

**Declaration on the Ministry of Bishops and Priests
(Resolution of Disputes Procedure) Regulations 2014**

**Report of the Independent Reviewer for 2015
to the Archbishops of Canterbury and York**

Summary

- (i) This is my first report, covering the period from my appointment to 31 December 2015.
- (ii) In that period, I have not received any grievances from PCCs under Regulations 9 – 15.
- (iii) I have, however, received and reported on two concerns under Regulation 27.
- (iv) The second of these reports – relating to the parish of All Saints in the North Cheltenham Team – prompted two sets of follow-up correspondence raising matters of wider significance, the outcome of which I suggest should be published along with this report.
- (v) During my first year of office, I have consulted interested parties on the operation of the Dispute Resolution Procedure embodied in the Regulations. In December 2015, I published a set of explanatory Notes on the process.
- (vi) I also identify the importance of capturing the experience being built up in dioceses about the practical application of the principles embodied in the House of Bishops’ Declaration, and suggest that the House may wish to consider how this can best be done for the benefit of the whole Church.

Introduction

1. The Declaration on the Ministry of Bishops and Priests (Resolution of Disputes Procedure) Regulations 2014 (‘the Regulations’) provide for the appointment of an Independent Reviewer to consider grievances from a PCC (as defined in the Regulations) as well as more general concerns arising from the operation of the House of Bishops’ Declaration on the Ministry of Bishops and Priests (‘the House of Bishops’ Declaration’). The Archbishops of Canterbury and York, with the concurrence of the then Chairs of the Houses of Clergy and Laity of the General Synod, confirmed my appointment to this new role, which took effect from 17 November 2014.
2. Regulation 30 provides that, following the end of each calendar year, the Independent Reviewer must provide to the Archbishops an annual report on the exercise of his or her functions during that year. Under Regulation 31, the report must provide information about:
 - (a) Grievances with which the Independent Reviewer has declined to deal;
 - (b) Grievances in respect of which the Independent Reviewer has carried out reviews;
 - (c) Decisions (including recommendations) made by him or her following such reviews;

- (d) The extent to which any recommendations made by him or her have been acted upon;
 - (e) Concerns received by the Independent Reviewer about the operation of the House of Bishops' Declaration; and
 - (f) Enquiries undertaken by the Independent Reviewer as a result of the expression of such concerns.
3. Under Regulation 32, the report must be published in such manner as the Archbishops, with the concurrence of the Chairs of the Houses of Clergy and Laity of the General Synod, may determine.
 4. I have the honour to present this, my first report, covering the period from my appointment until 31 December 2015.

Approach to the Role

5. Following my appointment I saw my first objective as being to understand the background to the establishment of the role of Independent Reviewer and the expectations of some of the principal parties interested in how the disputes procedure introduced by the Regulations would operate. As well as reading relevant background material I therefore arranged to meet representatives of key interested parties. These included the then Chairs of the Houses of Clergy and Laity; representatives of Women And The Church (WATCH), of the Society of St Wilfrid and St Hilda and Forward in Faith, and of Reform; and the Bishops of Beverley, Ebbsfleet and Richborough.
6. These meetings gave me a good opportunity not only to understand the expectations and concerns surrounding the disputes procedure but also to discuss how it would work in practice and to begin to build a working relationship with those whom I met. I am grateful to all those who gave of their time to meet me and look to continue contact with them and others as necessary, to ensure that my approach is as grounded as it can be in the developing life of the Church.

Consultation Document

7. One result of these meetings – reinforced by my previous experience in other similar roles – was to underline the value of openness and transparency in respect of how the disputes procedure would work in practice. I therefore published in June 2015 a consultation paper covering a draft set of notes on the practical operation of the disputes procedure, partly as a means of helping all concerned (including myself) to think through the issues involved; and partly to help build trust in the new arrangements.
8. In all I received eight written submissions in response to the consultation paper, which was also the subject of a well-attended meeting of General Synod members in the margins of the July 2015 meeting of the General Synod in York. A note on the responses to the consultation, including points made at the meeting in York, was

subsequently published on the Church of England website¹. I am grateful to all those who made comments to me in response to the consultation.

