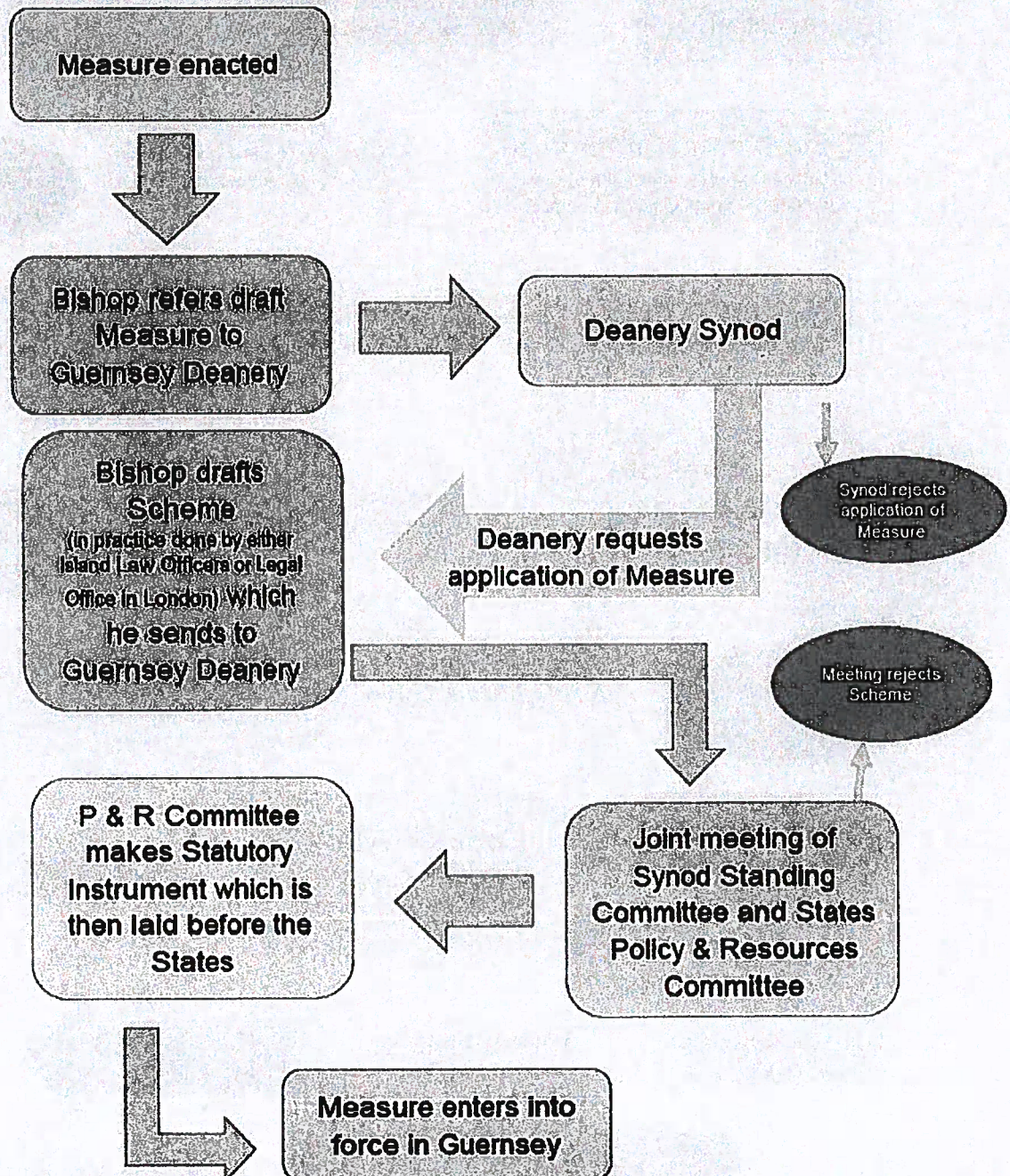
## APPENDIX A

### PROCESS FOR APPLICATION OF A MEASURE TO GUERNSEY





**PROPOSED  
PROCESS FOR APPLICATION OF A MEASURE TO GUERNSEY**





**EPISCOPAL OVERSIGHT**

Diocese	No of bishops	No of Stipendiary clergy	Per bishop	No of parishes	Per bishop
Canterbury	1#	140	140	231	231
Portsmouth	1	104	104	140	140
Salisbury	3	197	67	442	147
Winchester	3	158	53	255	85

#Excludes Archbishop of Canterbury whose many responsibilities preclude him from being able to offer oversight in Canterbury

Sources: Canterbury - 2019 Statement of Needs; other dioceses - Ministry statistics as at 31.12.17

**TRANSPORT LINKS (as at March 2019)****FLIGHTS**

JERSEY	Exeter	Daily (1)	Fly Be	45 mins
	London City	Daily (ex Sats) (2)	Blue Islands	1 hr 15 mins
	London Gatwick	Daily (6+)	BA & Easy Jet	1 hr 5 mins
	Southampton	Daily (3+)	Fly Be	45 mins
GUERNSEY	London Gatwick	Daily (6)	Aurigny	1 hr 5 mins
	Southampton	Daily (3+)	Blue Island	50 mins

**FERRIES**

JERSEY	Poole	6 per week	4 hrs 30 mins (f/ferry)
	Portsmouth	7 per week	8 hrs 5 mins
GUERNSEY	Poole	6 per week	3 hours (f/ferry)
	Portsmouth	7 per week	7 hours

**SOME ROAD LINKS (details from AA Roadwatch)**

Gatwick to Canterbury	67.5 miles	1 hr 17 mins
Southampton Airport to Portsmouth	19.8 miles	23 mins
Poole to Salisbury	33 miles	57 mins
Southampton Airport to Salisbury	24.3 miles	27 mins