

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**POLICY & RESOURCES COMMITTEE**

THE CHURCH OF ENGLAND - THE ATTACHMENT OF THE BAILIWICK OF GUERNSEY TO  
THE DIOCESE OF SALISBURY

The States are asked to decide:-

Whether, after consideration of The Church of England – the Attachment of the Bailiwick of Guernsey to the Diocese of Salisbury policy letter dated 9th March, 2022 they are of the opinion:-

1. To note the recommendations as set out in the report of the Archbishop of Canterbury's Commission on the relationship of the Channel Islands with the wider Church of England;
2. Pursuant to Article 72A of the Reform (Guernsey) Law, 1948, as amended, to signify agreement to the substance of the provision of an Order in Council made under prerogative powers and under the Channel Islands Measure 2020, in respect of its application to Guernsey, including, but not limited to:
  - (a) the attachment of the Bailiwick of Guernsey to the Diocese of Salisbury;
  - (b) the transfer of the episcopal oversight of the Bishop of Winchester to the Bishop of Salisbury;
  - (c) that a man or a woman may be consecrated as a bishop; and
  - (d) the simplified mechanism for the application to the Bailiwick of Measures of the Church of England set out in section 5 of this policy letter;
3. To note the ongoing work to draft Canons for the Deanery of Guernsey and that, once drafted, these Canons will be given effect in the Bailiwick by way of an Order in Council.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

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THE CHURCH OF ENGLAND - THE ATTACHMENT OF THE BAILIWICK OF GUERNSEY TO  
THE DIOCESE OF SALISBURY

The Presiding Officer  
States of Guernsey  
Royal Court House  
St Peter Port  
Guernsey

9th March 2022

Dear Sir

**1. Executive Summary**

- 1.1 The primary purpose of this policy letter is for the States of Deliberation to signify agreement to the substance of an Order in Council, which provides:
- (a) for the attachment of the Bailiwick of Guernsey to the Diocese of Salisbury;
  - (b) for the episcopal oversight of the Bishop of Winchester to be transferred to the Bishop of Salisbury;
  - (c) that a man or a woman may be consecrated as a bishop; and
  - (d) for the simplified mechanism set out in section 5 of this policy letter to have effect for the application to the Bailiwick of Guernsey of Measures of the Church of England.
- 1.2 This policy letter also provides an update on the introduction of Canons for the Deanery of Guernsey (see Section 6).
- 1.3 These proposals relate to the report of the Archbishop of Canterbury's Commission on the relationship of the Channel Islands to the wider Church of England (see Section 4).
- 1.4 In 1496, episcopal oversight for Guernsey was transferred from the Norman Diocese of Coutances to the Diocese of Salisbury. Subsequently, in June 1568 Elizabeth I confirmed that she had "*annexed and united*" the Islands to the Bishops of Winchester who were required by Her Majesty "*to govern and direct Our ecclesiastical estate in the said Isles*". This was subsequently confirmed by Order in Council of 11<sup>th</sup> March 1569 ("the 1569 Order in Council") to "*perpetually unite*" the Islands to the Diocese of Winchester.

- 1.5 In March 2014, following the breakdown of the relationship between the Deaneries of Jersey and Guernsey and the Bishop of Winchester, the Bishop of Winchester delegated to the Bishop of Dover the episcopal oversight and functions reserved or assigned to him, inter alia, ‘in all ecclesiastical legislation, canons, customs and protocols as may apply in the Islands’.
- 1.6 In June 2018, the Archbishop of Canterbury established a Commission to review the relationship of the Channel Islands to the wider Church of England. The Commission considered:
- (a) The current and future constitutional, legal, financial and other structural mechanisms governing the status in the Church of England of the Deaneries of Jersey and Guernsey, and their relationship with the wider Church of England; and
  - (b) The most appropriate mechanisms for the future relationship between the Deaneries and the wider Church of England.

The Commission published its report in June 2019<sup>1</sup>.