9. In December 2015 I published a revised set of Notes on the Operation of the Resolution of Disputes Procedure, which are also readily available for all to view on the Church of England website². In publishing them I emphasised that the notes are:

- Intended to supplement the Regulations, not to supplant them;
- A Guide, not a rigid set of rules; and
- Bound to evolve over time, as the Church gains experience of how the disputes procedure can best be used to advance rather than hinder its mission and unity.

Crucially, how the disputes procedure works in an individual case is bound to depend a good deal on the circumstances of that case.

10. I hope that the availability of the Notes will help those who may be contemplating using the procedure or simply want to understand how it works. I intend to review the Notes in the Spring of 2017, after the Church has gained further experience of the application of the House of Bishops' Declaration and the disputes procedure, and to consult again at that point on any revision of the document.

Grievances brought by a PCC under Regulations 9-15

11. I am required by Regulation 31 to inform the Archbishops of any grievance brought by a PCC which I have considered in the course of the year on which I am reporting.
12. I did not receive any such grievance in 2015.

Concerns raised under Regulation 27

13. However, Regulation 27 provides that:

“Any person may raise a concern, in writing, with the Independent Reviewer in relation to any aspect of the operation of the House of Bishops' Declaration. Any such concern may relate to more than one act or omission under the House of Bishops' Declaration and to more than one parish or diocese.”

I received and reported on two such concerns in the course of 2015.

(a) Chrism Masses

14. On 13 April 2015 Ms Hilary Cotton, Chair of WATCH wrote to me expressing WATCH's concern about the fact that a number of Chrism Masses were to be held in 2015, as in former years, at which bishops of the Society of St Wilfrid and St Hilda

¹ https://www.churchofengland.org/media/2421671/ir_notes_in_response_to_consultation-final-dec_15.pdf

² https://www.churchofengland.org/media/2421658/ir_notes_-_cover_paper-dec_15.pdf

would preside. Ms Cotton asked in what possible way continuing these occasions honoured the five principles embodied in the House of Bishops' Declaration, in particular the first two of those principles and the call in the Declaration to promote mutual flourishing.

15. I published my report on this concern on 27 July 2015. In brief, whilst understanding the concern WATCH expressed, I did not find the Masses, in themselves, a breach of the principles set out in the House of Bishops' Declaration. My reasons for reaching that view are set out clearly in my report (and summarised in paragraph 42 of that document)³. There is therefore no need for me to repeat them here.
16. In concluding my report, I drew attention to two further points which had emerged from my enquiries. The first was the importance, in underlining the continued unity of the Church of England in terms of both jurisdiction and mission, of finding suitable opportunities from time to time publicly to demonstrate that unity. I noted that how that is best done is a matter which bishops will no doubt continue to consider as befits the circumstances in their own diocese.
17. The second point to which I drew attention was a suggestion by Ms Cotton that a forum was needed in which those of differing convictions on the ordination of women as priests and bishops could together discuss what, for example, "mutual flourishing" means for each of them and for the Church. I return to that point in paragraph 29 below.

