

BRIEFING FOR MEMBERS OF VACANCY IN SEE COMMITTEES

Issued under the

VACANCY IN SEE COMMITTEES REGULATION 1993

as amended by the

**Vacancy in See Committees (Amendment) Regulation 2003,
the Vacancy in See Committees (Amendment) Regulation 2007,
the Vacancy in See Committees (Amendment) Regulation 2008 and
the Vacancy in See Committees (Amendment) Regulation 2013**

To be sent by the Secretary to the Vacancy in See Committee to all members of the Committee as soon as practicable following the announcement of a vacancy of the diocesan bishopric.

Archbishops' Secretary for Appointments
May 2017

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INTRODUCTION

This booklet has been prepared for members of Vacancy in See Committees to set out the process for choosing a new bishop. It is hoped that it will assist all those participating in discerning the gifts needed by the individual called to a diocesan bishopric and that it will provide clarity about the processes involved in deciding who the new bishop should be.

THE DIOCESES COMMISSION

The Dioceses Commission, set up in 2008 under the Dioceses, Mission and Pastoral Measure 2007, is responsible for reviewing the provincial and diocesan structure of the Church of England. This includes the boundaries of, and the number of, dioceses, and the number and distribution of bishops. Any scheme proposed requires the approval of the diocesan synods concerned (unless there are exceptional circumstances).

Where a vacancy in a see has been announced and no steps have been taken under the Vacancy in See Committees Regulation to fill it, and the Commission has decided to prepare a reorganisation scheme which would either abolish the diocese or have such a significant impact on the diocese that it would be desirable to delay the appointment to the see, the Archbishop of the Province concerned may direct that no steps should be taken under the regulation in relation to the filling of the vacancy.

THE ROLES OF A DIOCESAN BISHOP

At the ordination of bishops, the following statements describe the ministry to which a bishop is ordained:

Introduction to the Service

Bishops are ordained to be shepherds of Christ's flock and guardians of the faith of the apostles, proclaiming the gospel of God's kingdom and leading his people in mission. Obedient to the call of Christ and in the power of the Holy Spirit, they are to gather God's people and celebrate with them the sacraments of the new covenant. Thus formed into a single communion of faith and love, the Church in each place and time is united with the Church in every place and time.

Introduction to the Declarations

Bishops are called to serve and care for the flock of Christ. Mindful of the Good Shepherd, who laid down his life for his sheep, they are to love and pray for those committed to their charge, knowing their people and being known by them. As principal ministers of word and sacrament, stewards of the mysteries of God, they are to preside at the Lord's table and to lead the offering of prayer and praise. They are to feed God's pilgrim people, and so build up the Body of Christ.

They are to baptize and confirm, nurturing God's people in the life of the Spirit and leading them in the way of holiness. They are to discern and foster the gifts of the Spirit in all who follow Christ, commissioning them to minister in his name. They are to preside over the ordination of deacons and priests, and join together in the ordination of bishops.

As chief pastors, it is their duty to share with their fellow presbyters the oversight of the Church, speaking in the name of God and expounding the gospel of salvation. With the Shepherd's love, they are to be merciful, but with firmness; to minister discipline, but with compassion. They are to have a special care for the poor, the outcast and those who are in need. They are to seek out those who are lost and lead them home with rejoicing, declaring the absolution and forgiveness of sins to those who turn to Christ.

Following the example of the prophets and the teaching of the apostles, they are to proclaim the gospel boldly, confront injustice and work for righteousness and peace in all the world.