- 1.7 In presenting this policy letter, the Policy & Resources Committee recognises that government should maintain a “light touch” on matters of administration and procedure relating to the function of the Church of England and its clergy in the Bailiwick. For this reason, the Propositions only address those recommendations where it is necessary to draft legislation to enable the Deanery to progress the Commission’s recommendations.

## **2. Background**

- 2.1 The ecclesiastical relationships of the Bailiwick have developed over many centuries and changed significantly as events in history have unfolded, including following the Norman Conquest of England and the Reformation.
- 2.2 The following summary highlights the dates which mark the most important milestones in this ecclesiastical history and the relationship between the Church and the Bailiwick:
- (a) 933 – Guernsey integrated into the legal and administrative systems of the Duchy of Normandy and became part of the Diocese of Coutances;
  - (b) 1496 – King Henry VII obtained a Bull from Pope Alexander VI transferring the islands from the Diocese of Coutances to the Diocese of Salisbury;
  - (c) June 1568 – Queen Elizabeth I advised that she “*annexed and united*” the Islands to the Bishops of Winchester who were required by Her Majesty “*to govern and direct Our ecclesiastical estate in the said Isles*”.

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<sup>1</sup> [The Report of the Archbishop of Canterbury’s Commission on the Relationship of the Channel Islands to the wider Church of England](#)

- (d) *March 1569* – by letter Queen Elizabeth I confirmed by Order in Council that the Islands were “*perpetually united*” to the Diocese of Winchester and constituted the Bishop as Ordinary of them; and
- (e) *March 2014* – following the breakdown of the relationship between the Deaneries of Jersey and Guernsey and the Bishop of Winchester, the Bishop of Winchester delegated to the Bishop of Dover the episcopal oversight and functions reserved or assigned to him, inter alia, ‘in all ecclesiastical legislation, canons, customs and protocols as may apply in the Islands’.

2.3 The 2014 delegation was seen as an interim measure until alternative arrangements for episcopal oversight for the Church of England in the Islands had been fully reviewed and consulted on.

2.4 In June 2018, the Archbishop of Canterbury appointed a Commission to review the constitutional, legal, finance 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. The Commission was also directed to consider options for the future relationship between the deaneries and the wider Church of England, including whether the deaneries should be treated together or separately, and any measures needed to give effect to the future relationship.

### **3. Report of the Archbishop of Canterbury on the relationship of the Channel Islands to the wider Church of England**

3.1 In September 2019, the Commission published its report, *The Report of the Archbishop of Canterbury’s Commission on the Relationship of the Channel Islands to the wider Church of England*. The report made a number of recommendations relating to the future relationship between the Deanery of Guernsey and the Diocesan Bishop and the wider Church of England. The principal recommendation (*recommendation 7 in the Commission’s report*) was that the Deaneries of Guernsey and Jersey should be attached to the Diocese of Salisbury. In addition, the report made the following further recommendations:

- (a) To introduce a streamlined process for adopting Church of England Measures (*recommendation 6 in the Commission’s report*); and
- (b) To review of the canonical provisions for the Deanery of Guernsey to either produce draft Canons for the Deanery, or an order applying the Church of England Canons with appropriate modifications (*recommendation 4 in the Commission’s report*).

3.2 For completeness, before the Canons for the Deanery of Guernsey are approved and apply, it is also recommended that provision is made to clarify that both a man and a woman can be consecrated as bishop.

3.3 This policy letter focuses on the principal recommendation and the three further recommendations, as set out above, as each will require the enactment of legislation to give them effect in the Bailiwick of Guernsey.

#### **4. Attachment of the Bailiwick of Guernsey to the Diocese of Salisbury (*Commission's Recommendation (7)*)**

4.1 The procedure for the attachment of the Bailiwick of Guernsey to the Diocese of Salisbury will require the making of an Order in Council. This Order in Council will also contain provision to transfer episcopal oversight of the Deanery of Guernsey from the Bishop of Winchester to the Bishop of Salisbury and make such other consequential and savings provision as are necessary, including any amendments to the 1569 Order in Council.