(b) All Saints, Cheltenham

18. On 10 April 2015 the Director of Forward in Faith, Dr Colin Podmore, wrote to me enclosing an expression of concern about the operation of the House of Bishops' Declaration in respect of the parish of All Saints, Cheltenham, in the diocese of Gloucester. The nub of the concern he expressed on behalf of Forward in Faith was the licensing of two women priests as "Associate Priest in the North Cheltenham Team" despite the fact that the team benefice included the parish of All Saints where, by virtue of paragraph 43 of the House of Bishops' Declaration, the PCC was to be treated as having passed a Resolution under paragraph 20 of the Declaration.
19. Following enquiries, I published my report on this concern on 10 August 2015. Again, I do not think it sensible to embroider on the report here but to let it speak for itself⁴. I concluded, in brief, that by failing to spell out the precise scope of the intended ministry of these two priests within the Benefice of North Cheltenham, the then Bishop of Tewkesbury – the Rt Revd Martyn Snow – (acting during a vacancy in the See of Gloucester) had failed to make the appropriate pastoral and sacramental provision for the Parish of All Saints, which it was entitled to expect under the terms of the House of Bishops' Declaration.
20. Having reached that conclusion, I invited Bishop Martyn to reconsider the form of the licences he had issued and, following discussion with the priests concerned, to issue

³ <https://www.churchofengland.org/media/2268705/chrism%20masses-%20full%20report%20w%20appendices.pdf>

⁴ <https://www.churchofengland.org/media/2272647/all%20ss%20cheltenham%20report%20final.pdf>

fresh licences making clear that the authorisation they gave did not extend to undertaking priestly ministry in the Parish of All Saints.

21. I am glad to be able to report that, following the arrival of a new, female diocesan bishop in Gloucester, the Rt Revd Rachel Treweek, discussions between Bishop Rachel and All Saints culminated in a service at the end of January 2016 at which Bishop Rachel formally entrusted pastoral and sacramental oversight of All Saints to the Bishop of Ebbsfleet (the Rt Revd Jonathan Goodall). The production of fresh licences for the two priests concerned is, I understand, also nearing completion.

All Saints – wider matters

22. It is appropriate at this point that I refer to three wider matters flowing from my report on the North Cheltenham case.
23. The first was covered in my report itself. All that is necessary here is for me to draw attention to the general recommendation I made in paragraph 37 of my report. This was that:

“Where it is the intention to appoint a woman to minister otherwise than as a member of the team in a multi-parish benefice in which one or more parishes has, or is deemed to have, passed the resolution set out in paragraph 20 of the House of Bishops’ Declaration:

- (a) The PCCs of the parishes in the benefice should be consulted, before a licence is issued, about the nature and extent of the ministry she is to be licensed to exercise; and
- (b) The licence which is then issued to her should specify the nature and extent of the ministry she is authorized to undertake in the parish or parishes which have passed the resolution (as well as in the other parishes of the benefice).”

I hope that this recommendation is helpful to diocesan bishops and others who are concerned in framing licences in such situations.

24. Two other matters were raised with me after the publication of my report to which I also wish to draw Your Graces’ attention and, through the medium of this report, to bring to wider notice.
25. On 28 August, Dr Podmore wrote on behalf of Forward in Faith to Mr Jonathan Neil-Smith in the General Synod Office suggesting that my report on All Saints might have been misleading in one respect and seeking guidance on the question whether it is possible for a licence issued by a bishop to a member of a team ministry other than the team rector to qualify, as well as amplify, the scope of that member’s ministry within the Team. A copy of Dr Podmore’s letter is at Appendix 1 to this report and at Appendix 2 is a copy of the reply I sent Dr Podmore after taking legal advice on the point he had raised. For the reasons given in my reply, I did not believe that my report had been likely to mislead. However, I was happy to respond to the queries raised by Dr Podmore and since the information in my reply is of wider interest – setting out, as

it does, legal advice to the effect that it is indeed possible for such a licence to qualify as well as amplify the scope of a team member's ministry (except for that of the Team Rector) – I think it right to publish this exchange of correspondence as part of this report.

