

2022 No. 1180

ECCLESIASTICAL LAW

CHURCH OF ENGLAND

**The Channel Islands (Attachment of the Bailiwick of Guernsey
to the Diocese of Salisbury) Order 2022**

Made - - - - - *9th November 2022*

Coming into force in accordance with article 1

At the Court of Buckingham Palace, the 9th day of November 2022

Present,

The King's Most Excellent Majesty in Council

His Majesty, in exercise of the powers conferred by sections 1 and 5 of the Channel Islands Measure 2020(a) and in exercise of His prerogatives as Sovereign in right of the Bailiwick of Guernsey and all other powers enabling His Majesty in that behalf, is pleased by and with the advice of His Privy Council to order as follows:

Citation and commencement

1.—(1) This Order may be cited as the Channel Islands (Attachment of the Bailiwick of Guernsey to the Diocese of Salisbury) Order 2022.

(2) This Order comes into force on the day on which it is registered by the Royal Court of Guernsey.

PART 1

Attachment of Guernsey to Diocese of Salisbury

2.—(1) The Bailiwick of Guernsey is, by virtue of this Order, attached to the diocese of Salisbury instead of to the diocese of Winchester.

(2) Such jurisdiction as the Bishop of Winchester had in relation to the Bailiwick of Guernsey immediately before the commencement of this Order is transferred to the Bishop of Salisbury.

Supplementary provision

3.—(1) Anything (including legal proceedings) which, immediately before commencement of this Order, was in the process of being done by or in relation to the Bishop of Winchester may, so far as it relates to the Guernsey jurisdiction, be continued by or in relation to the Bishop of Salisbury.

(2) Anything done (or having effect as if done) by or in relation to the Bishop of Winchester in connection with the Guernsey jurisdiction has effect, so far as necessary for its continuing effect after commencement, as if done by or in relation to the Bishop of Salisbury.

(3) Any enactment or other instrument passed or made before commencement has effect, so far as necessary for the purposes of or in consequence of Article 2, as if references to the Bishop of Winchester were or included references to the Bishop of Salisbury.

(4) This Article does not affect the validity of anything done (or having effect as if done) by or in relation to the Bishop of Winchester in connection with the Guernsey jurisdiction before commencement.

(5) In this Article—

“commencement” means the commencement of this Order, and

“the Guernsey jurisdiction” means the jurisdiction referred to in Article 2(2).

Commencement of the 2020 Measure

4. Section 4 of the Channel Islands Measure 2020 comes into force on the day on which this Order is registered by the Royal Court of Guernsey.

PART 2

Special provision for law of Guernsey, Alderney and Sark

5.—(1) Articles 2 and 3 shall have effect in the Bailiwick as a matter of, and for the purposes of, the laws of Guernsey, Alderney and Sark and their respective dependencies and adjacent territorial waters. .

(2) For the purposes of paragraph (1) and subject to paragraph (2)(b), references to the “Guernsey jurisdiction” in Articles 2 and 3 shall be taken to include such jurisdiction as the Bishop of Winchester had in respect of the Bailiwick (in pursuance of the Order of 1569, the Order of 1583 (for the purposes of the law of Sark) or the customary law, or under any enactment which has come into force, since the Order of 1569 or the Order of 1583 (for the purposes of the law of Sark)).

(3) For the avoidance of doubt—

(a) Nothing in this Order shall affect the establishment of the Bishop of Winchester as the permanent Visitor of Elizabeth College (“the Visitor”) under the Statutes for the Government of Elizabeth College, Guernsey, as they apply from time to time, and

(b) The “Guernsey jurisdiction” does not include the jurisdiction of the Bishop of Winchester as the Visitor, and any powers and duties which may be exercised by the Visitor under those Statutes.

(4) For the purposes of this Article—

“the Order of 1569” means the Order of Her late Majesty Queen Elizabeth I made on the eleventh day of March 1569 with the advice of Her Privy Council and in exercise of Her prerogatives as Sovereign in right of the Bailiwick pursuant to which the islands of the Bailiwick were attached to the episcopal See of Winchester, and

“the Order of 1583” means the Order of Her late Majesty Queen Elizabeth I made on the twenty-fourth day of April 1583 with the advice of Her Privy Council and in the exercise of

Her prerogatives as Sovereign in right of the Bailiwick pursuant to which the ecclesiastical jurisdiction in Sark is reserved to the Bishop of Winchester.

Consequential Amendments

6.—(1) In section 1 of the Channel Islands (Church Legislation) Measure 1931(a) as it has effect in the Bailiwick, in the definition of “the Bishop”, for “Winchester” substitute “Salisbury”.

(2) In Section 1 of the Channel Islands (Representation) Measure 1931(b) as it has effect in the Bailiwick, in the definition of “the Bishop” and “the Diocesan Synod”, for “Winchester” substitute “Salisbury”.

(3) The Scheme set out in the Schedule to the Synodical Government (Channel Islands) Order 1970(c) is to be construed such that the functions of the Salisbury Diocesan Synod shall be exercisable after commencement in respect of the Bailiwick instead of the functions of the Winchester Diocesan Synod.

(4) Article 3 of the Order shall have effect in respect of paragraphs (1) to (3) with the appropriate modifications.

