

**Draft Bishops and Priests (Consecration and Ordination of Women)
Measure:**

**Report of the Working Group on an
Illustrative Draft Code of Practice**

January 2012

**Draft Bishops and Priests (Consecration and Ordination of Women)
Measure: Draft Code of Practice**

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ARCHBISHOPS' FOREWORD

In May 2010, the House of Bishops, on the recommendation of the Revision Committee, set up a Working Group, drawn from all three Houses of Synod and chaired by the Bishop of St Edmundsbury and Ipswich. It was charged with drafting an illustrative Code of Practice in connection with the draft legislation before Synod to enable women to be ordained as bishops. As some will recall, there had been an earlier illustrative draft produced by the Legislative Drafting Group in 2008, which was overtaken as a result of changes made to the draft Measure by the Revision Committee.

The document we are now circulating is the result of the Working Group's labours, and we are, as a House of Bishops, very grateful for all they have done. It is not possible, given the way the legislative process is structured, for a Code of Practice to be settled in advance of legislation being passed, and, as a result, the House has not yet taken any decision on the Working group's proposals. Nevertheless, it is important that we have some clarity over what sort of shape a Code might have, and so the present document is offered to Synod as background for our discussions in the February Group of Sessions.

The House of Bishops had a substantial discussion of this draft at its December meeting, and was also able to reflect on the outcome of the recent diocesan consideration of the draft legislation. This legislation has now received the requisite level of support in the dioceses for the next stage of the process to go forward in Synod this year. The majority of the House of Bishops is strongly and positively committed to the admission of women to all three historic orders of ministry. The House is also concerned that the Church of England retains its character as a body in which conscientious difference of theological judgement is fully respected.

The report of the Working Group has greatly helped our thinking on these matters, and we hope that it will likewise be a significant resource for the entire Synod. We have asked the Business Committee to arrange for the Chair of the Group to make a presentation on the report at February's Synod. The final form of the Code will depend on decisions taken after the final text of the Measure has been established. If and when the legislation receives Final Approval, Parliamentary endorsement and the Royal Assent, the House will decide on the text for a Code to be presented to Synod for approval. It is frustrating in some ways that not everything can be on the table at the same point; but this is what we are committed to given the terms of the Measure.

Despite this frustration, however, we now all have a valuable opportunity to reflect on the various elements that will make up the eventual overall framework. The draft legislation as it stands makes certain assumptions about the jurisdiction of diocesan bishops which could only be altered by amendment of the Measure itself.

In this regard, we hope that paragraph 20 of the illustrative Code will help to clarify for others as it has for us the distinction between the *delegation* of episcopal ministry and the *derivation* of that ministry. In terms of a theology of Holy Orders, a bishop's ministerial acts derive their character and authority from what is given in ordination and consecration. Permission to exercise that ministry lawfully in different specific contexts is conferred in a variety of ways, including for example (in the case of diocesan bishops) by Confirmation of Election and (in the case of suffragan bishops) by Instrument of Delegation under the Dioceses, Pastoral and Mission Measure.

There are, however, certain important questions of detail outstanding – including the complex issues around how a bishop receiving delegated authority in pastoral oversight of congregations with theological objections over women’s ordination as priests and bishops might be chosen. As things stand, we shall have to decide whether or not such matters are addressed in the Code; and this cannot finally be settled before 2013.

The House of Bishops does not wish to see any outcome that would entrench radical division or give any impression of a ‘two-tier’ episcopate. Because of their commitment both to this principle and to the most adequate and sustainable provision for theological dissent over the ordination of women, they are seeking a balanced provision within the overall framework that will allow all members of the Church of England to flourish and to pursue the mission to our nation and society that we share.

We are aware as bishops that there are very difficult decisions ahead for many of our clergy and faithful; we want to honour the desire of all who wish to remain loyal Anglicans, fully engaged in this mission. And we are not thinking in terms of a time-limited provision, mindful that such a suggestion was rejected at the Revision stage of amending the legislation under discussion.

In the light of our discussion, the House will continue to uphold these three principles:

- Bishops will continue not to discriminate in selecting candidates for ordination on the grounds of their theological convictions regarding the admission of women to Holy Orders;
- In choosing bishops to provide episcopal ministry under diocesan schemes for parishes requesting this provision, diocesan bishops will seek to identify those whose ministry will be consistent with the theological convictions concerning the ordination of women to the priesthood and episcopate underlying the Letter of Request;
- The archbishops and bishops commit themselves to seeking to maintain a supply of bishops able to minister on this basis. This will obviously have a bearing on decisions about appointments and on the role of bishops occupying the sees of Beverley, Ebbsfleet and Richborough (which will, as a matter of law, continue to exist even after the Episcopal Ministry Act of Synod has been rescinded).

How these issues should best be handled and whether there are implications for the text of the Code of Practice, of the Act of Synod that rescinds the existing Episcopal Ministry Act of Synod or indeed of the legislation itself will need very careful reflection. The bishops have not come to any settled view on these things. We recognize how important they are and are determined to give them the time and attention they need, having listened to the forthcoming Synod debates.

As bishops, we are very much aware that the Synod faces probably the most significant set of legislative decisions it has had to deal with for some twenty years. For most in the Church of England, what is in view is a deeply positive change, a great gift to the Church and its ministry in the twenty-first century; for others, who are no less valued and beloved brothers and sisters in the Body of Christ, there are deep concerns and uncertainties about the future. In these circumstances, we have to discern how best to take that responsibility for each other

that is laid upon us by our communion in Christ. Our prayer is that we can help one another forward, refusing to be imprisoned by a sense of burden and anxiety:

Have no anxiety about anything, but in everything with prayer and supplication, with thanksgiving, let your requests be made known to God. And the peace of God which passes all understanding, will keep your hearts and minds in Jesus Christ our Lord.

✠ Rowan Cantuar:

✠ Sentamu Ebor:

January 2012

Report of the Working Group

Introduction

1. The draft Bishops and Priests (Consecration and Ordination of Women) Measure ('the draft Measure') makes provision, in clause 5 of the current draft, for the House of Bishops to draw up and promulgate guidance on various matters in a Code of Practice.
2. When the draft Measure was introduced to the General Synod for First Consideration, it was accompanied (in the form of GS 1710) by an illustrative draft of the form of Code that might be made under the draft Measure in the form it then took. The Legislative Drafting Group had prepared this as a helpful guide to the form that a Code might eventually take. Subsequent amendment of the draft Measure in the course of its Revision Committee stage meant, however, that a new version of the Code would need to be prepared.
3. In its report of 30 April 2010 on the draft Measure and draft Amending Canon No 30 the Revision Committee, at paragraph 429 wrote as follows:

*'While it would, in principle, be possible for work on the Code to go into abeyance now until the legislative process is at an end we believe that that would be a mistake. **The majority of us, therefore, strongly recommend that the House of Bishops agrees now to establish a Working Group to develop a fresh draft of the Code in the light of this report and the changes we have made to the draft legislation.***

4. A majority of the Revision Committee went on to recommend that the group should consist not only of members of the House of Bishops but also of others who could bring different insights to bear. They recommended that the group should in particular draw on the expertise available from within the Revision Committee itself and that it should include women and men.
5. At its meeting in May 2010 the House of Bishops accepted these recommendations. We were subsequently appointed to advise the House on the terms of a possible draft Code of Practice consistent with the draft legislation as it had emerged from the Revision Stage in July 2010 and been referred to the dioceses under Article 8.
6. The composition of our group was established by the Standing Committee of the House to include a wide diversity of viewpoints. We have met on a total of 6 occasions. We found it particularly helpful to have the opportunity to engage directly with the House of Bishops at its meeting in May. We also had a valuable exchange with the Steering Committee at York in July.
7. The attached draft Code that we have prepared needs to be read alongside this short covering report, in which we attempt both to provide a commentary on the draft and to offer an account of points on which we have not been able to come to an agreed view. The fact that we have been unable to reach agreement on every issue is unsurprising given that the group encompasses the same range of opinion that can be found in the House, the Synod and the wider Church.

8. Nevertheless, we believe that the attached document discharges the mandate given to us to produce a draft Code consistent with the present form of the legislation. We very much hope that, together with our agreed analysis of the issues that we have found most difficult, it will be of assistance to the House and, in due course, the Synod.
9. There is one further preliminary point. It cannot be stressed too strongly that any draft of the Code must for some time yet remain just that - a draft. We have had to produce a text that is consistent with the draft legislation in the form in which it was referred to the dioceses. We have in addition identified some issues on which the House and the Synod will need to reflect very carefully before they eventually come to approve a Code.
10. But the legislative process itself is not yet at an end. If the reference to the dioceses secures the necessary approval the Final Drafting stage will then need to be taken, and the Article 7 procedures complied with, before the Final Approval stage can be reached. If the draft Measure achieves the necessary majorities at Final Approval it will need to be considered by the Ecclesiastical Committee of Parliament and approved by both Houses. It will only be once that has happened and the Royal Assent has been given that the House of Bishops will finally be able to come to a view on the text of the draft Code that it wishes to submit to the General Synod for approval.
11. And it is only if that point is reached that the Synod itself will have to take a view on the Code, including on any amendments that Synod members might want to propose at that point. The draft Measure provides that a Code is agreed only when the text has been agreed both by the House and by the Synod.
12. It follows that at this stage any text can still only be seen as *illustrative* of the form that the Code may take.

Framework of the legislation

13. Our starting point was to understand clearly the framework established by the draft Measure. Its key elements are that:
 - the Synod may make a Canon allowing women to become bishops;
 - every diocesan bishop must make a scheme containing arrangements for the exercise of certain aspects of episcopal ministry by a male bishop for those parishes whose PCC requests it;
 - the episcopal ministry provided by the male bishop must be of such a kind as appears to the diocesan bishop to relate to the celebration of the sacraments and other divine service and the provision of pastoral care;
 - the exercise of such ministry must be by way of delegation from the diocesan bishop; and
 - the making of diocesan schemes, and the exercise of other functions within the Church, must have regard to guidance contained in a national Code of Practice made by the House and approved by the Synod.
14. When considering the interaction between any Code and the legislation itself there are a number of points arising from this framework which we have found it helpful to keep in view.