4.2 On the basis that the Order in Council will transfer the episcopal jurisdiction from the Bishop of Winchester to the Bishop of Salisbury, it is also considered prudent at this point to make specific provision relating to male and female bishops in that Order. Further provision on this point will in due course be made in the Canons to be drafted for the Deanery of Guernsey, but this is considered to be the minimum required for episcopal jurisdiction to be exercisable.

4.3 It is likely that a single Order in Council will be made encompassing the provisions required for the purposes of English and Bailiwick law under the Channel Islands Measure 2020 (a Measure of the General Synod) and Her Majesty's prerogative powers, respectively.

4.4 As the Order in Council will have effect in Guernsey, it falls within the provisions of Article 72A(1)(b)(iii) of the Reform (Guernsey) Law, 1948, as amended. Article 72A(1) requires the Policy & Resources Committee, unless it considers it unnecessary, to submit a proposal to make such an Order in Council to the States of Deliberation, in order that the States may signify their views on it.

4.5 Subject to the agreement of the States of Alderney and the Chief Pleas of Sark (see section 7), it is intended that the Order in Council will come into force as soon as possible.

4.6 The States of Jersey approved equivalent measures to provide for the attachment of the Bailiwick of Jersey to the Diocese of Salisbury at its meeting on 1<sup>st</sup> March 2022. These measures are also set out in an Order in Council, which will need to be made by the Privy Council in due course<sup>2</sup>.

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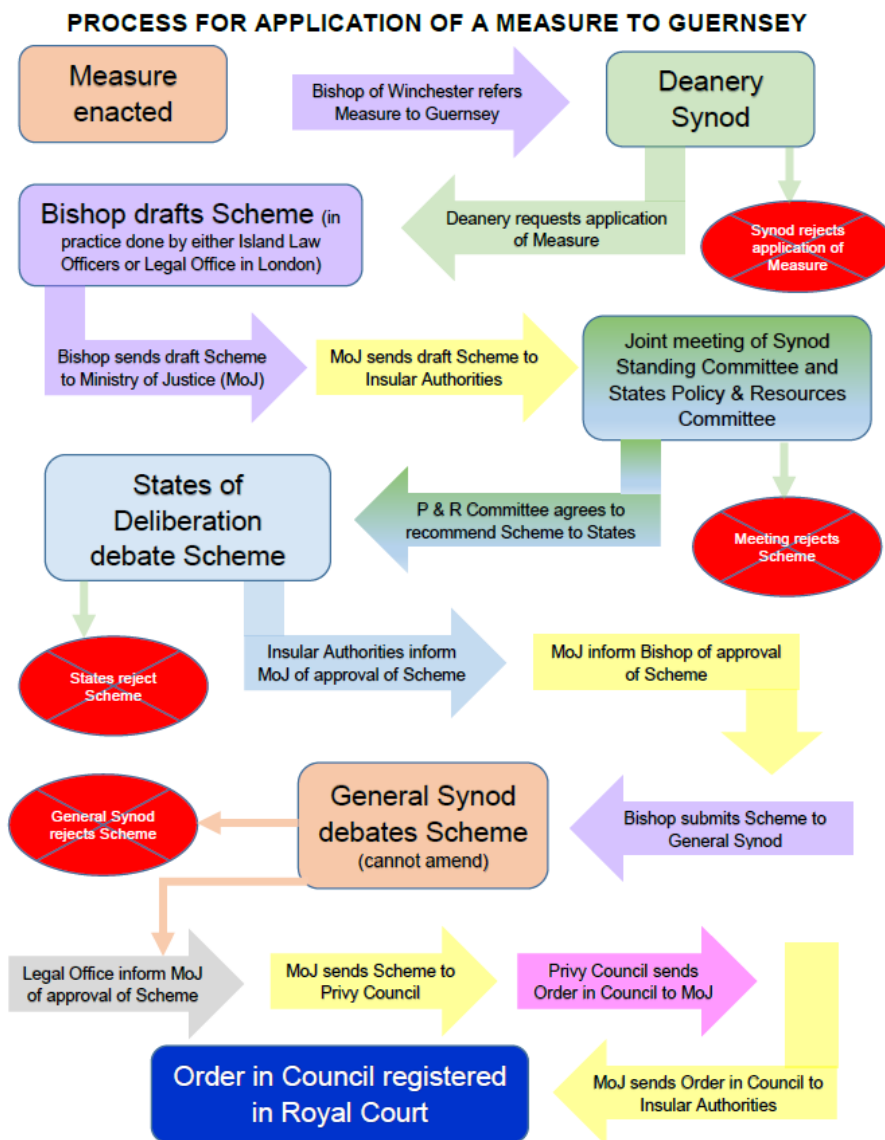
<sup>2</sup> [P.10/2022 – Vote for draft Ecclesiastical Legislation \(Consequential Amendments\) \(Jersey\) Law, 202-](#) and [P.12/2022 – Vote on Order in Council: Adoption of New Canons](#)

