

GENERAL SYNOD

DRAFT BISHOPS AND PRIESTS (CONSECRATION AND ORDINATION OF WOMEN) MEASURE

RECONSIDERATION OF CLAUSE 5(1)(c) BY THE HOUSE OF BISHOPS

The process since the July 2012 group of sessions

1. On 9 July the General Synod resolved by 288 votes to 144 (with 15 recorded abstentions), on a motion under Standing Order 94(b), to adjourn the Final Approval debate on the draft Bishops and Priests (Consecration and Ordination of Women) Measure ('the draft Measure') *'to enable the new clause 5(1)(c) inserted by the House of Bishops into the draft Measure ... to be reconsidered by the House of Bishops'*.
2. The Standing Committee of the House of Bishops met later that day to consider the handling of the business by the House and scheduled the reconsideration required by the Synod's resolution for a separate sitting of the House to be held on the afternoon of 12 September.
3. The Standing Committee subsequently authorised me to issue, on 25 July, a discussion document (GS Misc 1033) which set out seven possible options by way of response to the Synod motion. The document made it clear that those options were designed to stimulate further suggestions rather than to be definitive.
4. At the request of the Standing Committee, the results of the consultation exercise were considered by the episcopal members of the Steering Committee for the draft legislation, together with the three bishops who served on the former Code of Practice Working Group established by the House (the Bishops of Chichester, Coventry and St Edmundsbury and Ipswich) at a meeting on 30 August. Other members of the Steering Committee were also present. The conclusions of this meeting were reported to the Standing Committee of the House before its meeting on 4 September.
5. At its meeting the Standing Committee agreed the terms of a report which was circulated to the House on 5 September. It:
 - reported on the outcome of the consultation exercise;
 - gave the Standing Committee's assessment of possible options in the light of that outcome;
 - provided possible forms of amendment in relation to some of those options;
 - set out the process that would be followed at the House in the light of its Standing Orders;
 - asked members of the House wishing to propose amendments to discuss them as soon as possible with the Legal Office so that their proposals could be put into satisfactory legislative form by Standing Counsel to the Synod; and
 - explained that notice of any amendments to be tabled, in a form agreed with Standing Counsel, needed to be given by 5.00pm on 11 September.

6. By the deadline of 5.00pm on 11 September notice was given of five amendments, which were marshalled for debate on an order paper.
7. The Standing Committee agreed that the Steering Committee for the draft Measure should again be present at the House when it came to reconsider clause 5(1)(c), so as to be able to offer comments on any amendments before the House. The Steering Committee accordingly met on 30 August, and again on the morning of 12 September when the amendments were known, to consider what advice to offer the House.
8. The House duly met on 12 September, immediately following a meeting of the College of Bishops, at which relevant issues were discussed. The Bishop of Leicester acted as Chair of the sitting of the House.
9. Before beginning its business, in accordance with its usual practice the House resolved to go into a Committee of the whole House, under SO 14 of its Standing Orders. Those members of the Steering Committee who were able to be present then joined the meeting.
10. At the invitation of the Archbishop of Canterbury, in accordance with the requirements of SO 10, the business was presented to the House by the Bishop of Manchester. After his introduction, the House had a general debate, in the course of which each of the members of the House who had given notice of an amendment spoke to, but did not move, their amendment. After each amendment was spoken to by the relevant member of the House, a member of the Steering Committee offered a view from the Committee.
11. Following an adjournment, the House began the process of voting on the five amendments in the order in which they had been marshalled on the order paper. In the case of those amendments which were put to a vote, the Steering Committee withdrew before the vote was taken. Votes were taken by a show of hands. The numbers and names of those voting for and against particular amendments were not therefore recorded.

The five amendments

12. The effect of the first amendment would have been to delete clause 5(1)(c) from the Measure altogether, without any replacement. Thus it would have given effect to ‘Option two’ in GS Misc 1033.
13. This amendment was lost.
14. The second amendment sought to replace the form of clause 5(1)(c) inserted by the House in May with a different form, which would have required the giving of guidance on “*the selection, after consultation with parochial church councils who issue Letters of Request under section 3, of male bishops and male priests to exercise ministry in the parishes of those councils*”.
15. The effect of this amendment would have been to give effect to ‘Option four’ in GS Misc 1033, simply identifying the broad *subject* on which guidance needed to be given in the Code (ie the selection of male bishops and male priests) without providing any

indication as to what the content of that guidance should be, except that there should be consultation with the relevant PCC.