15. First, the obligation to make a diocesan scheme is a duty imposed on all diocesan bishops, irrespective of their gender, convictions or practice in relation to the ordination of women as priests or bishops. This may at first sight appear counter intuitive since, in practice, the way in which arrangements will operate in particular dioceses if the proposed legislation comes into force will, no doubt, vary a good deal in relation to a whole number of considerations (including the nature of the dioceses and the identity of the bishops).
16. As we understand it, however, the reason which led the Revision Committee to propose - and the Synod to accept - that the obligation to produce diocesan schemes should apply across the board was to avoid creating different sorts of duties on the face of the legislation which varied according to the gender, conviction or practice of the diocesan bishop.
17. Secondly, the legislation requires that diocesan schemes make arrangements for certain aspects of episcopal ministry to be provided by a male bishop for those parishes whose PCC so requests. At the same time, the exercise of this ministry must be by way of delegation from the diocesan bishop.
18. We have had to take some care, with help from the Legal Office, to tease out what these carefully balanced provisions mean in practice. **On the one hand, the diocesan scheme must provide for the exercise of certain aspects of episcopal ministry by a male bishop where that is requested;** this is a point on which the diocesan bishop and the diocesan synod have no discretion.
19. In addition, we have been advised that the reference in clause 2(1) of the draft Measure to episcopal ministry '*which appears to the bishop of the diocese to relate to - (a) the celebration of the sacraments and other divine service ... or (b) the provision of pastoral care*' does not give the diocesan bishop the power to pick and choose which functions within those categories to delegate. The duty on him is an objective one. He/she must delegate all the functions which, properly advised, appear to him/her to 'relate to' (which is a wide expression) the specified aspects of episcopal ministry.
20. In other words the phrase '*which appears to the bishop*' is designed to reduce the risk of litigation, by making the diocesan bishop the judge of the matter - in a legal sense - rather than conferring a discretion as to the range of functions within the prescribed categories to be delegated.
21. **On the other hand, the exercise of ministry is by way of delegation.** Such delegation does not restrict or impair the authority of the diocesan bishop in any way. He or she remains entitled to exercise all the functions delegated to the male bishop even though, in practice, he or she will need to leave some of them to be exercised by the male bishop if the express needs of the parish are to be met. We have more to say about this below in our remarks on Annex 2 of the draft Code.
22. Thirdly, it quickly became apparent to us that it was difficult to shape the Code without forming a view on the desired balance between commonality and variety as between individual diocesan schemes. Even before our discussion with the House in May we had therefore sought and obtained guidance from it in December 2010.

23. The clear view of the House was that while diocesan schemes were, by their nature, designed to allow for some variation in the light of local circumstances, it was important to seek to secure a common approach in relation to the most significant issues.
24. Thus we have produced a draft Code which, while leaving space for the practical outworkings to vary from place to place, seeks to give clear guidance on the important issues. That will mean that parishes should be able to have similar expectations of how bishops will respond to Letters of Request across the Church of England. That is because everyone in the Church of England who exercises any kind of ‘function’ (as defined in the draft Measure) will be under a statutory duty to have regard to the guidance contained in the Code. That means, as the draft Code explains, that they will only be able to depart from that guidance if they have cogent reasons for doing so.

The shape of the draft Code

25. The draft Code is in three parts. **Part 1** provides an introduction which attempts to establish the context of the Code (including its legal status) and its underlying approach. While the Code needs to be read alongside the legislation we thought that it would be helpful for the introduction to explain the thinking underlying the legislation.
26. Despite its relative brevity we have spent a good deal of time attempting to strike the right tone and balance in the introduction. The explanation for the provision made for those with theological difficulties over the episcopal and priestly ministry of women can too easily imply a level of anxiety and caution which is far removed from the view of those who have given the legislation their enthusiastic support and regard the admission of women to the episcopate as a source of joy. The House and in due course the Synod will want to reflect carefully on whether we have struck the right balance.
27. **Part 2** is the most substantial section of the Code, dealing as it does with episcopal ministry, including the making, reviewing and content of diocesan schemes, the legal authority for the exercise of episcopal ministry exercised by delegation, provision for the ordination of women and for the support of female clergy in dioceses where the bishop will not ordain women, other matters to be addressed in a diocesan scheme and matters relating to Letters of Request.
28. The issue here which has caused us greatest difficulty concerns what to say about the choice of bishop who is to exercise episcopal ministry by delegation from the diocesan bishop. We are agreed on what is said at paragraph 40 of the draft Code. But we are not agreed on whether something additional to this ought to be said and if so what it should be. We discuss this at greater length at paragraphs 46-60 below.
29. We considered carefully whether at the end of Part 2 we should include some guidance concerning particular arrangements that might be needed in the event of the consecration as a bishop of someone who will not ordain women to the office of priest. After much discussion we concluded that this was a matter on which we could make no clear recommendation to the House.

30. In coming to this conclusion we were mindful that it is one of the defining elements of the roles of each archbishop that they are the principal consecrator at the ordination of bishops in their province. While that task may, with their agreement, be undertaken by others when, for whatever reason, an archbishop is unavailable, it would raise new and quite different issues to provide in the Code that, in certain circumstances, the archbishop should be *expected* to cede the role of principal consecrator to someone else.
31. In making no recommendation on this matter we nevertheless acknowledge that there are unresolved issues to be addressed. Come the day when a woman is appointed as archbishop there would clearly be a manifest difficulty over consecration arrangements for anyone who, as a matter of conviction, was unable to accept the priestly or episcopal ministry of women, if a female archbishop were to be the principal consecrator. And even in advance of that the presence of female bishops as co-consecrators at services presided over by a male archbishop may be problematic for some.
32. These are, therefore, matters that we believe the House itself will need to consider further with a view to sharing its thinking with the Synod. It may be helpful if the House, at the same time, sets out its assessment of the implications more generally of the disappearance of the Episcopal Ministry Act of Synod 1993, which is due to be rescinded once the legislation and the Code are ready to be brought into force.
33. The duty on the Archbishops to secure the appointment of ‘provincial episcopal visitors’ derives from the Act of Synod and will disappear once the Act has been rescinded. As a matter of law, however, the sees of Beverley, Ebbsfleet and Richborough will continue to exist independently of the Act of Synod. So, there are some issues here which have still to be addressed.
34. **Part 3** of the draft Code deals with priestly ministry, providing advice on a number of issues relating to Letters of Request during a Vacancy. Again, at paragraph 126, there is an issue - similar to the issues discussed further below in relation to the choice of male bishop - concerning the selection of the male priest to be appointed as incumbent or priest in charge.
35. We have here, tentatively, inserted some possible words which are intended to guide all concerned in parochial appointments to respect the theological convictions which formed the basis on which the Letter of Request during the Vacancy was issued.
36. In other words, where a traditional catholic parish issues a Letter of Request during a Vacancy those concerned with making the appointment should not simply see their responsibilities as having been discharged by appointing a male priest as incumbent or priest in charge. That, while necessary, will not in some cases be sufficient. Nevertheless, a final view cannot be taken on this paragraph independently of the wider point discussed below about the choice of male bishop.
37. At **Annex 1** we thought that it would be helpful to set out an outline of the form that a diocesan scheme might take. We have distinguished here, by way of asterisk, between provisions which should be contained in every diocesan scheme and others which may be required only in certain cases.

38. **Annex 2** identifies those functions exercised in furtherance of episcopal ministry which relate to the celebration of the sacraments and other divine service. Because of their much broader scope we have not attempted to identify functions which relate to the provision of pastoral care - the other category of episcopal functions for which provision must be made under diocesan schemes.
39. The present text of Annex 2 is the last of several drafts which we considered. As explained above, the interaction between the diocesan bishop, whose jurisdiction is unimpaired, and the male bishop who must also be allowed to exercise certain functions by way of delegation is, in terms of jurisdiction, quite clear; yet in terms of practical outworking it is quite subtle.
40. We did consider whether it might be better not to produce any list of functions at all, given the dangers of being over-prescriptive. But in discussion we recognised that dioceses would not be able to draw up diocesan schemes without carrying out the sort of analysis that we have had to do and it seemed to the majority of us that it would be helpful, therefore, to include the fruits of our work in quite detailed guidance in the Code.
41. What we have done is to identify a list of functions which, whilst the diocesan bishop will remain legally entitled to undertake them, should normally be left to be undertaken by the bishop exercising episcopal ministry by delegation. Unless this happens, the requirements of the Measure will not be met, and the needs of the parish will be frustrated.
42. We have, in addition, included a longer list of functions which, while the male bishop cannot be excluded from them, may in practice be shared with the diocesan bishop in a variety of ways. As we explain, this sharing might involve in some ways the function in question being exercised jointly by the diocesan bishop and the male bishop exercising episcopal ministry by delegation. In other cases it might be exercised by the male bishop alone but only with the concurrence of, or after consultation with, the diocesan bishop.
43. In relation to the provision of pastoral care a similar variety of sharing arrangements will be sensible, provided always that the diocesan bishop does not divest him/herself of responsibility for these aspects of episcopal ministry and that the male bishop is not excluded from involvement in them.
44. It will, of course, be open to dioceses, in diocesan schemes, to provide for male bishops to exercise a wider range of functions than those specified in the Measure. In addition diocesan bishops may, of their discretion, delegate additional functions whether or not this is provided for in the diocesan scheme.
45. **Annexes 3-6** provide specimen forms of various documents, namely a Letter of Request, a form of notice under section 3(3) of the Measure, a form of notice under section 3(16) of the Measure and a form of a Letter of Request during a Vacancy.

The choice of male bishop

46. The Measure will require that the special arrangements made under diocesan schemes should involve delegation *“to a male bishop who is a member of the House of Bishops*

of the diocesan synod of that or another diocese”. Thus, in law, the two necessary qualifications for exercising the delegated responsibilities are (a) to be male and (b) to be in active ministry, rather than a retired assistant bishop (since in addition to the diocesan and suffragan bishops the house of bishops of diocesan synod only comprises bishops ‘working’ in the diocese).

47. The draft Measure originally produced by the Legislative Drafting Group included a provision for the archbishop to designate certain suffragan sees which would be filled only by those who had declared that they would not ordain women to the priesthood. This was to recognise the fact that, while gender is the key issue for those evangelicals with a particular view of ‘headship’, it is a necessary but not a sufficient requirement for traditional catholics; for them what matters is a ministry that derives from a consistent pattern of ordination and sacramental life.
48. The Revision Committee removed these provisions from the draft Measure, in response to very strong representations that such an approach would, in effect, create two classes of bishop within the Church of England. It was also argued that legislative provision which appeared to acknowledge the concept of ‘pedigree’ would sit very uneasily alongside the Church of England’s corporate understanding that those ordained within it were both lawfully and truly ordained to the respective orders of ministry.
49. In its report, the Revision Committee recognised, however, that there remained a question over what bishops should do in practice when faced with a request from a traditional catholic parish that asked for episcopal and priestly ministry, not only from a man but one ordained by a man. Should this be a matter left to the judgement of the individual bishop or should there be a consistent national approach to the issue? And what, if anything, should the Code of Practice say on this point?
50. The Revision Committee observed that it had not thought it right either to encourage, or preclude, in the Measure an expectation that the diocesan bishop should respond positively to such a request, reporting that there were differing views among its members as to how the bishop should act in that situation and what (if anything) the Code should say on the subject.
51. Given the difficulty of this subject it may, for ease of reference, be helpful to quote the words of the Revision Committee report in full:

‘449. Thirdly, we need to report the view put to us in the latter stages of our work that we have come up with a solution that may possibly work for some, though by no means all, conservative evangelicals but will simply not do for traditional catholics. While the issue of jurisdiction as against delegation is important for both, there is also for traditional catholics the further issue of sacramental assurance. (See paragraphs 179 to 189 above.) It is argued that the revised draft Measure fails to safeguard that.

450. This argument flows from the fact that, for those conservative evangelicals for whom headship arguments are significant, the crucial requirement is to have episcopal oversight from a man. By contrast, by virtue of their theology and ecclesiology, for traditional catholics the requirement is that the bishop (and

indeed the priest) must not only be a man but a man who has himself been ordained by a man.