26. For similar reasons, it is appropriate that I refer here to other correspondence I had with the Team Rector of North Cheltenham following the publication of my report. On 9 August, Canon David Smith wrote to me expressing concern that there is no adequate publicised source of authority for the work of the Provincial Episcopal Visitors – that is the Bishops of Beverley, Ebbsfleet and Richborough (and by extension, the Bishop of Maidstone) – following the House of Bishops' Declaration. Canon Smith subsequently confirmed that his letter was not intended to express concern about specific acts or omissions by any of the three bishops concerned, but was to be seen as a request for clarification of the legal and canonical status of the three bishops following the House of Bishops' Declaration.
27. Accordingly, after taking legal advice, I sent Canon Smith a note setting out my understanding of the position. In doing so, I made clear that the note did not attempt to describe the nature of the ministry these bishops have in practice undertaken in any particular context. That ministry has, of course, been undertaken by the bishops and their predecessors for over twenty years within the framework of the Episcopal Ministry Act of Synod and has varied from one context to another.
28. A copy of the note I sent Canon Smith is at Appendix 3 to this report. I copied it to the bishops concerned – by whom it was welcomed – and to the Bishop of Gloucester. I am appending it to this report for reasons of transparency and because I hope it represents a useful piece of clarification which it is of wider benefit to make public.

Exploring the nature of “mutual flourishing”

29. In paragraph 17 of this report I mentioned Ms Hilary Cotton's suggestion that a forum might be helpful in which those of differing convictions on the ordination of women as bishops and priests could together discuss what, for example, the state of “mutual flourishing” envisaged by the House of Bishops' Declaration means for each of them and for the Church. In concluding my report on Chrism Masses I said that, while this was a challenge for the whole Church, I was ready to play my part in helping the Church to address it.
30. Accordingly, as a first step, I wrote on 2 September to the leading representatives of WATCH, Forward in Faith and Reform inviting their thoughts on whether an effort to set up such a forum would be worthwhile and, if so, how best one might go about it. I did not envisage that participation in any such forum would be restricted to representatives of those three organisations but it seemed sensible to begin by seeking their views. I made clear that my own involvement in any such initiative could only be very limited. Moreover I had no wish to assume any part of the responsibility which should properly fall to the House of Bishops or the General Synod.
31. The common view expressed in the responses I received to my letter was that any facilitated conversations of the sort I had proposed should focus on specific, practical

concerns rather than addressing general issues. Any such discussions should also embrace a wider range of participants than those who had received my letter. The suggestion was also made that, if such conversations were to take place, they should preferably be initiated by the Archbishops or the House.

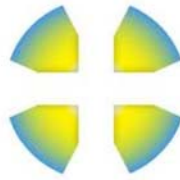
32. However the general view expressed was that the immediate focus of dialogue about the implementation of the House of Bishops' Declaration should be in the dioceses, since much of the living out of the five principles enunciated in that Declaration would have to take place at local level. In that connection, favourable reference was made to the initiative by the Bishop of Sheffield in commissioning a report from his Ministry Provision Advisory Group on how the five guiding principles set out in the House of Bishops' Declaration should be given expression within his diocese⁵. In the light of the replies I received I concluded that more time is required to assess the impact of the new arrangements in the dioceses before the need for and shape of any wider forum for discussion can best be assessed.

Conclusion: Exchanging and Learning from Experience

33. However, this outcome underlines, I suggest, the need for means to be found to ensure that the learning which is now being built up by diocesan bishops and others as they wrestle with the implementation at local level of arrangements consistent with the House of Bishops' Declaration is made available to others facing similar challenges. This is important, not only to enable those concerned to understand the variety of different arrangements which might be made consistent with the principles set out in the Declaration, but also to enable the whole Church to build a picture of what "mutual flourishing" can look like whilst the unity of the Church in jurisdiction and in mission is preserved.
34. Gathering such information is going to be important as well in helping to ensure that parity of treatment in different parts of the country to which paragraphs 16 and 27 of the Declaration refer and in helping new generations of diocesan leaders to understand both the thinking embodied in the Declaration and its out-working in practice. This is a matter, I suggest, which the House of Bishops may find it helpful to consider as the Church approaches the second anniversary of the introduction of the arrangements set out in the House of Bishops' Declaration.