16. This amendment was spoken to but not, in the event, moved.
17. The third amendment also sought to replace the form of clause 5(1)(c) inserted by the House in May with a different form, which would have required the giving of guidance *“on the selection, following consultation with parochial church councils who issue Letters of Request under section 3, of male bishops and male priests, the exercise of ministry by whom appears to the persons making the selection to be appropriate for the parishes concerned”*.
18. The effect of this amendment would have been to give effect to ‘Option five’ in GS Misc 1033. In addition to identifying the broad subject on which guidance had to be given, it included a reference to process – in the form of consultation with the relevant PCC- to discover more than was apparent from the Letter of Request before a male bishop or priest was selected to exercise ministry there. But it went a step further than the second amendment in identifying an objective, namely that the person selected by the diocesan bishop (or in the case of a parochial appointment, by those with the relevant responsibilities) should, in their view, be ‘appropriate’.
19. This amendment was lost.
20. The fourth amendment again sought to replace the form of clause 5(1)(c) inserted by the House in May with a different form, requiring the giving of guidance on *“the selection of male bishops and male priests in a manner which respects the grounds on which parochial church councils issue Letters of Request under section 3”*. This amendment was not one of those canvassed in GS Misc 1003, being in substance suggested by a member of the Synod (the Reverend Janet Appleby (Newcastle)) in response to the consultation.
21. The effect of the amendment is described in the legal advice given to the House in connection with its consideration of the amendment, which is set out in the Annex.
22. This amendment was carried.
23. The fifth amendment also sought to replace the form of clause 5(1)(c) inserted by the House in May with a different form, which would have required the giving of guidance on *“the selection of male bishops and male priests the exercise of ministry by whom is consistent with the position, in relation to the celebration of the sacraments and other divine service and the provision of pastoral care, of the parochial church councils who issue Letters of Request under section 3”*.
24. The effect of this amendment would have been to require the giving of guidance directed to the selection of bishops and priests ‘consistent with’ the position, in relation to the celebration of the sacraments etc and the provision of pastoral care of PCCs who issued Letters of Request. It therefore represented a variation of ‘Option six’ in GS Misc 1006, requiring the giving of more prescriptive guidance than would that option (which envisaged that such selection should ‘respect’ or ‘take account of’ the position of PCCs).

25. This amendment lapsed as a result of the fourth amendment having been carried.
26. After all the amendments had all been disposed of, on the motion of the Bishop of Manchester the House resolved (in accordance with SO 10 of its Standing Orders) as follows:

‘That subject to the requirements of the Standing Orders of the Synod concerning reference of the business to the Convocations and to the House of Laity, the Draft Bishops and Priests (Consecration and Ordination of Women) Measure be returned to the Synod in the form approved by the House for consideration on the Final Approval Stage’.

Effect of the new clause 5(1)(c)

27. For the purpose of its deliberations the House of Bishops received legal advice on the potential effect of the amendment suggested by the Reverend Janet Appleby. A copy of that advice is provided in the Annex, for the information of Synod members.
28. It will be for the House and the Synod to decide in due course the extent and content of the guidance that is included in the Code by virtue of clause 5(1)(c). Some guidance will be necessary to meet the terms of the Measure. But there are judgements yet to be reached about how detailed it should be.
29. Given that clause 5(1)(c) speaks of “*the grounds on which parochial church councils issue Letters of Request under section 3*” the Code is bound to refer to the need for consultation between the diocesan bishop and the parish, so that he or she can inform him- or herself about the grounds on which the PCC took its decision.
30. In the case of priestly ministry, the Code will also need to refer to the need for the diocesan bishop to take steps to ensure that all the other persons involved in the appointment of the incumbent or priest in charge are also informed as to the grounds on which the PCC took its decision.
31. As explained in the legal advice given to the House, it follows from clause 3 of the draft Measure that the grounds in question must be ones of theological conviction that relate to the consecration or ordination of women. The Code will accordingly need to refer to the fact that it is only grounds of that nature that will be relevant for the purpose of selecting the bishop who is to exercise episcopal ministry by delegation or of appointing a male priest as incumbent or priest in charge.