451. *Indeed, some traditional catholics would go further and say that it must be a man who has been ordained by a man who does not ordain women. This, it is argued, is not because of any theology of 'taint' but because, by being part of an episcopal or presbyteral college with women, a bishop is necessarily in impaired communion with those of traditional catholic convictions.*
452. *We have wrestled hard with this issue given its manifest importance to a valued part of our Church. We take seriously the words of the 1998 Lambeth Conference resolution that both those who support and those who cannot accept the priestly and episcopal ministry of women are 'loyal Anglicans.'*
453. *Legislation to institutionalise arrangements which would involve treating ordained ministers of the Church of England differently according to their ordination pedigree or to whether they took part in ordaining women to the priesthood or episcopate would be objectionable for the majority of the Committee's membership. In consequence clauses 2 and 3 of the draft Measure, relating to declarations and special suffragan sees, are no longer part of the revised draft Measure.*
454. *This does, however, leave open the question of what diocesan bishops should in practice do if a traditional catholic parish issues a Letter of Request for another bishop to exercise oversight and, in the subsequent discussions, makes it clear that it is looking for oversight not simply from a man but from a man ordained by another man.*
455. *If, for example, traditional catholics decide to form a voluntary society in which episcopal and priestly membership is confined to men who have been ordained by men – or indeed by men who do not ordain women – could parishes expect that the diocesan bishop would meet their declared need for those ministering to them as priests and bishops, albeit by way of delegated authority from the diocesan bishop, to be members of the society?*
456. *This is not something that we have thought it right either to encourage or preclude in the legislation. There would be differing views among us as to how we would wish a diocesan bishop to act in this situation and what if anything the Code of Practice should say on the subject.*
457. *What is, however, clear to us is that if the legislation that emerges from the Revision Stage is still based on delegation from the diocesan bishop the issue of sacramental assurance is still one on which the Synod will expect to hear more from the House of Bishops before the legislation comes for Final Approval. Would the House think it right for there to be a diversity of approach across dioceses – perhaps depending on the views of individual diocesan bishops – where parishes ask for a priest or bishop who can meet their need for sacramental assurance? Or would the House see this as a matter on which a consistent approach was indicated?'*

52. It is perhaps not surprising that the Group, like the Revision Committee before it, has not been of one mind on this issue. None of us would wish to argue that, when faced with a Letter of Request, a diocesan bishop should pay no heed to the particular needs and convictions of the parish concerned. That would be inconsistent with the responsibilities of the diocesan bishop as chief minister and pastor of the diocese.
53. Where, however, we have been unable to come to a common mind is on what, if anything, the Code should say. In theory the range of possibilities extends from saying nothing at all to giving guidance that, where parishes so request, the diocesan bishop should choose a bishop holding a suffragan see that has been designated by the relevant archbishop (or perhaps the House of Bishops) or is perhaps a member of a recognised society.
54. At varying points along the spectrum between these points are the possibilities of including guidance which would attempt to capture the nature of the episcopal ministry being sought, rather than referring to particular categories of bishop, or alternatively something shorter and even more general which would nevertheless signal that, in some circumstances, maleness would be necessary but not sufficient.
55. There is a genuinely difficult dilemma here because, on the one hand, there is real concern about the implications of including in any document forming part of the Church's formal legal framework the notion of two classes of bishop or the concept of pedigree. There is also a concern to preserve the genuine discretion of diocesan bishops and the ability for diocesan schemes to adopt a variety of solutions for varying situations.
56. On the other hand there is the awareness that, while there are those for whom nothing short of a Measure conferring an ordinary jurisdiction will suffice, there are also those who want, if at all possible, to remain within the Church of England as loyal Anglicans and are looking for a signal in the Code of Practice that they are not to have to rely solely on decisions taken by individual bishops under individual schemes, diocese by diocese. Some of us on the Group, therefore, attach importance, if the legislation is to remain in its present form to including some guidance on this matter within the Code.
57. During our discussion with the Steering Committee in York in July we explored possible formulations which fell short of the specificity sought by some but nevertheless gave some guidance on the point. In the light of that discussion we have identified one formulation which might at least be worth some further consideration.
58. It would be inserted after paragraph 40 of the present draft and read as follows: '*A diocesan scheme should provide that the arrangements for bishops who will exercise their ministry by delegation respect the theological convictions concerning ordained ministry which formed the basis upon the Letter of Request was issued*'.
59. The case for a formulation along these lines would be that it signalled on the face of the Code that for some parishes which issued a Letter of Request the underlying ecclesiological issues went beyond those simply of gender.
60. We record this possible formulation not to commend it but to show our workings, in the hope that they will be of assistance to those who will have to wrestle with these issues

further in the light of our report. Some of us continue to believe that a formulation of this kind does not go far enough and others remain of the view that the Code should remain silent on this point.

Conclusion

61. We have completed the task that we were given. For the reasons given at the beginning of this short report, further detailed consideration of the Code needs to wait now until final decisions have been taken on the draft legislation.
62. But we hope that the draft Code that we have produced and this account of the issues that remain unresolved will help all concerned to see how the various pieces of the legislative jigsaw – the Measure, the Canon and in due course a Code of Practice – might fit together.

The Right Reverend Nigel Stock (Chair)
Dame Averil Cameron
The Right Reverend Christopher Cocksworth
The Venerable Christine Hardman,
The Reverend Angus MacLeay
The Venerable Jane Sinclair,
Mrs Caroline Spencer
The Right Reverend Martin Warner

October 2011

**ILLUSTRATIVE DRAFT CODE OF PRACTICE
TO BE MADE BY THE HOUSE OF BISHOPS
UNDER SECTION 5 OF THE BISHOPS AND
PRIESTS (CONSECRATION AND
ORDINATION OF WOMEN)
MEASURE 20[--]**

DEFINITIONS AND INTERPRETATION

In the Code the following expressions have the following meanings:

- ‘the Act of Synod’ means the Episcopal Ministry Act of Synod 1993;
- ‘the Measure’ means the Bishops and Priests (Consecration and Ordination of Women) Measure 20[--];
- ‘the 1986 Measure’ means the Patronage (Benefices) Measure 1986;
- ‘the 1993 Measure’ means the Priests (Ordination of Women) Measure 1993;
- ‘bishop exercising episcopal ministry by delegation’ means a male bishop exercising episcopal ministry by delegation in accordance with a diocesan scheme;
- ‘the bishop’s council’ means the bishop’s council and standing committee of the diocesan synod established in accordance with its standing orders;
- ‘the Code’ means this Code of Practice;
- ‘diocesan scheme’ means a scheme made under section 2 of the Measure;
- ‘episcopal ministry exercised by delegation’ means ministry exercised by a male bishop by delegation in accordance with a diocesan scheme;
- ‘functions’ means any functions exercisable under any Measure of the Church of England or other enactment or any Canon or other instrument or otherwise, and includes powers and duties;
- ‘Letter of Request’ means a Letter of Request issued under section 3(1) of the Measure;
- ‘Letter of Request during a Vacancy’ means a Letter of Request during a Vacancy issued under section 3(3) of the Measure; and
- ‘PCC’ means the parochial church council of a parish.

The Code applies to a guild church designated and established under section 4 of the City of London (Guild Churches) Act 1952 as it does to a parish, reading references to the PCC as references to the guild church council of the guild church and references to the incumbent as references to the vicar of the guild church.¹

The Code applies to Crown benefices, and to any benefice the patronage (or a share in the patronage) of which is vested in the Lord Chancellor, in the same way as it applies to any other benefice.²

The Code does not apply to any parish of which a cathedral is the parish church.³

For the convenience of readers, the Code both describes the effect of the Measure and, in accordance with section 5(1) of the Measure, provides guidance on various matters for the purposes of the Measure. Where it describes a requirement of the Measure it uses mandatory language (eg ‘must’) and provides a reference to the relevant provision(s) of the Measure. Where it gives guidance it uses language that makes clear that a particular course of action is expected (eg ‘should’) or possible (eg ‘may’).

¹ Section 8(2) to (4) of the Measure

² Section 4

³ Section 8(1)

PART 1 - INTRODUCTION

Introduction

The admission of women to the episcopate

1. In deciding to admit women into the episcopate the Church of England has committed itself to opening all orders of ministry to men and women. It has done so out of a conviction that this is consonant with the faith of the Church as the Church of England has received it and a proper development in proclaiming afresh in this generation the grace and truth of Christ.
2. This decision follows a long process of discernment within the Church of England, underpinned by theological study. It is intended as a renewal of Christian practice, consistent with Scripture and the dynamics of the Gospel. The Church of England regards those whom it has ordained as priests, and consecrated as bishops, as priests and bishops in the Church of God.
3. The Church of England's decision forms part of a broader process of discernment within the whole Church concerning the admission of women to all orders of ministry. A number of other Churches within the Anglican Communion and some of the Church of England's ecumenical partners have also abolished any gender distinction in their choice and selection of ministers. Nevertheless, there remain churches within the Anglican Communion where one or more orders of ministry is not open to women. In addition, two great Christian traditions – the Roman Catholic and the Orthodox – continue to ordain only men as priests and bishops.
4. Against that background, the Church of England has committed itself to seeking to ensure that those who, as a matter of theological conviction, remain unable to receive the ordained ministry of women as priests and bishops should be able to receive pastoral and sacramental care in a way that is consistent with that conviction. That conviction remains within the spectrum of Anglican teaching and tradition and is deserving of respect.
5. The legislation enabling women to become bishops within the Church of England has sought to enshrine these principles.
6. Respect and graciousness will be necessary from everyone if the Church of England is successfully to be able to sustain a diversity of arrangements unique in Christian history. The Church of England has, for many centuries, had a tradition of encompassing, within the limits of its liturgies, formularies and order, an unusually wide range of convictions on matters of faith and order. Since the first women were ordained to the priesthood by it in 1994, the Church of England has drawn on this tradition in order to find practical solutions to dilemmas which may, at first sight, have appeared insoluble.
7. The admission of women to the episcopate creates a new set of challenges and opportunities which will, similarly, need to be worked through in a spirit of partnership, grounded in Christian charity and mutual respect. The House of Bishops remains

committed to maintaining the highest possible degree of communion within the Church, especially within its own collegial life.

Parity of esteem

8. The Church of England remains committed to Resolution III. 2 of the Lambeth Conference 1998 “*that those who dissent from, as well as those who assent to, the ordination of women to the priesthood and episcopate are both loyal Anglicans.*”
9. It follows that, other than where differences of treatment are a necessary consequence of the arrangements provided for by the legislation and the Code, all office holders and others exercising functions within the Church of England should exercise their responsibilities even-handedly and without reference to a person’s gender or to their convictions in relation to the ordination or consecration of women.
10. In particular, except as is necessary to give effect to arrangements provided for by the Measure and the Code, no candidate either for ordination or for appointment should be treated differently by any person or body in the Church of England on the grounds of their gender or their convictions concerning the ordination or consecration of women.