Sir Philip Mawer
23 February 2016

⁵ http://www.sheffield.anglican.org/UserFiles/File//New_Norms_New_Beginning_FINAL_.pdf



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APPENDIX 1

Dr Colin Podmore
Director

Jonathan Neil-Smith
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Church House
Great Smith Street
London
SW1P 3AZ

cc Stephen Slack

28 August 2015

Dear Jonathan

Licences in Multi-Parish Team Benefices

I am writing, on behalf of Forward in Faith, to seek your guidance on a question of process in relation to Sir Philip's report on All Saints' Cheltenham.

The underlying principle that Forward in Faith's submission to Sir Philip sought to maintain was, in essence, that a priest should not be authorized by licence to exercise priestly ministry in a parish where such ministry would conflict with the theological conviction underlying a resolution under the House of Bishops' Declaration, if there is a legal way of drafting a licence that would avoid this. Though I don't want to put words in Sir Philip's mouth, his comments in paragraph 34 of his report seem to imply endorsement of that principle.

A legally-qualified member of Forward in Faith has, however, suggested to me that in one respect Sir Philip's report may be misleading. In paragraph 22 he says

'Assistant clergy who are members of the team are authorised to minister through the area of the team. Those who are not members of the team may be authorised to minister in some more limited area.' My correspondent comments:

'I can see no basis in law for the suggestion that this necessarily has to be so. Being a member of the team is not about authorization to minister but about rights to participate in the team chapter and to be consulted about various matters. What authority a team member has to exercise ministry is

determined not by the scheme or the Measure but by the licence – which can be limited as appropriate. The whole point about a licence is that it can be drafted as widely or narrowly as required.’

It is suggested that support for this view is given by Section 34(7) of the MPM 2011, which says that ‘A vicar in a team ministry shall by virtue of his office, but subject to his licence, have authority to perform in the area of the benefice all such offices and services as may be performed by an incumbent’. The sub-section goes on in (a)-(d) to enable the Bishop to add things by licence to the basic statement in that first sentence, whereas the phrase ‘subject to his licence’ appears on the surface to enable the bishop to limit the Team Vicar’s ministry by licence, which is a different thing from what is referred to in (a)-(d).

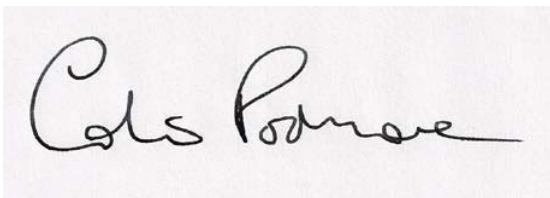
Our legal questions, therefore, are:

- (a) Whether this section gives the Bishop power to issue a licence which has the effect of not authorizing a Team Vicar to minister as a priest in one of the parishes of a team benefice. If that were the case, it would be possible for the principle of transparency to apply not only to assistant curates who are not members of the Team, but also to Team Vicars.
- (b) If so, whether this does indeed illustrate a more general point that the licence of any member of a Team (other than the Team Rector) can be limited in this way.

Our question of process at this stage is, whether there is any possibility of Sir Philip taking advice from the Legal Office on this point. Uncertainty about the law seems undesirable, expecting PCC members to put this sort of legal argument to bishops would seem unreasonable, and seeking to establish such a legal point by way of a grievance or concern under the Resolution of Disputes Procedure would seem not to be in the spirit of the House of Bishops’ Declaration. It would therefore surely be in everyone’s interest for there to be some other means of clarifying the law. If it transpires that it is indeed possible for the licence of some or all members of the Team to be limited, I wonder whether Sir Philip would be willing to issue a supplementary clarification of his report, given that as it stands it might be interpreted as excluding something that is in fact (if my correspondent it right) legally possible and which, if it were possible, would be in line with the approach that Sir Philip has himself advocated. If not, would he would be willing to use his good offices to secure clarification of the point by other means?

I would be grateful for your advice on how these questions might best be taken forward.