**5. The process for adopting Church of England Measures on the Bailiwick (Commission's Recommendation (6))**

5.1 The Commission's report highlighted that the current procedure for adopting Church of England Measures in the Bailiwick is complex and recommended that consideration be given to streamlining the current process.

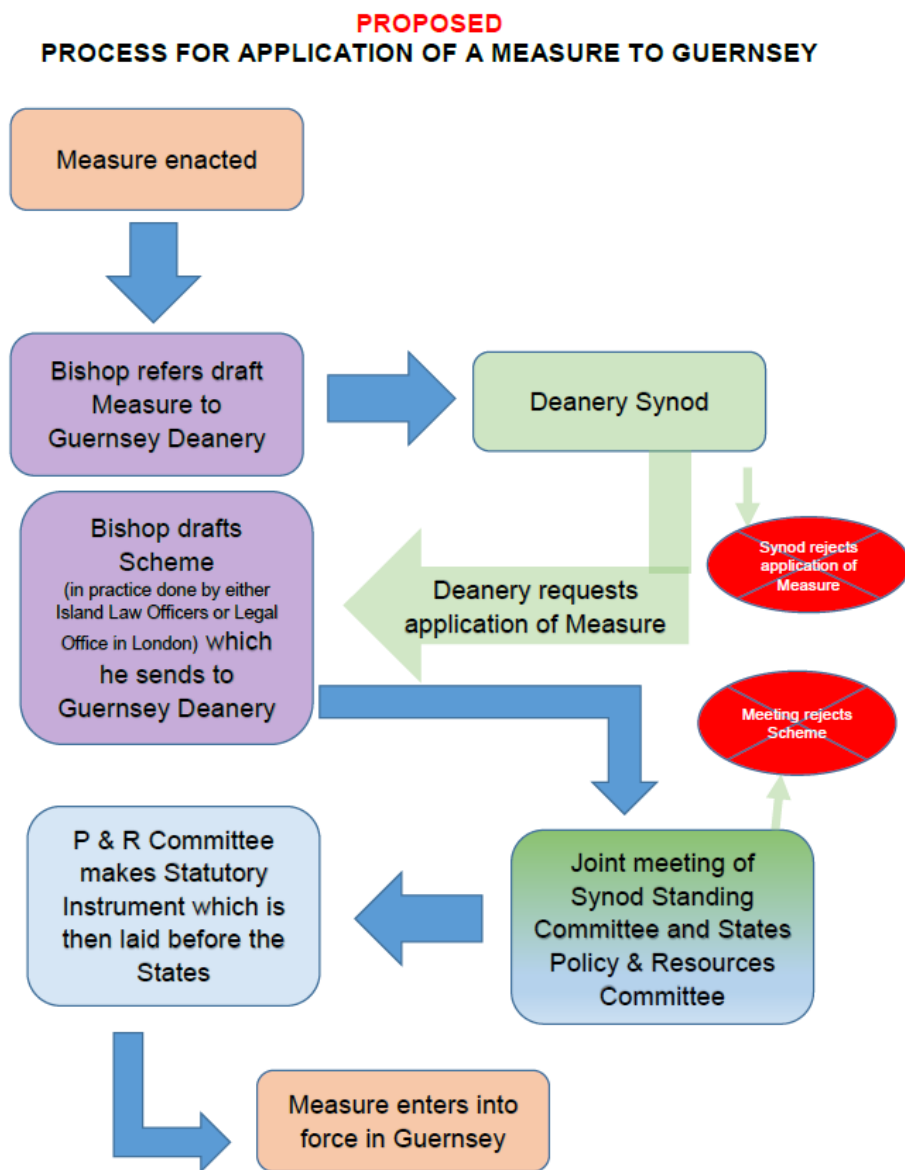
5.2 Figure 1 (below) sets out the current procedure which has twelve separate steps before the Order in Council is registered by the Royal Court.