The role of the Code

11. The Code cannot attempt to cover every situation that may arise. In drawing it up, the House of Bishops has, however, sought to provide as much clarity and precision as possible, conscious as it is that both are important prerequisites for the creation of the trust and respect that are required.
12. There were many calls during the long series of Synod debates over women in the episcopate for there to be more trust and less prescription. An excess of regulation can, indeed, be inimical to creating a climate of trust.
13. Equally, too much uncertainty over rights, responsibilities and expectations can impoverish the soil in which trust is expected to grow. In the Code the House of Bishops has attempted to cover all those areas where it believes that the duty to ‘have regard to’ the provisions of the Code, imposed by section 5 of the Measure on all those discharging functions within the Church of England, should apply.
14. The expectation of the House is that bishops and others exercising functions within the Church of England will consistently act in accordance with the provisions of the Code. If in a particular instance and after careful consideration, they do not do so, they will need to be able to point to ‘cogent reasons’ (in the sense explained in paragraph 16 below) arising from the particular circumstances concerned.
15. This is because, although the contents of the Code are not binding in law in the same way as provisions contained in a Measure would be, a decision of the House of Lords⁴ makes clear that a statutory code of practice represents guidance that has to be considered with “*great care*”. It “*is much more than mere advice which an addressee is free to follow or not as he chooses.*”⁵ The House of Lords also acknowledged it to

⁴ *R (on the application of Munjaz) v Mersey Care NHS Trust* [2005] UKHL 58

⁵ *Ibid*, per Lord Bingham at paragraph 21

remain the case that the content of a statutory code of practice does not have the binding effect which a statutory provision or a statutory instrument would have.

16. What this means is that where there is more than one reasonable view as to the right policy to be adopted, it remains lawful for a decision-maker to adopt a policy that is different from the policy contained in a statutory code, provided that he or she can give “*cogent reasons*” for doing so – that is to say, provided that he or she can provide reasons that are spelled out clearly, logically and convincingly. “*The requirement that cogent reasons must be shown for any departure from [a statutory code] sets a high standard that is not easily satisfied*”.⁶ If a decision-maker cannot satisfy that standard, his or her decision is liable to be set aside by the High Court on an application for judicial review.

Episcopal ministry and delegation

17. The Measure provides for the making of diocesan schemes containing arrangements for the exercise by a male bishop, by way of delegation, of specified aspects of episcopal ministry in relation to parishes which have requested such arrangements. In understanding the nature and implications of the delegation of episcopal ministry under a diocesan scheme, it may be helpful to bear the following considerations in mind.
18. First, although a diocesan scheme must provide for the delegation of certain aspects of episcopal ministry to a male bishop, such delegation does not restrict or impair the authority of the diocesan bishop in any way: he or she remains *entitled* to exercise all the functions delegated to the bishop exercising episcopal ministry by delegation, even if he or she chooses not to do so.
19. Secondly, whilst certain episcopal functions exercisable in furtherance of episcopal ministry which relates to the celebration of the sacraments and other divine service will need in practice to be left to be exercised by the bishop exercising episcopal ministry by delegation, many such functions can be shared by the diocesan bishop and the bishop exercising episcopal ministry by delegation. (For further details, see paragraphs 43 to 46 and Annex 2.)
20. Thirdly, the Measure requires that the episcopal ministry exercised under a diocesan scheme be exercised by delegation from the diocesan bishop. That delegation is not, however, the basis of the episcopal character of the acts of the bishop exercising episcopal ministry by delegation: that is derived from his episcopal orders, conferred at his ordination and consecration as a bishop in the Church. Rather, delegation can be seen as giving the bishop exercising episcopal ministry by delegation the permission for him lawfully to act as a bishop in a particular context – in this case, that of the arrangements under a diocesan scheme.

⁶ *Ibid*, per Lord Hope at paragraph 99

PART 2 – EPISCOPAL MINISTRY

Schemes under section 2 of the Measure

Making a diocesan scheme

21. Every diocesan bishop must make and publish a scheme containing arrangements in his or her diocese for the exercise, by way of delegation to a male bishop who is a member of the House of Bishops of the diocesan synod of that or another diocese, of episcopal ministry which relates to (a) the celebration of the sacraments and other divine service in parishes which request such arrangements in accordance with section 3 of the Measure and (b) the provision of pastoral care to the clergy and parishioners in those parishes.⁷ A diocesan scheme may include such additional arrangements (if any) for the exercise of delegated episcopal ministry as the diocesan bishop thinks fit.⁸
22. Every diocesan bishop in office at the date on which section 1 of the Measure comes in to effect must make a diocesan scheme within 12 months of that date. But if the see is vacant at that date, the next diocesan bishop must make a scheme as soon as reasonably practicable and, in any event, within 12 months of the confirmation of his or her election.⁹
23. When making a diocesan scheme, the bishop must—
 - take account of the Code; and
 - consult the diocesan synod.¹⁰

The publication of diocesan schemes

24. Once made, a diocesan scheme must be published.¹¹ To that end the diocesan bishop should cause it to be published on the diocesan website and send copies of it (or details of a link to it on the diocesan website) to the suffragan bishops, assistant bishops, archdeacons, registrar and diocesan secretary of the diocese. He or she should also send a copy to the secretary of the diocesan synod (if different from the diocesan secretary) with the request that it be reported to the synod. The diocesan bishop should also cause arrangements to be made so that copies of the diocesan scheme are available subsequently through the diocesan offices to anyone requesting a copy of it.
25. If the diocesan scheme is subsequently amended, the amended version should be published, and copies of it circulated, in the way described in the preceding paragraph.

The review of diocesan schemes

26. The diocesan bishop must review the diocesan scheme every five years.¹² When a new diocesan bishop is appointed he or she must review the diocesan scheme as soon as

⁷ Section 2(1)

⁸ Section 2(3)

⁹ Section 2(2)

¹⁰ Section 2(9)

¹¹ Section 2(1)

¹² Section 2(6)

practicable and, in any event, within 12 months of his or her confirmation of election.¹³ In that case, subsequent reviews by that diocesan bishop should take place within five years of the date of the review conducted following his or her appointment.¹⁴

27. The diocesan bishop should also review the diocesan scheme if the Code is amended, with a view to considering whether there is a need for any consequential changes to the diocesan scheme.
28. When reviewing the diocesan scheme, the diocesan bishop must consult the diocesan synod.¹⁵
29. When reviewing the diocesan scheme, the diocesan bishop must take account of the Code.¹⁶ He or she should also consider:
 - the general effectiveness of the arrangements made under the diocesan scheme in terms of the provision of delegated episcopal ministry for those who are unable, on grounds of theological conviction, to receive the episcopal ministry of women;
 - the continuing appropriateness of the provision made by the diocesan scheme for identifying the bishops who are to exercise episcopal ministry by delegation and the aspects of episcopal ministry which are to be delegated to them;
 - where the diocesan scheme makes provision for the ordination of women as priests and for the support and pastoral care of female clergy, the continuing appropriateness of that provision; and
 - whether the diocesan scheme should be replaced or amended.

The amendment of diocesan schemes

30. A diocesan bishop may amend a diocesan scheme (including by revoking it altogether and replacing it by a new scheme) at any time, whether following a review required by the Measure or otherwise.¹⁷ However, in the interests of continuity a diocesan scheme should not be amended without good reason. Where the diocesan bishop proposes to amend the diocesan scheme, he or she must take account of the Code and consult the diocesan Synod (even if the amendment is being proposed otherwise than as a result of a review required by the Measure).¹⁸
31. An amended diocesan scheme should be published, and copies of it circulated, in the way described in paragraph 24 above.

Consultation with the diocesan synod and others

32. Where the diocesan bishop is required to consult the diocesan synod in relation to the making, amendment or review of the diocesan scheme he or she should:

¹³ Section 2(7)

¹⁴ Section 2(8)

¹⁵ Section 2(9)

¹⁶ Section 2(9)

¹⁷ Section 2(6)

¹⁸ Section 2(9)

- write to the bishop’s council:
 - where the bishop is proposing to make a diocesan scheme, setting out his or her proposals for the content of the scheme;
 - where the bishop is proposing to amend the diocesan scheme, setting out the proposed amendment(s); or
 - where the bishop is reviewing a scheme, seeking the diocesan synod’s views on the matters referred to in paragraph 29 above; and
 - asking that the bishop’s council arrange for the matter to be considered by the diocesan synod at a forthcoming meeting;
 - attend the meeting of the diocesan synod at which the matter is considered, in order to answer any questions and hear the views expressed in debate;
 - allow sufficient time for a formal response to be sent to him or her in writing by the bishop’s council on behalf of the diocesan synod following its consideration of the matter;
 - give careful consideration both to any views expressed in debate and to the diocesan synod’s formal response; and
 - write to the bishop’s council informing it of how he or she intends to proceed in the light of the views expressed by the diocesan synod.
33. It is important that the clergy and laity of the diocese, and in particular those most affected by the terms of the diocesan scheme, should have confidence in the process of consultation as a genuine exercise in drawing out, and listening to, the full range of opinion in the diocese. To that end the process should not be rushed. Since diocesan synods meet relatively infrequently, the diocesan bishop should therefore begin the process of consultation with the diocesan synod sufficiently early to permit it to be completed, in an effective way, in time for the bishop to comply with his or her obligation to make or review the diocesan scheme by the specified date.
34. Whenever the diocesan bishop is required to consult the diocesan synod he or she should also consult such other persons as, after seeking the views of the bishop’s council on the question, he or she may consider it appropriate to consult.
35. In addition, where the diocesan bishop is proposing to amend, or is reviewing, the diocesan scheme he or she should consult:
- the bishops who exercise episcopal ministry by delegation under the diocesan scheme;
 - the PCCs of parishes which have issued a Letter of Request;
 - where the diocesan scheme makes provision of the kind referred to in section 2(5), the female clergy of the diocese; and
 - such other persons as, after seeking the views of the bishop’s council on the question, the diocesan bishop may consider it appropriate to consult.

The form of diocesan schemes

36. A diocesan scheme should contain provision:
- for identifying the bishops who are to exercise episcopal ministry by delegation; and
 - for the aspects of episcopal ministry that are to be delegated.

37. An outline of the form of a diocesan scheme is set out in Annex 1.

The content of diocesan schemes – provision for identifying the bishops who are to exercise episcopal ministry by delegation

38. The Measure requires that bishops to whom delegation takes place under a diocesan scheme should be (a) a male and (b) a member of the House of Bishops of the diocesan synod of the diocese concerned or some other diocese.¹⁹ The purpose of the latter requirement is to ensure that the bishops acting under a diocesan scheme are not retired: a bishop who is not a diocesan or suffragan bishop can only be a member of the House of Bishops of a diocesan synod if ‘working’ in the diocese.

39. A diocesan scheme must accordingly provide for episcopal ministry to be exercised by a male bishop²⁰ who is:

- the diocesan bishop of another diocese of the Church of England;
- a suffragan bishop of the diocese;
- a suffragan bishop of another diocese of the Church of England;
- an assistant bishop of the diocese who is a member of the House of Bishops of the diocesan synod of the diocese; or
- an assistant bishop of another diocese of the Church of England who is a member of the House of Bishops of the diocesan synod of that other diocese.

The choice of bishop to exercise episcopal ministry by delegation

40. The diocesan scheme should provide either —
- that, unless the diocesan bishop makes alternative provision in a particular case²¹, episcopal ministry exercised by delegation will be exercised by a bishop or bishops identified in the diocesan scheme; or
 - that it will be for the diocesan bishop to identify, in the written notice sent to the secretary of the PCC under section 1(8) of the Measure, which particular bishop should exercise episcopal ministry by delegation under the diocesan scheme in relation to any particular parish whose PCC has issued a Letter of Request after taking account of the theological convictions on the grounds of which the Letter of Request was issued.

¹⁹ Section 2(1)

²⁰ A diocesan scheme may provide for episcopal functions to be exercised by more than one such bishop.