Yours sincerely



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Independent Reviewer
Sir Philip Mawer

9 October 2015

Dear Colin

Licences in Multi-Parish Team Benefices

As you know, Jonathan Neil-Smith referred to me your letter of 28 August in which you asked, in effect, whether it is possible for a licence issued by a Bishop to a member of a Team Ministry other than the Team Rector to qualify, as well as amplify, the scope of that member's ministry within the Team.

You will understand that my first step on receiving your letter was to take legal advice on the question you raised. The advice I have received is that the answer to the question I have summarised above (and therefore to the two related questions you pose in page 2 of your letter) is "yes". In particular, so far as team vicars are concerned, s.34(7) of the Mission and Pastoral Measure 2011 does allow the licence of a team vicar to take such a form as to limit the nature and extent of his or her ministry in the area of the team ministry.

In saying this, I would add that the Legal Office is not aware of any instances in which in practice a licence has been so limited or qualified, and the Commissioner's Code of Practice on the 2011 Measure makes no reference to the possibility, although that is not of course to say that this has not happened.

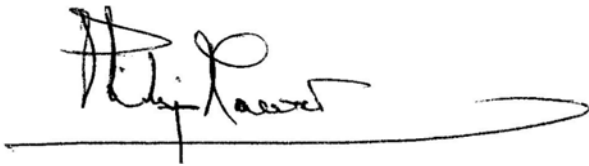
In your letter, you suggested that it would be helpful for me to issue some form of clarificatory note on this point, supplementing the account of the law which I gave in my report on the concern expressed to me by Forward in Faith in the case concerning All Saints, Cheltenham. As you will I hope accept, that account was understandably focused on the provisions directly relevant to the determination of that case, which concerned licences issued to assistant clergy who are not members of the North Cheltenham Team. Given that, I do not believe that anything said in that report, which was of course also based on clear legal advice, is likely to mislead.

As a matter of general practice, I would not favour issuing clarifications of matters covered in or arising from reports I have issued as Independent Reviewer, other than in exceptional circumstances. I doubt that this is such a circumstance. However, I understand the request you make for a more comprehensive account of the position and I will consider whether this can be provided in the context of my first Annual Report, which as you know I am due to submit to the Archbishops of Canterbury and York in the New Year. Should

the matter arise in the meantime, you have the advice contained in this letter and I will of course have the further legal advice I have received in mind if the issue is raised in the context of a further grievance or expression of concern referred to me.

As this letter flows on from earlier correspondence in connection with the North Cheltenham Team Ministry, I am copying it to the Bishop of Gloucester for her information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Philip Mawer', written over a horizontal line.

Sir Philip Mawer

House of Bishops' Declaration on the Ministry of Bishops and Priests

Note on the Legal and Canonical Status of the Provincial Episcopal Visitors

- 1) This note responds to a request to clarify the legal and canonical status of the Provincial Episcopal Visitors (PEVs) – that is the holders of the sees of Beverley, Ebbsfleet and Richborough – following the House of Bishops' Declaration on the Ministry of Bishops and Priests. By extension, it also describes the status of the Bishop of Maidstone once he has been consecrated and taken up office.¹
- 2) The note is confined to setting out the legal and canonical basis of the bishops' ministry. It does not attempt to describe the nature of the ministry the bishops have in practice undertaken in any particular context.

