

Disestablishment of the Church of England Bill [HL]

[AS INTRODUCED]

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B I L L

TO

Disestablish the Church of England; to make provision for the protection of freedom of religion or belief; and for connected purposes.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Disestablishment of the Church of England

- (1) The purpose of this Act is to secure that the Church of England is disestablished and all the powers over faith, doctrine, liturgy, property, discipline and appointments now exercised over or on behalf of that Church by the Crown, Parliament or private patrons are transferred, in their entirety, to the General Synod of the Church of England, to be exercised in accordance with any rules determined by that body. 5
- (2) The Secretary of State must, within six months of the passing of this Act, establish a Committee on the disestablishment the Church of England.
- (3) The Committee must make recommendations to identify the legislative changes required to disestablish the Church of England, including ensuring— 10
 - (a) the Sovereign no longer holds the title of “Defender of the Faith and Supreme Governor of the Church of England”;
 - (b) any right for parishioners to marry in their local parish church is removed; 15
 - (c) any automatic right for officials in the Church of England to solemnise marriages is removed, subject to subsection (4);
 - (d) that officials of the Church of England must meet the same requirements as any other person to solemnise a marriage;
 - (e) no-one can be a member of the House of Lords by virtue of being a bishop or Archbishop of the Church of England, subject to subsection (5); 20
 - (f) any members of the House of Lords who sit by virtue of being a bishop or Archbishop of the Church of England cease to be members;
 - (g) no bishop or Archbishop of the Church of England is entitled to receive, in that capacity, a writ of summons to attend, or sit and vote in, the House of Lords; 25
 - (h) ecclesiastical law ceases to form part of the law of England and Wales;

- (i) the power of the General Synod to present legislation to Parliament is removed;
 - (j) the Ecclesiastical Committee is abolished and the role of the Second Church Estates Commissioner ceases to exist;
 - (k) ecclesiastical courts cease to have any legal jurisdiction; 5
 - (l) the functions of the Archbishop of Canterbury in respect to the appointment of notaries public are transferred to the Lord Chancellor.
- (4) Any legislation proposed to meet the purpose of subsection (3)(c) must not remove the right to solemnise marriage from any official on the Church of England who has the right on the day on which this Act is passed. 10
- (5) Nothing in this section prevents a person who is, or has been, a bishop or Archbishop of the Church of England from receiving, and exercising the entitlements under, a peerage for life in accordance with section 1 of the Life Peerages Act 1958.
- (6) Nothing in this section affects the ownership of church properties, wealth or assets. 15
- 2 The Committee**
- (1) The Committee appointed under section 1 must include representatives, or a representative, from— 20
- (a) relevant legal practitioners;
 - (b) the Church of England;
 - (c) such other persons as the Secretary of State considers appropriate.
- (2) The Committee on the disestablishment the Church of England must, within 12 months of the passing of this Act, publish, and present to the Secretary of State, the legislative proposals it considers necessary to disestablish the Church of England. 25
- (3) Within three months of receiving the recommended legislative proposals from the Committee, the Secretary of State must lay a command paper containing a draft bill reflecting those legislative proposals before Parliament.
- (4) The Secretary of State may make any changes they consider necessary but must lay before Parliament a statement explaining why the changes were required. 30
- (5) The Secretary of State may dissolve the Committee once they consider the purpose of this Act, to disestablish the Church of England, has been achieved.
- 3 Protection of religious freedom** 35
- The disestablishment of the Church of England must not infringe upon the rights and freedoms of individuals to practise their religion or belief, as guaranteed under the law.

4 Extent, commencement and short title

- (1) This Act extends to England and Wales only.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as Disestablishment of the Church of England Act 2024.

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Disestablish the Church of England; to make provision for the protection of freedom of religion or belief; and for connected purposes.

Lord Scriven

Ordered to be Printed, 6th December 2023.

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