²¹ In which case that alternative would be identified in the written notice sent to the secretary of the PCC under section 1(8) of the Measure

The content of diocesan schemes – aspects of episcopal ministry for the exercise of which arrangements must be made in a diocesan scheme

41. The diocesan scheme must contain arrangements for the exercise of “*episcopal ministry which appears to the bishop of the diocese to relate to –*

- (a) *the celebration of the sacraments and other divine service in parishes which request such arrangements in accordance with section 3 [of the Measure], or*
- (b) *the provision of pastoral care to the clergy and parishioners in those parishes.*”²²

42. If the diocesan bishop wishes to include arrangements for the exercise of additional aspects of episcopal ministry, he or she may do so.²³ But he or she is not required to do so.

Arrangements for the exercise of episcopal ministry that relates to the celebration of the sacraments etc

43. The first type of episcopal ministry for the exercise of which a diocesan scheme must make arrangements is “*ministry which appears to the bishop of the diocese to relate to ... the celebration of the sacraments and other divine service in parishes [whose PCCs have issued a Letter of Request]*”. However, that requirement does not mean that delegated episcopal ministry relating to the celebration of the sacraments and other divine service in relation to parishes whose PCCs have issued a Letter of Request must be exercised by the bishop exercising episcopal ministry by delegation, to the exclusion of the diocesan bishop. Rather, it allows such ministry to be divided between the bishop exercising episcopal ministry by delegation and the diocesan bishop, provided that the arrangements are such as to further, rather than frustrate, the purpose of the Measure.

44. Annex 2 identifies particular functions which are exercisable in furtherance of “*episcopal ministry which ... relate[s] to ... the celebration of the sacraments and other divine service*”. They include functions which are not specific to the episcopal office, since the Measure refers to “*episcopal ministry*” rather than “*episcopal functions*”²⁴. The list in Annex 2 also includes functions which are wider than the celebration of the sacraments and other divine service as such, since the episcopal ministry concerned need only “*relate to ... the celebration of the sacraments and other divine service*”.

45. A diocesan scheme should provide for the particular functions referred to in Annex 2 to be exercised, in relation to a parish whose PCC has issued a Letter of Request, as between the bishop exercising episcopal ministry by delegation and the diocesan bishop.

46. Although the diocesan scheme should provide for the exercise by the bishop exercising episcopal ministry by delegation of all the functions referred to in Annex 2, it may

²² Section 2(1)

²³ Section 2(3)

²⁴ And section 8(1) of the Measure defines ‘episcopal ministry’ as including “*the ministry of a bishop when performing ministry which is also a ministry of a priest*”.

provide for the exercise of many of those functions to be shared by the diocesan bishop and the bishop exercising episcopal ministry by delegation. Such sharing might involve, for example, the function in question being exercised jointly by the diocesan bishop and the bishop exercising episcopal ministry by delegation, or being exercised by the bishop exercising episcopal ministry by delegation only with the concurrence of, or after consultation with, the diocesan bishop. But, to give effect to the purpose of the relevant provisions of the Measure, some of the functions will, in practice, need to be left to be exercised by the bishop exercising episcopal ministry by delegation.

Arrangements for the exercise of episcopal ministry that relates to pastoral care

47. The second type of episcopal ministry for the exercise of which a diocesan scheme must make arrangements is “*episcopal ministry which appears to the bishop of the diocese to relate to ... the provision of pastoral care to the clergy and parishioners in [parishes whose PCCs have issued a Letter of Request]*”.
48. Under Canon C 18.1 the diocesan bishop is “*the chief pastor of all that are within his diocese, as well laity as clergy*” - a responsibility which is, of course, shared with those parochial clergy who have the cure of souls in a benefice.
49. The diocesan scheme must accordingly provide for the exercise of that responsibility in relation to pastoral care, in so far as it relates to the clergy and parishioners in a parish whose PCC has issued a Letter of Request, by a bishop exercising episcopal ministry by delegation under the scheme. Again, there is no requirement that such ministry must be exercised by the bishop exercising episcopal ministry by delegation to the exclusion of the diocesan bishop. But in so far as the diocesan scheme gives the diocesan bishop a role in relation to the provision of pastoral care, that role must not be such as to frustrate the purpose of the Measure.
50. To that end, whilst the diocesan bishop continues to be entitled to provide pastoral care in relation to a parish whose PCC has issued a Letter of Request (even if he or she may choose not to do so out of respect for the theological convictions of the parish), the arrangements contained in the diocesan scheme should provide for pastoral care given by a bishop to such a parish normally to be given by the bishop exercising episcopal ministry by delegation.

Additional aspects of episcopal ministry for the exercise of which arrangements may be made in a diocesan scheme

51. As explained above, it is open to a diocesan bishop to include in the diocesan scheme arrangements for the exercise of aspects of episcopal ministry additional to those aspects which are referred to in section 2(1) of the Measure, should he or she wish to do so. However, he or she is not under any obligation, in law, to do that.
52. No purpose would be served in delegating additional aspects of episcopal ministry which a parish whose PCC had issued a Letter of Request would be content for the diocesan bishop to undertake. Thus the only additional aspects of episcopal ministry which a diocesan scheme should provide to be delegated would be ones which, on grounds of theological conviction, parishes would wish to see exercised by a bishop

exercising episcopal ministry by delegation under the diocesan scheme rather than by than the diocesan, or some other, bishop.

Multi-parish benefices

53. A diocesan scheme should make provision for any parishes in a multi-parish benefice whose PCCs have issued a Letter of Request to receive episcopal ministry exercised by delegation, even though some or all of the other parishes in the benefice are content to receive episcopal ministry from the diocesan bishop.
54. However, where some or all of the other parishes in the benefice are content to receive episcopal ministry from the diocesan bishop, the nature of the episcopal ministry exercised by delegation in relation to any parish whose PCC has issued a Letter of Request will need to reflect that fact.
55. In particular, as explained in paragraphs 67 and 68 unless all the parishes in the benefice have issued a Letter of Request, or the diocesan bishop so directs, the diocesan bishop (or anyone authorised by him or her to act on his or her behalf in that connection) will continue to be responsible for appointments to the benefice - but should work closely, in relation to any appointment, with the bishop exercising episcopal ministry by delegation.
56. More generally, the arrangements made by the diocesan scheme should recognise that the diocesan bishop (or some other bishop authorised by him or her) will continue to exercise episcopal ministry, including the celebration of the sacraments and other divine service, in relation to those parishes whose PCCs have not issued Letters of Request.
57. Whatever the precise nature of the arrangements made in the diocesan scheme, however, the need for the effective collaboration, in partnership, referred to in paragraph 60 is particularly important in the context of multi-parish benefices.

Legal authority for episcopal ministry exercised by delegation

58. The legal authority required to exercise episcopal ministry by delegation in parishes which have issued a Letter of Request is conferred on the bishop exercising that ministry by the diocesan bishop through the medium of the diocesan scheme. The extent of the authority so conferred is accordingly determined by the arrangements for that purpose that are contained in the particular scheme and in the written notice sent by the diocesan bishop to the secretary of the PCC under section 3(8) of the Measure.
59. When a diocesan bishop makes and publishes a diocesan scheme (or amends, or revokes and replaces, a diocesan scheme), he or she should send a copy of the diocesan scheme to the Church Commissioners, the Dioceses Commission and the diocesan registrar (who should file a copy in the diocesan registry).

The exercise of delegated episcopal ministry in accordance with arrangements under diocesan schemes

General

60. The nature of the working partnership between the diocesan bishop and a bishop exercising episcopal ministry by delegation under a diocesan scheme will, in practice, vary according to local circumstances and according to whether the bishop exercising episcopal ministry by delegation is another diocesan bishop, a suffragan bishop from a neighbouring diocese or a suffragan or stipendiary assistant bishop from within the diocese. However, whatever the precise nature of the arrangements, the overriding responsibility of all concerned should be to establish and maintain an effective collaboration, so that the different traditions of the Church represented in the diocese flourish alongside each other in mutual respect and in a joint commitment to work in partnership to further the mission of the Church.

The diocesan context

61. The diocesan bishop and any bishop exercising episcopal ministry by delegation under the diocesan scheme share responsibility for ensuring that the needs and interests of parishes which have issued a Letter of Request are fully taken into account in the formulation and implementation of diocesan policies.
62. Against that background:
- where the see of a bishop exercising episcopal ministry by delegation is not within the diocese, the diocesan bishop should invite him to become an assistant bishop in the diocese;
 - a bishop exercising episcopal ministry by delegation should also, where practicable, be invited to attend the diocesan bishop's senior staff meetings, in which it would be desirable for him to play as full a part as possible; and
 - the bishop exercising episcopal ministry by delegation should establish and maintain effective working relationships with the archdeacons, the diocesan board of finance and diocesan officers.
63. Decisions on matters of pastoral reorganisation should continue to be taken in relation to all parishes within the diocese by the diocesan bishop (except to the extent that he or she has delegated them to another bishop under the powers of delegation available to him or her). But in any case where proposals may affect a parish whose PCC has issued a Letter of Request, the bishop exercising episcopal ministry by delegation in relation to that parish should be consulted and any views that he expresses should be taken into account before a decision is taken.
64. Similarly, unless the diocesan scheme provides otherwise, the diocesan bishop (or anyone authorised by him or her to act on his or her behalf in that connection) will also continue to be responsible for the sponsorship of candidates for attendance at Bishops' Advisory Panels and for ordination training. But where candidates come from a parish whose PCC has issued a Letter of Request, or where candidates request it, the bishop exercising episcopal ministry by delegation will be responsible for their pastoral care.

65. In such circumstances it is accordingly important that both bishops should seek to come to a common mind on a candidate's suitability for training and subsequent ordination. Where such candidates are to serve their title in a parish that has issued a Letter of Request, or have themselves requested it, the bishop of the diocese in which they are to serve their title should arrange for them to be ordained by a bishop exercising episcopal ministry by delegation, in a location of the same type as that used for the ordination of those who accept the priestly and episcopal ministry of women.
66. Subject to what is said in the following paragraph, responsibility for appointments in a parish whose PCC has issued a Letter of Request will be a matter for the bishop exercising episcopal ministry by delegation. However, he should always consult – and secure the agreement of – the diocesan bishop (or anyone authorised by him or her to act on his or her behalf in that connection) before making any appointment.
67. Where the parish whose PCC has issued a Letter of Request is one of a number of parishes in a multi-parish benefice, the bishop exercising episcopal ministry by delegation will not necessarily be responsible for appointments to the benefice. If all the parishes in the benefice have issued a Letter of Request, or even if they have not but the diocesan bishop so directs, the bishop exercising episcopal ministry by delegation will be responsible for appointments to the benefice.
68. Where that is not the case the bishop with responsibility for appointments to the benefice will be the diocesan bishop. In such circumstances the diocesan should work closely in relation to any appointment with the bishop exercising episcopal ministry by delegation.
69. It is open to the diocesan bishop to provide in the diocesan scheme for the bishop exercising episcopal ministry by delegation to have, in relation to the clergy of a parish whose PCC has issued a Letter of Request, such powers as the diocesan bishop would normally exercise under the Clergy Discipline Measure 2003 or the Ecclesiastical Jurisdiction Measure 1963.
70. If the diocesan bishop wished to do that, it should be on the basis that the diocesan scheme should provide for the bishop exercising episcopal ministry by delegation to have to be supported in his responsibilities in that respect by the archdeacons, the diocesan registrar and other diocesan officers.
71. A further area in which the diocesan bishop might consider whether the diocesan scheme should make additional arrangements is in relation to the conduct of ministerial reviews for the clergy of a parish whose PCC has issued a Letter of Request. It is important that clergy in such parishes are subject to the same systems of review as clergy in other parishes in the diocese.
72. Thus in many cases it will be desirable for ministerial reviews of clergy in such parishes to be conducted by the same person(s) who conduct the reviews of clergy in other parishes (just as, for example, female archdeacons previously conducted ministerial reviews in parishes which had petitioned under the Act of Synod.) Nevertheless, responsibility for overseeing the ministerial review process and also, where necessary, engaging with any capability issues, may be matters for the delegation of which the diocesan bishop includes arrangements in the diocesan scheme.