The Status of the Sees

- 3) The sees of Beverley, Ebbsfleet and Richborough, like that of Maidstone, exist by virtue of the Suffragan Bishops Act 1888. The legal mechanism by which these sees were brought into being was under that Act rather than the Priests (Ordination of Women) Measure 1993 or the Episcopal Ministry Act of Synod 1993. It follows that the sees continue in existence in spite of the repeal of the Measure and the rescinding of the Act of Synod.
- 4) Decisions about appointments to these sees are made by the relevant archbishop since they are suffragan sees within the diocese of Canterbury or, in the case of Beverley, York. The responsibility for drawing up the role description rests with the archbishop of the province and the Dioceses Commission now has the same role in scrutinising any proposal for filling a vacant see as it has for all other suffragan sees.
- 5) The occupants of these sees are members of the College of Bishops of the Church of England. They also have a right to attend and speak (but not vote) at meetings of the House of Bishops, as do the eight elected female regional representatives who have attended meetings of the House since 2013.
- 6) In paragraph 30 of the House of Bishops' Declaration, the House affirmed the importance of there continuing to be consecrations of bishops which would enable appropriate ministry to be provided – consistent with the terms of the Declaration – to parishes which have passed (or are to be treated as having passed) the resolution under paragraph 20 of the Declaration.
- 7) Paragraph 30 of the Declaration continues:

¹ At its meeting in December 2014 the Dioceses Commission agreed that the see of Maidstone – which had been vacant since 2009 - could be filled. Part of the rationale was to provide a member of the College of Bishops who held a conservative evangelical position on headship and whom diocesan bishops could, as appropriate, invite to exercise episcopal ministry following a resolution passed by a PCC under the House of Bishops' Declaration.

“The fact that the sees of Ebbsfleet and Richborough in the diocese of Canterbury and Beverley in the diocese of York remain in existence will provide one of a range of means by which the Archbishops will ensure that a suitable supply of bishops continues where it would not be secured in other ways.”

The Source of the PEVs’ Canonical Authority under the 1993 Act of Synod

- 8) The Episcopal Ministry Act of Synod 1993 provided for three types of arrangements for episcopal ministry carried out under its provisions - diocesan, regional and provincial. The PEVs were the means by which the last of these types of arrangements were made, the PEVs being *“commissioned by the archbishop of the province to carry out, or cause to be carried out, for any parish in the province such episcopal duties ... as the diocesan bishop concerned may request”*. But the source of a PEV’s legal authority within any diocese was not the commissioning by the archbishop but the canonical authority conferred subsequently by the relevant diocesan bishop for the purposes of Canon C 18.3 (which provides that a diocesan bishop’s jurisdiction as Ordinary *“is exercised by the bishop himself, or by a Vicar-General, official, or other commissary, to whom authority in that behalf shall have been formally committed by the bishop concerned”*).
- 9) This latter principle – that the source of a PEV’s legal authority within any diocese is conferred by the relevant diocesan bishop for the purposes of Canon C 18.3 – is reflected in the variety of the provincial arrangements which existed prior to the rescinding of the Act of Synod and have continued to exist following the Declaration. In the Province of York, the Bishop of Beverley is an assistant bishop in every diocese, other than Blackburn. Arrangements are more varied in the Province of Canterbury, where the Bishops of Ebbsfleet and Richborough are assistant bishops in a number of dioceses but have the equivalent of a permission to officiate in others.²

The Source of the Bishops’ Canonical Authority under the House of Bishops’ Declaration

- 10) Following the rescinding of the Act of Synod, the House of Bishops’ Declaration has confirmed the fundamental principles that (a) the selection of the bishop(s) who will provide episcopal ministry in accordance with the Declaration within a particular diocese is a matter for the relevant diocesan bishop and (b) the source of the three bishops’ legal authority – or indeed of any other bishop’s legal authority – in providing episcopal ministry in accordance with the Declaration within a particular diocese is the canonical authority conferred on them by the relevant diocesan bishop.
- 11) The Declaration provides that where a parish passes (or, under the transitional arrangements provided for in the Declaration, is to be treated as having passed) a resolution under paragraph 20, that resolution should be sent to the diocesan bishop (paragraph 20 of the Declaration). Before *“clergy are appointed to the parish or a bishop chosen by the diocesan bishop to provide oversight”* (emphasis added), there should be consultation between the bishop and the parish (paragraph 22).

² It is also envisaged that the Bishop of Maidstone would be an assistant bishop in a number of dioceses in both provinces.

