

Nomination of the 106th Archbishop of Canterbury

Reflections on the work of the Vacancy in See Committee for Canterbury Diocesan Synod

It is common knowledge that the work of the Canterbury Vacancy in See Committee was not straightforward in its processes and its work following the resignation of the Most Reverend and Right Honourable Justin Welby, whose resignation was announced on 12 November 2024 and took effect on 6 January 2025. Significant criticism was levelled at the committee and those responsible for it from a variety of sources. The complaints and the reasons behind them were complicated and this paper aims to give an initial account of the issues for members of Canterbury Diocesan Synod and an explanation of what may have gone wrong and what measures may be taken to ensure a more robust situation in the future. At all times the Bishop of Dover and senior staff took and adhered to legal advice.

Composition of the 2022-2024 Vacancy in See Committee

Each diocese is required to have a Vacancy in See Committee (ViSC) at all times. The ViSC is made up of ex officio members and members elected by the members of the Diocesan Synod (acting as a single electorate – there is no distinction between bishops, clergy and laity). The rules and functions of the ViSC are regulated by the Vacancy in See Committees Regulation 2024, as amended.

The Regulation (para 7) states that any casual vacancy in the elected members must be filled by election within six months of the vacancy. In the case of the 2022-2024 committee this had not happened and there were several vacancies when the Archbishop of Canterbury announced his resignation on 12 November 2024.

The Archbishop's resignation was unexpected and the process for the election of a new ViSC to take up office on 1 January 2025 was already underway. However, as the point at which the ViSC is activated is the date of the announcement of the resignation of the bishop the incomplete 2022-2024 ViSC became the committee which should have been the ViSC for this vacancy. This committee was, therefore, convened and began its work.

Soon after the first meeting an irregularity was drawn to the attention of the Diocesan Secretary. That was that, contrary to the Regulation, the election rules for the election of members to the Canterbury ViSC **that had been used for the elections in 2021/2022** limited those eligible to be nominated for election to members of the Diocesan Synod. In point of fact (para 5) whilst they needed to be nominated and seconded by Diocesan Synod members they did not themselves need to be members of it.

The Archbishop's Council took legal advice from the Diocesan Registrar, who in turn took advice from the Church of England's Chief Legal Adviser and from the Provincial Registrar. On receiving this advice, the Council took the decision to ask the Archbishop of York to

exercise his powers under para 16 of the Regulation to direct the election of a fresh 2022-2024 ViSC. It was not possible to use the 2025-2027 committee that had just been elected as those standing for that committee had been specifically informed that they would *not* be involved in the nomination process for the 106th Archbishop.

The problems with the original 2022-2024 ViSC raise the following concerns and necessary safeguards to prevent them happening again.

1. The local arrangements for ViSC elections, which were in place from at least as far back as 2009, were irregular in that they limited the persons who could be elected to the ViSC. This fault is the responsibility of the Diocese of Canterbury and of those who, several years ago, drafted and put in place these regulations. **It is imperative, therefore, that in future the local arrangements for the ViSC are wholly in line with the nationally applicable Regulation.**
2. Casual vacancies on the ViSC had not been filled in 2021/2022. The situation in November 2024 and the unexpected resignation of the Archbishop brings to light the reason why it is important that there is always a full ViSC in place. **It is important, therefore, that going forward casual vacancies in the ViSC are filled within six months, or preferably less, of the vacancy occurring.**

Fresh elections

Following the direction of the Archbishop of York nominations were opened for the election of a new ViSC for 2022-2024. This election happened in February 2025. The DBF commissioned **a national election agent**, to conduct the election, which they did.

The February 2025 group of sessions of the General Synod of the Church of England amended the Vacancy in See Committees Regulation 2024 to place constraints on those who could be elected to a ViSC. The pertinent constraint for this discussion is that only one person from any parish, cathedral church, or mission initiative¹ may be elected to the ViSC, nor may anyone be elected if they have such a 'relevant connection' to an ex officio member. If there is more than one ex officio member from the same parish, cathedral or mission initiative then the restriction does not apply to them.² This added a further level of complexity to the election process.

The Church Representation Rules provide for the conduct of elections by Single Transferable Vote, which is the method which must be used for these elections. CRR rule 75 provides that if there are the right number of persons or fewer in any particular category that they should be deemed elected before the election and not included on the

¹ The regulation also mentions Westminster Abbey and St George's Windsor, which are not relevant to this diocese.

² This is the case in the Canterbury ViSC in that the Dean and the Archdeacon of Canterbury have a relevant connection via the Cathedral and two members of the General Synod are from the Parish of Whitstable.

ballot. The consequence of this is that where another person with a relevant connection to one of those declared elected before the election has been nominated for election that person is not eligible for election. Such persons and those who have been nominated but who have a relevant connection to an ex officio member should not be included on the ballot as they could not be elected.

In this case Civica did not apply Rule 75 in the case of the single clergy candidate for the Archdeaconry of Maidstone or the four lay candidates for the Archdeaconry of Ashford. All five were included on the ballot, along with a clergy candidate for the Archdeaconry of Ashford who had a relevant connection with one of the four lay candidates who should have been deemed elected. All six should not have been on the ballot. That they were could have distorted the voting of the electorate. That the two clergy candidates received a proportionally high number of first preference votes indicates that this was the case.