**Figure 1:**



- 5.3 In seeking to streamline the process set out in Figure 1, it is essential for the appropriate checks and balances to be retained to ensure there is scrutiny to ensure that the Measures are proportionate, necessary and comply with other domestic Bailiwick legislation and international obligations, including compliance with the principles under the European Convention on the Protection of Human Rights and Fundamental Freedoms.
- 5.4 The proposed new procedure (see Figure 2 below) will ensure the conformity of ecclesiastical law and practice with human rights legislation and reflect the enhanced culture of accountability in the Church of England.

**Figure 2:**



- 5.5 The streamlined procedure proposed by Jurat Robilliard, the then Guernsey representative on the General Synod, was presented to the Commission and it received their full support. The proposed new procedure is supported by the Dean and the Deanery Synod.
- 5.6 The simplified procedure seeks ensures appropriate consultation at all stages and with the relevant parties so that there is accountability in the Church and conformity of ecclesiastical law and practice with human rights legislation. Once the Deanery Synod, having considered the draft Measure, requests its application to the Islands, the Scheme is drafted and sent to the Guernsey Deanery. It will then be considered at a joint meeting of the Synod Standing Committee and the Policy & Resources Committee.
- 5.7 Subject to the Scheme being approved at this meeting, the Policy & Resources Committee will make a Statutory Instrument and this will then be laid before the States. The Measure will enter into force when the Statutory Instrument is made, unless otherwise annulled by the States of Deliberation.
- 5.8 Having reviewed the proposed streamlined process, the Policy & Resources Committee believes that it strikes the right balance between the responsibility of government to oversee and scrutinise legislation that will have effect within its jurisdiction and the protection of the right to freedom of thought, belief and religion. The Policy & Resources Committee believes that government should maintain a “light touch” on matters of administration and procedure relating to the function of the Church of England and its clergy in the Bailiwick.
- 5.9 The involvement of government should be limited to oversight and scrutiny of such measures to ensure that they are proportionate, necessary and comply with other domestic legislation and international obligations, including compliance with the principles under the European Convention on the Protection of Human Rights and Fundamental Freedoms.
- 5.10 The Policy & Resources Committee has been advised by the Deanery authorities that Measures will be extended to the Bailiwick without amendment save where it may be necessary to reflect different structures of church administration locally compared with elsewhere in the Church of England. For example, any Measure where there is a reference to a Parochial Church Council will require an amendment before extension because in the Islands the duties of a Parochial Church Council rest with the Rector (or Vicar) and Church Wardens.
- 5.11 The Policy & Resources Committee recommends that the current procedure for bringing Church Measures into force in the Bailiwick be altered and simplified as set out in Figure 2. In adopting this more simplified approach, the necessary governance and oversight for bringing Church Measures into force



in the Bailiwick will be strengthened as such Measures can be progressed in a more timely manner.

- 5.12 Further, the proposed new procedure retains oversight and scrutiny by the Policy & Resources Committee and the States of Deliberation, but “lightens” the involvement of government in ecclesiastical matters and so provides a more equitable balance in the relationship between Church and State. Further, as such Measures will be made by way of Statutory Instruments under the proposed new procedure, this will mean that new Measures and any amendments to existing Measures can be made in a timely manner and significantly reduce the States’ resources required compared to the current procedure.