12) Paragraph 26 of the Declaration states:

“The choice of a bishop to undertake ministry in respect of a parish which has passed a resolution is for the relevant diocesan bishop to make, again with a view to avoiding conflict with the theological conviction on this issue underlying its [the parish’s] resolution. In all cases the choice should be made from among the male bishops who are members of the House of Bishops of the diocesan synod of that or another diocese of the Church of England.”

13) Paragraphs 27 and 28 of the Declaration emphasise:

- a) The desirability of achieving, so far as is reasonably practicable, parity of treatment between parishes which pass the resolution under paragraph 20 in one part of the country and those in another.
- b) The diocesan bishop’s obligation to seek to ensure that pastoral and sacramental ministry is provided in accordance with the guiding principles set out in paragraph 5 of the Declaration.
- c) The need for the diocesan bishop and the bishop invited to minister to the parish to explore how they can best cooperate in a variety of ways to contribute to its welfare, resourcing and mission and in its relationship with the diocese.

14) Paragraph 29 again underlines the key role of the diocesan bishop when it says:

“The precise extent of the ministry entrusted to the bishop is for the diocesan to determine and is likely, for practical reasons to vary according to the pattern of episcopal ministry in that diocese and the extent of the bishop’s other commitments. But the expectation is that there will be many similarities with the range of responsibilities carried by any suffragan bishop within a diocese.”

It is also confirmed by paragraphs 14-17 of the Guidance Note issued by the House on the Declaration (GS Misc 1077).

15) Paragraph 30 of the Declaration – the key part of which is quoted in paragraph 5 of this note – then follows. The fact that the sees of Beverley, Ebbsfleet and Richborough continue to be seen as a valuable part of the range of possible episcopal provision available to diocesan bishops when making arrangements for parishes which have passed a resolution is confirmed by that paragraph and was also confirmed by the House of Bishops in paragraph 23 of GS 1932, in which the House stated:

“The title and role of the ‘provincial episcopal visitor’ are currently set out in the 1993 Act of Synod. There is no reason why these- or the financial arrangements for the three sees- should change when the 1993 Act of Synod is rescinded, given the House’s wish for there to be continuity. As noted in paragraph 30 of the Declaration the three sees and their occupants remain an integral part of the new dispensation.”

Conclusion

16) Drawing these provisions together, the following principles emerge as forming the basis of the legal and canonical status of the holders of these suffragan sees under the House of Bishops’ Declaration:

- a) The legal mechanism by which the suffragan sees of Beverley, Ebbsfleet and Richborough were brought into being was under the Suffragan Bishops Act rather than by the Episcopal

Ministry Act of Synod 1993. The sees continue in being in spite of the rescinding of the Act of Synod. Decisions about appointments to them and about the role description are for the relevant archbishop. The Dioceses Commission also has to be consulted before vacancies are filled, as with all suffragan sees

- b) The occupants of the sees and the forthcoming occupant of the see of Maidstone are members of the College of Bishops of the Church of England.
 - c) As with any other bishop, the precise legal authority they have within any diocese is a consequence of the authority granted them by the relevant diocesan bishop.
 - d) Where a PCC passes (or is to be treated as having passed) a resolution under paragraph 20 of the House of Bishops' Declaration, it is for the relevant diocesan bishop to decide, after consultation with the parish concerned, how episcopal ministry in accordance with the five guiding principles in the Declaration is to be provided to the parish and who is to provide it.
 - e) The Bishops of Beverley, Ebbsfleet and Richborough are a valued part of the range of provision available to a diocesan when considering how and by whom such ministry is to be provided. The Bishop of Maidstone will further increase the options available to diocesans.
- 17) It follows from this analysis that the question as to the precise scope of the legal authority enjoyed by the Bishops of Beverley, Ebbsfleet, Richborough or Maidstone or any other bishop who is exercising episcopal ministry in a particular diocese under the House of Bishops' Declaration is a question properly addressed in the first instance to the diocesan bishop concerned.

25 August 2015