The failure to apply the STV rules properly, therefore, left this fresh election open to challenge, and it was challenged in particular by online commentary.

The DBF engaged the leading expert on the conduct of elections, in good faith and expecting all the relevant rules to be followed. That the rules were not followed opened the diocese to further criticism and mistrust. **In the conduct of future elections it is important that all relevant rules and processes are followed.**

Further challenges and further elections

The newly elected ViSC started its work in April 2025 and agreed a Statement of Needs for the diocese and elected three representatives to the Crown Nominations Commission (CNC). During the work of the ViSC the potential severity of the irregularity of the fresh elections became clearer. In addition, a fresh question was raised about the way the diocese interpreted the requirement of the Regulation to consider the geographical spread of ex officio members and to raise the number of elected members so as to ensure that each archdeaconry was adequately represented (para 5). The diocese's rule set the numbers to be elected at 2 clergy and 4 laity per archdeaconry. There were also complaints received from external parties and from a member of the Diocesan Synod that the results sheet for the most recent election was not published as required. A decision was taken by the presiding officer not to do so on the basis that to do so (and such a document though only being required to be released to candidates would certainly have become publicly known) could influence voting behaviour in any fresh election that could be required. This may or may not have been the right decision, but was made for a cogent reason.

Counsel's opinion was sought on two questions. First, whether the archdeaconry apportionment above was lawful and, second, whether the Archbishop's Council could rely on the provision in para 17 of the Regulation that:

The proceedings of a Vacancy in See Committee of a diocese are not invalidated by a vacancy in the membership of the Committee or a defect in the qualification, election or appointment of any of its members

to avoid potential challenge to the validity of the ViSC's proceedings.

Counsel's opinion was that the diocese's rules on the election of two clergy and four laity from each archdeaconry was more likely than not to be lawful³ but that there was no more than a 50% chance that a court would hold that the ViSC's proceedings were safe from challenge were the Archbishop's Council to seek to rely on the provision of para 17.

Consequently, the Archbishop's Council took the decision, once again, to ask the Archbishop of York to direct that fresh elections be held to the 2022-2024 ViSC.

These took place. One clergy candidate who would not have been able to be present at the meetings of the ViSC withdrew from the election before the count. Rule 75 was applied, thus declaring elected the single clergy candidate from Maidstone Archdeaconry (leaving one clergy vacancy in Maidstone) and the four lay candidates from Ashford Archdeaconry. These, and those with relevant connections to those elected or ex officio were excluded from the ballot in accordance with the rules. The fresh election (with a slightly raised turnout from among Diocesan Synod members electing) brought about a change of two clergy members and two lay members of the ViSC. The total size of the ViSC in this iteration is 31, with one elected place vacant.

The Archbishop's Council and ViSC then met as set out in the Regulation and the ViSC completed its business, agreeing a Statement of Needs and electing three members to the CNC. The CNC held its first meeting in London in late May 2025.

Complexity and the Regulation

One of the comments made by online commentators and bloggers was that the Vacancy in See Committees Regulation should be reviewed with a view to reform. The Regulation has been amended piecemeal over the years and the February 2025 changes to the Regulation as they affect the election to the ViSC and then the election of members of the ViSC to the CNC have produced a series of complex constraints. Such constraints can and do result in the election of those who have very few votes and the non-election of those who have many more. The constraints around the election of a certain proportion of laity and a certain number of women clergy and laity from the ViSC to the CNC are magnified in the case of the See of Canterbury where the number of diocesan CNC members is three, half the number for any other episcopal vacancy. An example of the working out of this

³ Counsel did point out, though, that there was no evidence that the Archbishop's Council of the Diocese of Canterbury had considered the geographical location of the ex officio members of the ViSC before setting the numbers to be elected. This could be looked at in the future and could also be subject to any discussion on potential revision of the Regulation.

constraint was that if a female cleric stood for election to the CNC then the clerical member of the CNC would have to be female.

Consequently, in the light of the experience of the Diocese of Canterbury in this vacancy it would not be unreasonable for the Diocesan Synod to request that the General Synod undertake a wholesale examination and revision of the Vacancy in See Committees Regulation 2024 as amended.

Conduct and Confidentiality

A further issue that arose during the six months following the resignation of Archbishop Welby is that of the confidentiality of meetings. It is the case that much of the online commentary was based on information leaked from meetings of the Archbishop's Council and the Vacancy in See Committee. It is worth noting that members of the Crown Nominations Commission are required to take an oath of secrecy at the beginning of the first meeting to protect the confidentiality and integrity of proceedings. That there is a similar expectation of confidentiality in other parts of this process is not unreasonable.

Officers and office holders of the Diocese of Canterbury found themselves in a difficult position when faced with reports and commentary that had been informed by leaked information. It was not possible to corroborate any such reports without collaborating in the leaking of potentially confidential information, nor was it possible to counter any allegations without releasing further potentially confidential information.

An expectation of confidentiality, particularly of personal information, is not unreasonable in the conduct of meetings such as those of the ViSC.

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