

ILLUSTRATION OF ‘NEW DIOCESES’ OPTION

Description

The aim of this option would be to create new non-geographical dioceses composed of non-contiguous parishes conscientiously unable to receive women’s priestly and episcopal ministry.

The principal elements of this option would be as follows:

- (a) There would be one or more new dioceses (‘the new dioceses’) within the existing provinces of the Church of England – say, purely for illustrative purposes, two in the Province of Canterbury and one in the Province of York. The arrangements in relation to those dioceses would be capable of future alteration under the measure creating them but not under the Dioceses, Pastoral and Mission Measure 2007.
- (b) There would be a mechanism allowing parishes conscientiously unable to receive women’s priestly and episcopal ministry to elect to leave the geographical diocese and join the relevant new diocese (and to allow parishes which had made such an election to reverse it and rejoin the relevant geographical diocese).
- (c) Except if and in so far as it was expressly modified, the ecclesiastical law of the Church of England would apply to the new dioceses in the same way as it would apply to the existing dioceses.
- (d) Ministry in the new dioceses would be restricted to (a) male bishops who did not ordain/consecrate women and (b) male priests ordained by male bishops.
- (e) The bishops of the new dioceses would be appointed by the Crown.
- (f) Standing Order 122 would be amended so as to require that anyone nominated by the Crown Nominations Commission for appointment to the see of a new diocese would have to be ‘in good standing’ in that diocese (the meaning of which would need to be defined).
- (g) Bishops of the new dioceses would not be eligible to sit in the House of Lords.
- (h) Given that the bishops only make an oath of ‘due obedience’ to their archbishop¹ and that such obedience seems only to involve the ‘obedience’ due from one equal to another who sometimes acts as focus and spokesman of the college of bishops², it would not seem to be necessary to make any special arrangements as regards obedience as between the bishops of the new dioceses and their archbishop.
- (i) However, if the archbishop were a woman (or a man who ordained/consecrated women) at least some metropolitan functions (and notably the Ordinary jurisdiction that arises during a metropolitan visitation) would be transferred elsewhere – possibly to the archbishop of the other province if he were a man who did not ordain/consecrate women or to the

¹ See Canon C 14.1.

² See Episcopal Ministry: the Report of the Archbishops’ Group on the Episcopate (‘the Cameron Report’) (1990) paragraph 519.

most senior male diocesan bishop in the province (who did not ordain/consecrate women³).

- (j) Except if and in so far as other provision was made, each of the new dioceses would have the same diocesan structures / arrangements as the existing dioceses.
- (k) Those structures/arrangements would include the normal internal arrangements as regards finance, and the ability to benefit from central funds in the same way as the existing dioceses. The existing dioceses would need to transfer to the new dioceses any sums received from the Church Commissioners under the Endowments and Glebe Measure 1976 in respect of the parish concerned.
- (l) The new dioceses would have their own Synodical structures, like the existing dioceses.
- (m) The bishops of the new dioceses would be entitled to be *ex officio* members of the House of Bishops.
- (n) The new dioceses would be eligible for representation in General Synod in the same way as the existing dioceses.
- (o) Provision would be made for individual parishes to become part of a new diocese – subject to the possibility of their being able subsequently to resolve to leave it.
- (p) Transitional provisions would be made in relation to various matters (notably ministry and finance) in relation to the point at which a parish joined or left a new diocese.
- (q) Rights of patronage in relation to a parish which transferred would continue to be exercisable as before, save that rights which were formerly vested in the bishop or the diocesan board of patronage of the relevant existing diocese would transfer automatically to the bishop and diocesan board of patronage of the new diocese concerned.

Commentary

Further matters for decision

If this option were adopted, a significant number of further decisions would need to be made in order to enable it to be developed further. They include the following:

- (a) A decision would be needed as to what provision, if any, should be made for the *cathedra* of the bishop of a new diocese. Options would include that: a new diocese should have a cathedral church which was a cathedral in its own right to which the Cathedrals Measure 1999 and the Care of Cathedrals Measures should apply (possibly in some modified form); that the bishop should have his *cathedra* in an existing cathedral; that he had it in a church which was known as the pro-cathedral of the new diocese; and that he had no fixed *cathedra* at all. If there were no cathedral, and thus no college of canons, special arrangements would need to be made in relation to the election of a new bishop of the diocese.⁴

³ See the Guildford Report paragraph 57.

⁴ The Appointment of Bishops Act 1533 as affected by the Cathedrals Measure 1999 confers certain functions on the college of canons of a cathedral in connection with the election of a new bishop.

- (b) A decision would be needed as to whether the bishops of the new dioceses should be able to appoint suffragans or archdeacons and whether statutory powers allowing the creation of new suffragan sees or archdeaconries should be excluded in relation to the new dioceses.
- (c) A decision would be needed as to whether the church buildings and other consecrated land of parishes which joined the new dioceses should continue to be subject to the faculty jurisdiction exercised in the name of the bishop of the relevant existing diocese or a jurisdiction exercised in the name of the bishop of the new diocese – and, if the latter, whether that bishop should appoint his own chancellor or whether he should be required to act through the chancellor of the existing diocese (advised by its diocesan advisory committee).
- (d) A decision would be needed as to whether the new dioceses should have the full range of diocesan structures enjoyed by existing dioceses. They would presumably need diocesan boards of finance and diocesan parsonage boards, for example, but the question would arise in particular as to whether they should have diocesan boards of education or, indeed, any functions in relation to church schools associated with parishes which joined them. (Were those functions to continue to be undertaken by the boards of the existing dioceses, the new dioceses could be given rights of representation on those boards.)
- (e) A decision would be needed as to whether the diocesan boards of finance of the new dioceses would be simply empowered to use common premises, employ common staff or otherwise combine for the purposes of administration, or whether they should be placed under some sort of duties in those respects.
- (f) A decision would be needed as to whether a new diocese should receive any *pro rata* financial contribution from the relevant existing diocese when a parish transferred to it (eg in respect of glebe or towards inherited liabilities for the repair and maintenance of the parsonage house) and whether there should be any compensating payment when a parish transferred back to the geographical diocese.
- (g) Decisions would be needed as to what rights the bishops and pastoral committees of the existing and new dioceses would respectively have when an issue of pastoral reorganisation arose in their area of jurisdiction which had implications for a parish falling within the jurisdiction of the other.

Code of practice

We believe that, even under this option, there would be a need for a code of practice of some kind, if only to deal with ‘relational’ issues - especially if the administration of the new dioceses were to be provided in part by boards of the existing dioceses.