73. It is important that, notwithstanding the role of the bishop exercising episcopal ministry by delegation, there should continue to be a single ‘blue file’ for clergy in a parish whose PCC has issued a Letter of Request, containing all relevant correspondence. To that end, copies of any relevant documentation should be supplied promptly by a bishop who does not hold the blue file to the bishop who does.

The parish context

74. The fact that, following the issue of a Letter of Request, a bishop is exercising episcopal ministry by delegation in relation to a parish does not remove or diminish the diocesan bishop’s role as the bishop of the diocese and Ordinary. However, for so long as a Letter of Request remains in force in relation to a parish, the diocesan bishop should not seek personally to exercise any aspects of episcopal ministry that are the subject of arrangements in relation to that parish for episcopal ministry by delegation.
75. It is the responsibility of the bishop exercising episcopal ministry by delegation in relation to a parish to encourage the parish to continue to play as full a part as possible in the normal life of the deanery and diocese and to co-operate fully with the archdeacons, the diocesan board of finance and diocesan officers.

The provincial context

76. Any bishop exercising episcopal ministry by delegation under a diocesan scheme may from time to time draw the attention of the archbishop of the province to any general issue relating to the operation of the Measure or the Code which seems to him to raise issues of principle. Such matters may include:
- any issue concerning the relationship between diocesan bishops and bishops exercising episcopal ministry by delegation under diocesan schemes; and
 - the compatibility of arrangements made in diocesan schemes with the Measure and the Code.

Provision for the ordination of women and for the support of the ministry of clergy who are women, or men ordained by women, and their pastoral care

77. If the diocesan scheme includes a statement that the diocesan bishop will not ordain women to the office of priest, the scheme must make provision for (a) the ordination of female candidates for the office of priest and (b) the support of the ministry of clergy who are women and their pastoral care.²⁵
78. So far as the ordination of women is concerned, the arrangements should provide for their ordination by a suffragan bishop of the diocese. If the diocese has no suffragan bishop, or no suffragan bishop who is willing to ordain women, the diocesan scheme may provide for an assistant bishop to ordain. In that event, it should provide for ordination by a stipendiary or full-time assistant bishop rather than by an assistant bishop whose role in the diocese is confined to the ordination of women. The

²⁵ Section 2(5)

arrangements should make provision for women to be ordained in the same types of location as those in which men are ordained.

79. As regards the support of the ministry of clergy who are women, or men ordained by a female bishop, the arrangements should as a minimum provide for there to be a diocesan adviser on the ministry of such clergy, who should be invited to report from time to time to the bishop's council. In addition to providing support to ordained women and those seeking ordination, the adviser should be responsible for drawing the diocesan bishop's attention to matters of concern affecting female clergy (whether generally or individually) and for making such related recommendations as he or she thinks fit. The adviser should also, as necessary, consult the bishop(s) whom the diocesan bishop has invited to conduct ordinations of women to the priesthood in the diocese.
80. Where the diocesan bishop has stated in the diocesan scheme that he will not ordain women to the office of priest, the diocesan scheme should also contain arrangements for the institution and collation of priests who are women if the diocesan bishop is unwilling to exercise that function himself.
81. As regards pastoral care, the diocesan scheme should provide for another bishop of the diocese to have a particular responsibility for the pastoral care of clergy who are women or men ordained by a female bishop. That other bishop (who should be a full time assistant or stipendiary bishop: see paragraph 78) should, where practicable, be invited to attend the diocesan bishop's senior staff meetings. Arrangements should be made for him or her to be assisted in his or her pastoral role by other clergy, such as the adviser on women's ministry.

Other matters to be addressed in a diocesan scheme

Individual clergy and licensed lay ministers

82. A diocesan scheme may contain arrangements which respect the theological convictions of individual clergy or licensed lay ministers serving in parishes whose PCCs have not issued a Letter of Request but who are personally unable to receive the episcopal ministry of a woman, by allowing them - should they make a formal request to that end - to receive at least certain episcopal functions from a bishop exercising episcopal ministry by delegation. To that end the diocesan scheme should identify the specific episcopal functions that would be undertaken in relation to such clergy and licensed lay ministers by the bishop exercising episcopal ministry by delegation.
83. Those functions should be ones which relate to the position of the cleric or licensed lay minister individually, rather than to that of the parish generally (since the position in the latter respect should not be altered unless its PCC has issued a Letter of Request.) Thus any such arrangements should be restricted to ones relating to the pastoral care, discipline and ministerial review of the clergy or licensed lay ministers who have formally requested such arrangements.
84. In making such arrangements the diocesan scheme may properly draw a distinction between the arrangements to be made for the incumbent or priest in charge and those to be made for other ministers ministering in the parish.

85. Any such arrangements should require the PCC of the parish to be consulted before the cleric or licensed lay minister makes a formal request for them and for the bishop to notify both the cleric and the lay minister concerned in writing of the nature of the arrangements and their duration, and of any subsequent amendment of them.

Non-parochial places

86. A diocesan scheme should, so far as possible, make arrangements for the clergy and regular worshippers in chaplaincies and other non-parochial places who, on grounds of theological conviction, cannot receive the priestly or episcopal ministry of women to receive episcopal ministry and pastoral care from a bishop exercising episcopal ministry by delegation on a broadly equivalent basis to that which is available in parishes whose PCCs have issued a Letter of Request.
87. Since the contexts of non-parochial places are many and varied, however, the diocesan scheme should provide adequate flexibility as to the nature of such arrangements, including from the point of view of the clergy and regular worshippers to whom they are made available, the nature of the episcopal ministry exercised by delegation to be undertaken under them and the person(s) or body (such as the governing body of the institution concerned) on whose application such arrangements should be made.

The issue and withdrawal of a Letter of Request

88. The issue of a Letter of Request is the mechanism by which the PCC of a parish requests that episcopal ministry and pastoral care should be provided by a male bishop to its clergy and parishioners in the parish in accordance with the diocesan scheme.²⁶

The basis for issuing a Letter of Request

89. A PCC may only issue a Letter of Request “*on grounds of theological conviction (whether of members of the council or of other persons)*”.
90. The grounds of ‘theological conviction’ in question must be relevant to the request that episcopal ministry and pastoral care should be provided by a male bishop - that is, they must give rise to a theological difficulty that relates to the consecration and/or ordination of women. Thus a PCC could, on grounds of theological conviction, legitimately issue a Letter of Request because the bishop of the diocese was a woman or because the bishop of the diocese was a man who participated in the consecration of women to the episcopate and/or who ordained women as priests. But a PCC could not issue a Letter of Request on the ground that it wished to receive episcopal ministry and pastoral care from a bishop other than the diocesan bishop simply because of disagreements with the diocesan bishop’s theological convictions.
91. However, the Measure expressly provides that the theological convictions on the basis of which a Letter of Request is issued need not be those of the members of the PCC. So, for example, it would be open to a PCC to issue a Letter of Request even if a majority of its members did not themselves have theological difficulties with the

²⁶ Section 3(1)

consecration of women to the episcopate, if it did so in order to respect the theological convictions of the minority of its members or of the worshipping congregation.

Procedure for the issue of a Letter of Request by a PCC

92. A PCC must not issue a Letter of Request unless:
- (a) the secretary of the PCC has given its members at least 4 weeks notice of the time and place of the meeting at which the motion proposing the resolution is to be considered; and
 - (b) either:
 - (i) at least two-thirds of the members of the PCC who are entitled to attend are present when the motion is considered; or
 - (ii) a majority of the members of the PCC who are entitled to attend vote in favour of the motion; and
 - (c) the incumbent or priest in charge votes in favour of the motion.²⁷

Form of a Letter of Request

93. A Letter of Request must be in the terms set out in Part I of Schedule 2 to the Measure (which is reproduced in Annex 3).²⁸
94. A Letter of Request must specify:
- the number of members who were entitled to attend, and the number that did attend, the PCC meeting at which the resolution to issue the Letter of Request was passed; and
 - the number of members who voted in favour of, and the number who voted against, the resolution.²⁹

Notification of a Letter of Request

95. The PCC must send a copy of the resolution to:
- the diocesan bishop;
 - the archdeacon of the archdeaconry in which the parish is situated;
 - the rural dean of the deanery concerned;
 - the lay chair of the deanery synod;
 - the diocesan registrar;
 - the designated office for the diocese under the 1986 Measure;
 - the registered patron of the benefice; and
 - the Chapter of the cathedral of the diocese (or, where there is a pro-cathedral, the body established to perform the functions of the Chapter under the Appointment of Bishops Act 1533).³⁰

²⁷ Section 3(10) and (12). If there is no incumbent or priest in charge this provision is inapplicable.

²⁸ Section 3(2)

²⁹ Section 3(15)

³⁰ Section 3(17)

The effect of the issue of a Letter of Request

The response by a bishop to the issue of a Letter of Request

96. The diocesan bishop must consider any Letter of Request issued by a PCC and, having:
- satisfied him- or herself that the requirements of section 3 of the Measure in relation to the issue of a Letter of Request have been complied with; and
 - taken into account the provisions both of the diocesan scheme and the relevant provisions of this Code

must send a written notice to the secretary of the PCC setting out arrangements to give effect to the Letter of Request which he or she considers to be in accordance with the diocesan scheme.³¹

97. Before sending the PCC the written notice setting out the arrangements to give effect to the Letter of Request, the diocesan bishop should inform him- or herself by consulting the PCC of the parish (either personally or through a representative) of the nature of the theological convictions on the grounds of which the Letter of Request has been issued.
98. The diocesan bishop must send a copy of both the PCC resolution and the notice he has sent to the PCC to all the persons and bodies referred to in paragraph 95 above (other than him- or herself).³² He or she should also send a copy of it to the bishop who is to exercise delegated episcopal ministry in the parish.

Effect of the issue of a notice under section 3(8)

99. Where a notice is issued by the diocesan bishop under section 3(8) a person discharging any function in relation to the parish or benefice concerned must not act in contravention of the notice.³³

Model form of notice

100. A model form of notice under section 3(8) is set out in Annex 4.

Duration of a Letter of Request

The duration of the effect of a Letter of Request

101. A resolution for a Letter of Request remains in force for a period of 5 years unless withdrawn before the expiry of that period.³⁴

The withdrawal of a Letter of Request

102. A PCC may at any time resolve to withdraw a Letter of Request before it expires, provided it meets the same requirements as are set out in paragraph 94 above.³⁵

³¹ Section 3(8)

³² Section 3(17)

³³ Section 3(18)

³⁴ Section 3(13)

Responding to the withdrawal of a Letter of Request

103. If a PCC withdraws a Letter of Request, the diocesan bishop must revoke the notice previously given by sending a further notice to the PCC.³⁶

Model form of further notice

104. A model form of further notice under section 3(16) is set out in Annex 5.

The issue of a further Letter of Request

105. A PCC can resolve to issue a further Letter of Request even though an earlier Letter of Request has expired or been withdrawn.³⁷
106. If it does so it must follow the same procedure as is described in paragraphs 94 to 97 above.