(5) The references in each of the Channel Islands (Church Legislation) Measure 1931 and the Channel Islands (Representation) Measure 1931 to the Islands, or to either or each of them, are to be read as references to the Bailiwicks or to either or each of them, and for the purposes of this paragraph “the Bailiwicks” means both—

- (a) The Bailiwick of Jersey, and
- (b) The Bailiwick of Guernsey.

(6) In section 4 of the Channel Islands (Representation) Measure 1931 as it has effect in the Bailiwick, for paragraph (b) there is substituted—

“(b) is either—

- (i) A member of the Church of England or of a Church in communion with it, or
- (ii) A member of the Church of England and a member in good standing of a Church which is not in communion with it but subscribes to the doctrine of the Holy Trinity;”.

(7) In section 4 of the Channel Islands (Representation) Measure 1931 as it has effect in the Bailiwick, in paragraph (c) in place of “of seventeen years or upwards” there is substituted “aged 16 or over”.

(8) In section 5 of the Channel Islands (Representation) Measure 1931 as it has effect in the Bailiwick, in place of “annually” there is substituted “triennially”.

(9) In the Schedule to the Channel Islands (Representation) Measure 1931 as it has effect in the Bailiwick, for paragraphs (i) to (vi) of the declaration, there is substituted—

- “(i) I am baptised
- (ii) I am a member of the Church of England, or I am a member of ***, being a Church in communion with the Church of England, or I am a member in good standing of ***, being a Church which is not in communion with the Church of England but subscribes to the doctrine of the Holy Trinity and I am also a member of the Church of England.*
- (iii) I am aged 16 or over.
- (iv) I am resident in the Island of ***”.

(a) 1931 No. 4.
(b) 1931 No. 5.
(c) 1970 No. 1117.

Procedure for Measures to have effect in the Bailiwick

7. Without prejudice to the provisions of the Channel Islands (Church Legislation) 1931 and in accordance with section 3 of the Channel Islands Measure 2020, a Measure of the General Synod of the Church of England (referred to in the Schedule as “the specified Measure”) may have effect in the Bailiwick in accordance with the procedure set out in the Schedule to this Order.

Bishops

8. A man or a woman may be consecrated to the office of bishop.

Interpretation

9. For the purposes of this Order—

“the Bailiwick of Guernsey” means the Islands of Guernsey, Herm, Jethou, Alderney and Sark, the dependencies of each of them and the adjacent territorial waters, and “the Bailiwick” shall be construed accordingly;

“enactment”, for the purposes of Part 2, shall have the meaning given in the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016(a).

“instrument” includes a Measure of the General Synod of the Church of England; and

“jurisdiction” includes the functions, powers and privileges attaching to that jurisdiction.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE

Article 7

Procedure for Measures to have effect in the Bailiwick

1. The procedure for the purposes of Article 7 is as follows—
 - (a) The Bishop shall refer the specified Measure to the Deanery Synod of the Deanery of Guernsey (“Deanery Synod”) for a decision as to whether it should apply to the Bailiwick;
 - (b) The Deanery Synod shall indicate whether it wishes the specified Measure to apply in the Bailiwick;
 - (c) Where the Deanery Synod indicates that it wishes the specified Measure to apply in the Bailiwick, the Bishop shall draft a Scheme applying the specified Measure;
 - (d) The Standing Committee of the Deanery of Guernsey (“the Standing Committee”) and the States of Guernsey Policy & Resources Committee (“the Committee”) shall consider the Scheme and indicate whether it is agreed;
 - (e) Where the Scheme is agreed by the Standing Committee and the Committee, the Committee shall make an Order setting out that Scheme and any consequential, transitional, etc. provisions; and
 - (f) The Order shall be laid before a meeting of the States of Deliberation as soon as possible after being made; and if at that meeting the States resolve that the Order be annulled, it

(a) 2018/68.

shall not come into force but without prejudice to the making of a new Order under this procedure.

2. Any reference to “the Committee” in this Schedule includes any committee of the States of Guernsey (howsoever titled) in which the functions set out above are for the time being vested in accordance with a resolution of the States of Deliberation or by an enactment.

3. For the avoidance of doubt, and subject to the power of annulment in paragraph 1(f)—

- (a) An Order made under paragraph (1)(e) may only come into force on a date on or after the date of the meeting of the States of Deliberation at which it was laid; and
- (b) The Scheme applying the Measure shall have effect in accordance with the provisions of the Order made under paragraph (1)(e).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 1 of the Channel Islands Measure 2020 and His Majesty’s prerogative powers in right of the Bailiwick of Guernsey.

It makes provision, for the purposes of the law of England and Wales (in Part 1) and for the purposes of the law of Guernsey, Alderney and Sark (in Part 2), for the attachment of the Bailiwick to the diocese of Salisbury instead of to the diocese of Winchester and for the transfer to the Bishop of Salisbury of such jurisdiction as the Bishop of Winchester has in relation to the Bailiwick.

Article 6 provides for amendments to legislation having effect in the Bailiwick, whilst article 7 and the Schedule of the Order also set out the new procedure for the application of measures to the Bailiwick (as proposed in the Report of the Archbishop of Canterbury’s Commission on the Relationship of the Channel Islands to the Wider Church of England)

Article 8 of the Order also makes provision for a man or a woman to be consecrated to the office of bishop and may exercise episcopal authority in the Bailiwick.