## **6. Adoption of a new legislative framework for the application of Canons for the Guernsey Deanery (*Commission’s Recommendations (4)*)**

- 6.1 Recommendation 4 of the Commission’s Report proposed that the canonical provisions for the Deanery of Guernsey should be reviewed, either to produce draft Canons for the Guernsey Deanery, or for an Order applying the Church of England Canons with appropriate modifications to be approved.

- 6.2 The Dean has indicated that a draft of the Guernsey Canons has been prepared. The current English Canons have been reviewed, with sections not relevant to the Bailiwick of Guernsey being removed or amended. Inclusive language has been used throughout. The draft of the Jersey Canons have been considered carefully; where relevant, parallel elements will be brought into the draft of the Guernsey Canons.

- 6.3 An Order in Council would need to be drafted to give legal effect to the Guernsey Canons and would also fall within Article 72A(1) of the Reform (Guernsey) Law, 1948, as amended. The States of Deliberation may thereafter be requested by the Policy & Resources Committee to signify their views on the proposed Canons.

- 6.4 The Policy & Resources Committee therefore asks the States to note that it is consulting with the States of Alderney, Sark Chief Pleas and the Deanery Synod to progress the ongoing work to draft an Order in Council which will give effect to the Guernsey Canons.

## **7. Alderney & Sark**

- 7.1 Given that the attachment to the Diocese of Salisbury is a significant constitutional change, the States of Alderney and the Chief Pleas of Sark will also be requested to approve the proposals set out in this policy letter, including the attachment of the Bailiwick to the Diocese of Salisbury.

## **8. Consultation**

- 8.1 The Policy & Resources Committee has worked closely with the Law Officers of the Crown in the preparation of this policy letter.
- 8.2 The Policy & Resources Committee has also consulted with the Dean of Guernsey and representatives of the Deanery Synod. The Dean has confirmed that he and the Deanery Synod are fully supportive of the transfer to the Diocese of Salisbury and the associated changes as set out in this policy letter.
- 8.3 The Policy & Resources Committee has also consulted with the authorities in Alderney and Sark.

## **9. Conclusions**

- 9.1 In preparing this policy letter, the Policy & Resources Committee has been mindful that the involvement of government in the management and oversight of ecclesiastical matters should be limited to where there is a necessity, i.e. because legislation is required to allow the Church of England to discharge certain duties or functions. For this reason, the Committee has not made any comment on the recommendations of the report commissioned by the Archbishop of Canterbury or the events which gave rise to the establishment of the Commission.
- 9.2 The Policy & Resources Committee has noted the wishes of the Dean and the members of the Deanery Synod to progress the Commission's recommendations, including the attachment of the Bailiwick to the Deanery of Salisbury and transfer of episcopal responsibility for the Bailiwick to the Diocese of Salisbury. It is satisfied that the Dean and the members of the Deanery Synod have carefully considered the recommendations and are satisfied that the proposed new arrangements will ensure that the future relationship between the Deanery of Guernsey and the wider Church of England will return to a stable basis and that the Islands will be "perpetually united" to the Diocese of Salisbury (or at least for the next 450 years).
- 9.3 The Policy & Resources Committee is satisfied that the recommendations set out in this policy letter are necessary to attach the Bailiwick of Guernsey to the Diocese of Salisbury (with the consequent transfer of episcopal oversight) and to ensure that the ongoing relationship between the Bailiwick and wider Church of England returns to a firm and stable footing.

**10. Compliance with Rule 4**

10.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

10.2 The Proposition is in accordance with Rule 4(1):

- (a) The Propositions contribute to the States' objectives and policy plans in that they relate to the Island's constitutional position and the relationship with the Crown;
- (b) The Proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications; and
- (c) There are no new or additional financial implications to the States associated with the making of the Order in Council.

10.3 In accordance with Rule 4(2), the Proposition relates to the duties set out in the mandate of the Policy & Resources Committee, in particular (c) 1 – the Island's constitutional position and the relationship with the Crown and 9. – studying and reporting on schemes for the application of certain General Synod measures. The Propositions have the unanimous support of the Committee.

Yours faithfully

P T R Ferbrache  
President

H J R Soulsby  
Vice President

M A J Helyar  
J P Le Tocq  
D J Mahoney