³⁵ Section 3(14)

³⁶ Section 3(16)

³⁷ Section 3(13)

PART 3 – PRIESTLY MINISTRY

The position as regards resolutions under the 1993 Measure

107. With the coming into force of the Measure, and the consequent repeal of the 1993 Measure, PCCs can no longer pass Resolutions A or B under the 1993 Measure. Parishes which, on grounds of theological conviction, are unable to receive the priestly ministry of women will therefore need, in future, to issue a Letter of Request during a Vacancy.
108. However, under transitional arrangements contained in the Measure, any resolution already passed under the 1993 Measure will remain in force until:
- (a) the PCC rescinds it (which it may do at any time);
 - (b) in the case of a resolution passed by the PCC of a parish in a multi-parish benefice, the PCC of any other parish in that benefice passes a resolution stating that it wishes the resolution to cease to have effect; or
 - (c) three years after the coming into force of the Measure (i.e. [*insert date*])

whichever first occurs.

109. For as long as a resolution continues in force under these transitional arrangements it will continue to be an ecclesiastical offence for a cleric to act, or permit any act, in contravention of it in any church or licensed building.³⁸

The purpose of a Letter of Request during a Vacancy

110. The issue of a Letter of Request during a Vacancy is the mechanism by which a parish may request, on grounds of theological conviction, that only a male priest should be appointed as incumbent or priest in charge of the benefice.
111. The approach of the Measure is different from the approach of the 1993 Measure. The latter allowed a PCC to pass a resolution which declared that it would not accept a woman as the minister presiding at or celebrating the Holy Communion or pronouncing the Absolution, or as the incumbent or priest in charge of the benefice or as a team vicar. It went on to make it an ecclesiastical offence for any cleric to act, or permit any act, in contravention of a resolution in any church or licensed building. Thus the 1993 Measure allowed a PCC to prevent a woman, as a matter of law, (a) from undertaking certain forms of ministry in the parish and (b) from being appointed as incumbent or priest in charge or as a team vicar.
112. In contrast, the Measure does not provide a mechanism to allow a PCC to do either of these things as a matter of law. In particular, the issue of a Letter of Request during a Vacancy does not prevent a woman from ministering in the parish as such. Thus even if the PCC of a parish had issued a Letter of Request during a Vacancy in advance of the most recent appointment, the minister having the cure of souls would, in law, be able in accordance with Canon C 8.2 to allow a female priest to celebrate the Holy Communion or pronounce the Absolution in the parish (including in a church school). However, out

³⁸ Section 5(b) Priests (Ordination of Women) Measure 1993

of respect for the theological grounds on which the PCC reached its earlier decision to issue the Letter of Request during a Vacancy, he should not do so unless the PCC passes a further resolution consenting to the female priest exercising her ministry in the parish in the way proposed. (The consent of the minister having the cure of souls would not be needed where the ministry of the female priest was authorised under the Extra-Parochial Ministry Measure 1967.)

The issue and withdrawal of a Letter of Request during a Vacancy

The basis for issuing a Letter of Request during a vacancy

113. A PCC may only issue a Letter of Request during a Vacancy “*on grounds of theological conviction (whether of members of the council or of other persons)*”.
114. The ‘theological convictions’ in question must be ones relevant to the request that only a male priest should be appointed as incumbent or priest in charge - that is, they must give rise to a theological difficulty that relates to the ordained ministry of women. Thus a PCC could not issue a Letter of Request during a Vacancy simply because it would prefer that a man were appointed as the incumbent or priest in charge.
115. However, the Measure expressly provides that the theological convictions need not be those of the members of the PCC. So, for example, it would be open to a PCC to issue a Letter of Request even if a majority of its members did not have theological difficulties with the priestly ministry of women, if it did so in order to respect the theological convictions of the minority of its members or of the worshipping congregation.

The circumstances in which a PCC can issue a Letter of Request during a Vacancy

116. A PCC may issue a Letter of Request during a Vacancy if:
 - (a) notice of a vacancy in the benefice to which the parish belongs has been sent to the secretary of the PCC under the 1986 Measure³⁹; or
 - (b) either (i) a suspension period is in force under section 67 of the Pastoral Measure 1983 or (ii) a restriction is in force under sections 24 or 69 of that Measure and (in either case) (aa) no priest in charge has been appointed or (bb) the priest in charge has left office (whether by reason of death or some other cause) or (cc) the bishop of the diocese becomes aware that that the priest in charge will shortly leave his or her office⁴⁰.
117. To ensure that the PCC will know if a Letter of Request during a Vacancy can be issued on the second of these grounds, where the priest in charge has died or the diocesan bishop becomes aware that the priest in charge will shortly leave office, the diocesan bishop must give the PCC of every parish belonging to the benefice notice of that fact or, in the case of circumstances other than death, such notice as he or she considers reasonable in all the circumstances.⁴¹

³⁹ Section 3(3)(a)

⁴⁰ Section 3(3)(b) and (4)

⁴¹ Section 3(5)

The procedure for the issue of a Letter of Request during a Vacancy

118. A PCC must not issue a Letter of Request during a Vacancy where notice of a vacancy has been sent to the PCC unless:
- (a) the motion proposing the resolution has been considered at a meeting of the PCC held under section 11 of the 1986 Measure; and
 - (b) either:
 - (i) at least two-thirds of the members of the PCC who are entitled to attend are present when the motion is considered; or
 - (ii) a majority of the members of the PCC who are entitled to attend vote in favour of the motion.⁴²
119. A PCC must not issue a Letter of Request during a Vacancy in the other circumstances in which that is possible unless:
- (a) the secretary of the PCC has given its members at least 4 weeks notice of the time and place of the meeting at which the motion proposing the resolution is to be considered; and
 - (b) either:
 - (i) at least two-thirds of the members of the PCC who are entitled to attend are present when the motion is considered; or
 - (ii) a majority of the members of the PCC who are entitled to attend vote in favour of the motion.⁴³
120. Where there is a priest in charge of the benefice, he or she and (if a member of the PCC) his or her spouse or civil partner must not attend any meeting of the PCC at which a motion to pass a Letter of Request during a Vacancy is to be considered.⁴⁴

The form of a Letter of Request during a Vacancy

121. A Letter of Request during a Vacancy must be in the terms set out in Part II of Schedule 2 to the Measure (which is reproduced in Annex 6).⁴⁵
122. A Letter of Request during a Vacancy must specify:
- the number of members who were entitled to attend, and the number that did attend, the PCC meeting at which the resolution was passed; and
 - the number of members who voted in favour of, and the number who voted against, the resolution.⁴⁶

⁴² Section 3(11) and (12)

⁴³ Section 3(10) and (12)

⁴⁴ Section 3(7)

⁴⁵ Section 3(6)

⁴⁶ Section 3(15)

Notification of the issue of a Letter of Request during a Vacancy

123. The PCC must send a copy of the resolution to:

- the diocesan bishop;
- the archdeacon of the archdeaconry in which the parish is situated;
- the rural dean of the deanery concerned;
- the lay chair of the deanery synod;
- the diocesan registrar;
- the designated officer for the diocese under the 1986 Measure;
- the registered patron of the benefice; and
- the Chapter of the cathedral of the diocese (or, where there is a pro-cathedral, the body established to perform the functions of the Chapter under the Appointment of Bishops Act 1533).⁴⁷

The effect of the issue of a Letter of Request during a Vacancy

The general position

124. Where a Letter of Request during a Vacancy has been issued, any person exercising functions in relation to the appointment of an incumbent or priest in charge of the benefice must take account of it.⁴⁸

125. The persons to whom this obligation applies, in the case of an appointment as such, include:

- the registered patron (or any person exercising the right of patronage on his or her behalf) in the case of the appointment of an incumbent;
- the bishop (and any person acting on his or her behalf) in the case of the appointment of an incumbent or a priest in charge;
- the archbishop of the province in the case of the appointment of an incumbent where the right of presentation is exercisable by him; and
- the parish representatives in the case of the appointment of an incumbent.

126. All such persons should respect the decision of the parish by exercising their respective responsibilities in such a way that the appointment of a male priest as incumbent or priest in charge (as the case may be) respects the theological convictions concerning ordained ministry which formed the basis upon which the Letter of Request during a Vacancy was issued.

127. To that end, a diocesan bishop who receives a Letter of Request during a vacancy should inform him- or herself by consulting the PCC of the parish (either personally or through a representative) of the nature of the theological convictions on the grounds of which the Letter of Request during a Vacancy has been issued.

128. Where a Letter of Request relating to episcopal ministry is in force in relation to a parish whose PCC issues a Letter of Request during a Vacancy, the bishop exercising

⁴⁷ Section 3(17)

⁴⁸ Section 3(9)

episcopal ministry by delegation in respect of the parish concerned will usually be the bishop with responsibility for the appointment. (See paragraphs 66 and 67 above.)

129. The implications of the issue of a Letter of Request during a Vacancy are not restricted to the formal appointment process as such: the obligation imposed by section 3(9) extends to any person exercising functions ‘in relation to the appointment of an incumbent or priest in charge’, an expression which extends to those exercising a wider range of functions.
130. Thus, in particular, those responsible for ensuring, during a vacancy, that the Holy Communion is celebrated regularly in the parish should respect the decision of the PCC by arranging for it to be celebrated only by a male priest if the celebration of the Holy Communion by a female priest would not be consistent with the theological convictions on the grounds of which the Letter of Request during a Vacancy was issued.

The position in relation to multi-parish benefices

131. The PCC of a parish comprised in a multi-parish benefice can issue a Letter of Request during a Vacancy in the same way as can the PCC of any other parish.
132. However, if the PCC of such a parish issues a Letter of Request during a Vacancy, the Measure does not provide for that to be determinative in relation to an appointment made to the benefice – and therefore of the situation with regard to the benefice as a whole. That being so, diocesan bishops and others concerned with appointments should seek to arrange for priestly ministry to be undertaken in the parish whose PCC has issued the Letter of Request during a Vacancy by a male priest, **in so far as it is practicable to do so**.
133. In deciding what is practicable from that point of view, the bishop should take account of the priestly resources that are available to make such arrangements – primarily from within the benefice, but also from elsewhere (e.g. under any diocesan arrangements in that respect contained in the diocesan scheme). As a minimum the bishop should seek to ensure the regular celebration of the Holy Communion in the parish by a male priest.
134. In the case of a team ministry, the bishop should not give a female priest a special cure of souls in respect of an area comprising the parish whose PCC has issued the Letter of Request during a Vacancy. The bishop should consider giving a special cure of souls in respect of that area to a male priest and in doing so should take account of the matters set out in paragraphs 129 and 130 above.
135. Any arrangements in a multi-parish benefice with a female incumbent or priest in charge should reflect the fact that the parish whose PCC has issued the Letter of Request during a Vacancy continues to form part of the benefice and therefore part of the cure of the incumbent or priest in charge, who remains entitled to exercise her priestly ministry in the parish even if – out of respect for the theological convictions of the parish – she chooses not to do so.