Article 8

32. On 25 September the six officers of the Synod determined, by a majority, that the amendment made by the House of Bishops on 12 September had not altered the substance of the proposals embodied in the draft Measure as approved by a majority of the dioceses, so as to require a further reference to them under Article 8.

William Fittall
Secretary General

18 October 2012

Legal advice given to the House of Bishops on the fourth of the proposed amendments to clause 5(1)(c)

1. The amendment would substitute the following for the present clause 5(1)(c):

“(c) the selection of male bishops and male priests in a manner which respects the grounds on which parochial church councils issue Letters of Request under section 3, ”.

2. The effect of the amendment would not merely be to require that guidance be given on the issue of the selection of male bishops and male priests: like some of the other possible amendments, it would impose a requirement as to the end to which that guidance is directed – in this case, that the selection of male bishops and male priests be such as to respect the grounds on which PCCs issue Letters of Request under the Measure.
3. The effect of the use of the word ‘respect’ in that context is to require the Code of Practice to give guidance to the effect that, in selecting a male bishop or male priest, the person(s) making the selection would need to seek to address, or accommodate, the grounds on which a PCC has issued its Letter of Request. They could not simply fail to give effect to those grounds at all, even if they considered that there were cogent grounds for doing so.
4. The effect of the use of the word ‘respect’ in that regard can be helpfully contrasted with the effect of other expressions which have been canvassed in discussion of possible amendments:
- Guidance under which those making the selection were to ‘respect’ the relevant grounds of theological conviction would have a *less prescriptive* effect than guidance under which they were to select a male bishop or priest in a manner ‘consistent with’ such grounds: in the latter case, they would need to select a bishop the selection of whom would be compatible with those grounds.
 - Guidance under which those making the selection were to ‘respect’ the relevant grounds of theological conviction would have a *more prescriptive* effect than guidance under which those making the selection were to ‘take account of’ or ‘have regard to’ such grounds: in either of the latter cases, whilst those making the selection would have to take the grounds of conviction into account, they could nonetheless lawfully select a male bishop or priest the selection of whom would be incompatible with those grounds provided they had ‘cogent reasons’ for making that selection.
5. The analysis set out above is reflected in the illustrative draft wording that has been produced to show what the Code of Practice might say about the selection of male bishops were this amendment to be made to the Measure: it states that *“In making the selection of the bishop who is to exercise episcopal ministry by delegation the diocesan bishop should seek to accommodate [my emphasis] the parish’s concerns relating to holy orders and the exercise of ordained ministry of women so far as those matters are relevant to the grounds of theological conviction as to the consecration and ordination of women on which the PCC issued its Letter of Request.”*

6. It would be open to the House, if it wished to do so, to include more detailed guidance in the Code as to what would be involved in order to ‘respect’ the grounds on which a PCC had issued its Letter of Request.
7. As to the use in the amendment of the word ‘grounds’, the grounds in question are those on which PCCs issue Letters of Request under clause 3 of the Measure – ie ‘grounds of theological conviction’. By necessary implication those grounds are limited to grounds as to the consecration or ordination of women. (It is implicit in clause 3 that, by allowing a parish to ask for a male bishop or priest, as PCC is allowed - and only allowed - to issue a Letter of Request on grounds of theological conviction as to the consecration or ordination of women.)
8. Thus the guidance required to be given by the amendment would have to be limited accordingly – that is, it would have to make it clear that the grounds which the selection of male bishops are to ‘respect’ were limited to grounds of theological conviction as to the consecration or ordination of women. The illustrative draft wording that has been produced to show what the Code of Practice might say about the selection of male bishops were this amendment to be made to the Measure reflects that position.

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