Other matters

Team vicars

136. The request contained in a Letter of Request during a Vacancy does not extend to the appointment of a team vicar.
137. However, a female team vicar should not be appointed to a team ministry established for a single parish if the PCC of the parish has indicated its desire, on grounds of theological conviction, that only a male team vicar should be appointed.
138. In the case of a team ministry established for a multi-parish benefice, a female team vicar should not be given a special cure of souls for any parish whose PCC has indicated a desire, on grounds of theological conviction, that only a male team vicar should be given such a cure.
139. The indication required to trigger the position described in paragraphs 137 and 138 above need not take any particular form provided that it is sufficiently clear and follows from a formal decision of the PCC.
140. Those concerned in the process for the appointment of a team vicar should accordingly take steps to establish, before the process begins, whether the PCC of any parish comprised in the area of a team ministry would wish to indicate its desire that only a male team vicar should be appointed or given a special cure of souls (as the case may be), allowing a reasonable opportunity for every PCC to consider the matter and indicate its view. In considering whether to appoint a male team vicar on that basis, those involved in doing so should take account of the matters set out in paragraphs 129 and 130 above.

Outline of the form of a diocesan scheme

An asterisk denotes provision which should be contained in every diocesan scheme

Recitals

* Reference to the scheme being made by the diocesan bishop under section 2 of the Measure after consultation with the diocesan synod.

Statement that the diocesan bishop will not ordain women to the office of priest

Where appropriate, a statement that the diocesan bishop will not ordain women to the office of priest.

Provision for identifying the bishops who are to exercise episcopal ministry by delegation

* Provision identifying the male bishops who are to exercise episcopal ministry by delegation in relation to parishes whose PCCs have issued a Letter of Request (see paragraph 40 of the Code).

Provision for the aspects of episcopal ministry which are to be delegated

* Provision making arrangements in relation to parishes whose PCC have issued a Letter of Request for:

- the celebration of the sacraments and other divine service; and
- the provision of pastoral care to the clergy and parishioners

by a bishop exercising episcopal ministry by delegation (see paragraphs 41 to 50 of the Code).

Provision making arrangements for any additional aspects of episcopal ministry exercised by delegation in relation to parishes whose PCCs have issued a Letter of Request (see paragraphs 51 and 52 of the Code).

Provision for the ordination of women and for the support of the ministry of clergy who are women, or men ordained by women, and their pastoral care

Where the diocesan scheme contains a statement that the diocesan bishop will not ordain women to the office of priest, provision for:

- the ordination of female candidates to the office of priest; and

- the support of the ministry of clergy who are women, or men ordained by women, and their pastoral care

(see paragraphs 77 to 81 of the Code).

Provision for individual clergy and other ministers

Provision for individual clergy and lay ministers serving in parishes whose PCCs have not issued a Letter of Request (see paragraphs 82 to 85 of the Code).

Non-parochial places

Provision for clergy and regular worshippers in chaplaincies and other non-parochial places (see paragraphs 86 and 87 of the Code).

Date

* Date on which the diocesan scheme is made

Episcopal ministry exercised by delegation which relates to the celebration of the sacraments and other divine service

This Annex identifies particular functions exercisable in furtherance of episcopal ministry which relates to the celebration of the sacraments and other divine service.

Although the diocesan scheme should provide for the bishop exercising episcopal ministry by delegation to undertake all the functions identified in this Annex, it may provide for the exercise of many of those functions to be shared by the diocesan bishop and the bishop exercising episcopal ministry by delegation.

To give effect to the purpose of the relevant provisions of the Measure, some of the functions will, in practice, need to be left to be exercised by the bishop exercising episcopal ministry by delegation. The following are the minimum functions which, whilst the diocesan bishop remains legally entitled to undertake them, should normally be left to be undertaken by the bishop exercising episcopal ministry by delegation:

1. Celebrating the sacrament of Holy Communion;
2. Celebrating the sacrament of Holy Baptism;
3. Administering the rite of confirmation;
4. Administering the rites of ordination to the priesthood and the diaconate;
5. Exercising the ministry of absolution;
6. Exercising the ministry to the sick;
7. Consecrating oil for the ministry to the sick; and
8. Exercising the functions of the diocesan bishop under the following Canons:
 - (a) B 2.2A (approval of continued use of forms of service);
 - (b) B 3.4 (determination of form of service to be used for an occasional office);
 - (c) B 5.4 (dealing with references as to the discretion of ministers in the conduct of public prayer);
 - (d) B 8.2 (giving directions as to vesture in cases of disagreement);
 - (e) B 15A.3 (determination in relation to admission to Holy Communion);

- (f) B 16 (directions in relation to the exclusion of notorious offenders from Holy Communion);
- (g) B 24.2 (receipt of notice of the baptism of those of riper years);
- (h) B 28 (exercising functions in relation to reception into the Church of England);
- (i) B 42 (permission as to services in languages other than English); and
- (j) C 18.4 (“conducting, ordering, controlling, and authorizing all services in churches, chapels, churchyards and consecrated burial grounds”).

The remaining functions exercisable in furtherance of episcopal ministry which relates to the celebration of the sacraments and other divine service may be shared by the diocesan bishop and the bishop exercising episcopal ministry by delegation. Such sharing might involve, for example, the function in question being exercised jointly by the diocesan bishop and the bishop exercising episcopal ministry by delegation, or being exercised by the bishop exercising episcopal ministry by delegation only with the concurrence of, or after consultation with, the diocesan bishop.

The functions that may be shared, by delegation, in this way are as follows:

1. Granting and revoking permission under paragraph 4 of the Admission of Baptised Children to Holy Communion Regulations 2006;
2. Solemnizing Holy Matrimony;
3. Burying the dead;
4. Officiating at Morning or Evening Prayer and other divine service;
5. Preaching;
6. Holding visitations in respect of matters related to the celebration of the sacraments and other divine service;
7. Exercising functions under the Patronage (Benefices) Measure 1986 (including the functions of the bishop of the diocese as registered patron of benefices) and under the Benefices Act 1898;
8. Instituting and collating clergy;
9. Issuing instructions for the induction of clergy;
10. Granting and revoking licences to clergy;
11. Giving and revoking permission to officiate to clergy;
12. Admitting to the office of reader;

13. Granting and revoking licences to readers;
14. Admitting to the office of lay worker;
15. Granting and revoking licences to lay workers; and
16. Exercising the functions of the diocesan bishop under the following Canons:
 - (a) B 6.5 (approval of Holy Days for local observance);
 - (b) B 11.1 (authorization for readers and other lay persons to say or sing Morning and Evening Prayer);
 - (c) B 12.3 (approval of persons to distribute the Holy Communion);
 - (d) B 14A.1 (dispensation from the requirement to hold certain forms of worship);
 - (e) B 18 (approvals in relation to the preaching of sermons);
 - (f) B 20.1 (exercising the functions of the archdeacon relating to appointments of organists);
 - (g) B 22 (giving directions where the minister refuses or delays to baptize);
 - (h) B 38.6 (directions in relation to the burial of the dead);
 - (i) B 40 (permission for the celebration of Holy Communion elsewhere than in consecrated buildings);
 - (j) B 41.2 (licensing under the Extra-Parochial Ministry Measure 1967);
 - (k) B 43.1(3) (invitations in connection with confirmation or ordination);
 - (l) B 43.3(b)(iii) (approval of invitations to take part in services on a regular basis);
 - (m) B 43.7 (appeals from refusals);
 - (n) B 43.9 (approval of joint worship); and
 - (o) F 10 (directions in relation to the application of alms).

Form of Letter of Request

Dear Bishop

Letter of Request made under section 3(1) and (2) of the Bishops and Priests (Consecration and Ordination of Women) Measure 20...

We write to inform you that at a duly convened meeting of the parochial church council of the parish of held on a resolution was passed requesting that, on grounds of theological conviction, episcopal ministry and pastoral care should be provided by a male bishop to the clergy and parishioners in accordance with arrangements contained in a scheme made for the diocese under section 2 of the Bishops and Priests (Consecration and Ordination of Women) Measure 200...

.... members were entitled to attend and the meeting was attended by members and members voted in favour of the motion members voted against the motion.

The incumbent/priest-in-charge voted in favour of the motion.

Signed
Incumbent/Priest-in-charge

Signed
Secretary of the Parochial Church Council

Model form of notice under section 3(8) of the Measure

To:

**The Secretary of the Parochial Church Council of the Parish of *[insert name of parish]*
(‘the council’)**

**THE BISHOPS AND PRIESTS (CONSECRATION AND ORDINATION OF
WOMEN) MEASURE 20[--]**

In accordance with section 3(8) of the Bishops and Priests (Consecration and Ordination of Women) Measure 20[--] (‘the Measure’) I have considered the Letter of Request issued by the council on *[insert date]*.

I am satisfied that the requirements of section 3 of the Measure with respect to the issue of the Letter of Request have been complied with.

After taking into account the provisions of the scheme made for the diocese under section 2(1) of the Measure on *[insert date]* (‘the diocesan scheme’) and the relevant provisions of the Code of Practice under the Measure, the arrangements giving effect to the Letter of Request in relation to the parish of *[insert name of parish]*, in accordance with the diocesan scheme, are as follows:

[Insert details of the arrangements in accordance with the diocesan scheme]

I am sending a copy of this notice to the persons specified in section 3(17) of the Measure. I am also ending a copy of it to *[insert the name of the bishop who will be exercising episcopal ministry by delegation in relation to the parish]*.

Signed:

[Insert signature]

Bishop of *[insert name of See]*

Dated:

[Insert date]

Model form of further notice under section 3(16) of the Measure

To:

**The Secretary of the Parochial Church Council of the Parish of [*insert name of parish*]
(‘the council’)**

**THE BISHOPS AND PRIESTS (CONSECRATION AND ORDINATION OF
WOMEN) MEASURE 20[--]**

I have received notice of the resolution passed by the council on [*insert date*] under section 3(14) of the Bishops and Priests (Consecration and Ordination of Women) Measure 20[--] (‘the Measure’) withdrawing the Letter of Request previously issued by the council under section 3(1) of the Measure on [*insert date*].

In accordance with section 3(18) of the Measure I accordingly revoke, with immediate effect, the arrangements giving effect to the Letter of Request specified in the notice given under section 3(8) of the Measure on [*insert date*].

I am sending a copy of this notice to the persons specified in section 3(17) of the Measure. I am also ending a copy of it to [*insert the name of the bishop who has been exercising episcopal ministry by delegation in relation to the parish*].

Signed:

[*Insert signature*]

Bishop of [*insert name of See*]

Dated:

[*Insert date*]

Form of Letter of Request during a Vacancy

Dear Bishop/Registered Patron

Letter of Request made under section 3(3), (4) and (6) of the Bishops and Priests (Consecration and Ordination of Women) Measure 20...

We are in receipt of the recently issued Notice from the designated officer/bishop.

We write to inform you that at a duly convened meeting of the parochial church council of the parish of held on a resolution was passed requesting that, on grounds of theological conviction, only a male priest shall be appointed as the next incumbent or priest in charge in accordance with the Code of Practice issued under section 5 of the Bishops and Priests (Consecration and Ordination of Women) Measure 20...

... members were entitled to attend and the meeting was attended by members and members voted in favour of the motion, members voted against the motion

Signed
Secretary of the Parochial Church Council

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