Canon C 18

The particular role of a diocesan bishop is set out in the following extracts from Canon C 18 of the Canons of the Church of England:

1. *Every bishop is the chief pastor of all that are within his diocese, as well laity as clergy, and their father in God; it appertains to his office to teach and to uphold sound and wholesome doctrine, and to banish and drive away all erroneous and strange opinions; and, himself an example of righteous and godly living, it is his duty to set forward and maintain quietness, love, and peace among all men.*

2. *Every bishop has within his diocese jurisdiction as Ordinary except in places and over persons exempt by law and custom.*
3. *Every bishop is, within his diocese, the principal minister, and to him belongs the right, save in places and over persons exempt by law or custom, of celebrating the rites of ordination and confirmation; of conducting, ordering, controlling, and authorising all services in churches, chapels, churchyards and consecrated burial grounds; ... of being president of his diocesan synod.*

Ministry in the wider Church and Nation

The role of bishops is not confined to their own dioceses. As the statement at ordination services makes clear, the *'special responsibility to maintain and further the unity of the Church, to uphold its discipline, and to guard its faith'* is one which bishops share with their fellow bishops, and they are to promote the mission of the Church *'throughout the world'*. They are members of the College of Bishops at the provincial and national levels and attend the Lambeth Conference of all the bishops in the Anglican Communion.

All diocesan bishops are members of the House of Bishops of the General Synod and therefore share in responsibility for the leadership of the Church of England nationally and for relationships between the Church of England and the Church in other countries. Beyond their formal synodical role, diocesan bishops tend to be the public face of the Church in the eyes of the media and therefore perform an important communications role. Most diocesan bishops carry particular national responsibilities, charring committees or boards within the National Church Institutions, ecumenically, or in connection with religious charities.

The Archbishops of Canterbury and York and the Bishop of London are privy counsellors. They are also members of the House of Lords, as are the Bishops of Durham and Winchester and twenty-one of the other diocesan bishops in England, while the Bishop of Sodor and Man sits in Tynwald. Bishops may also be invited to contribute their experience or expertise to the deliberations of national government or regional bodies on particular issues. Diocesan bishops will thus also be called upon sooner or later to play a leading part in national life and to represent not just their dioceses but also their regions at the national level.

It is important that all who are involved in the process for choosing diocesan bishops bear in mind not just the role of diocesan bishops in their own dioceses, but also the ministry which they are called upon to exercise nationally and, in many cases, internationally as well.

Terms of Service – role profile and person specification

Following the introduction of Common Tenure, diocesan bishops have a role profile and person specification. This is developed by the Crown Nomination Commission for the See in the light of the Diocesan Statement of Needs, the Appointments Secretaries' Memorandum and the National Statement of Needs prepared by the Archbishops. A generic template used by the Crown Nominations Commission will be provided to the Vacancy in See Committee.

CHOOSING DIOCESAN BISHOPS: THE PROCESS

The process for choosing a diocesan bishop begins in the diocese. Because of the variety of roles which diocesan bishops have, not only within the Church of England but also in the local community and the nation at large, the choice is not made by representatives of the diocese alone. Diocesan representatives work with representatives of the Church of England as a whole, under the presidency of the Archbishops, and the Sovereign (advised by the Prime Minister) also plays a part in the process.

Establishing the needs of the Diocese

The first stage of the process involves discussion within the diocese of the challenges and priorities for the ministry of the next diocesan bishop and, in the light of these, the skills and gifts that he or she is likely to need.

The Vacancy in See Committee

The role of the Vacancy in See Committee is as follows:

- to prepare a brief description of the diocese and a statement setting out the desired profile of the new Bishop;
- to elect the diocesan representatives to the Crown Nominations Commission.

The Committee will meet at least twice. Its discussions (but not the date, time and place of its meetings) should be kept confidential.

The preliminary meeting is to allow members to get to know each other, and also to conduct initial business. The Committee will need to elect a Deputy Chair and to discuss how it will produce the material for the description of the diocese and the statement of needs. The Committee will also wish to hold preparatory discussions on the election of the diocesan members of the Crown Nominations Commission. With regard to this, the Committee is encouraged to consider the need for a balance of interests and representation (clergy/lay; male/female; urban/rural; ethnic minority communities; churchmanship etc) amongst the representatives. Only one member of the bishop's senior staff team (suffragan bishop, assistant bishop, archdeacon and dean of the cathedral) may be elected to the Commission.

The diocesan representatives are not mandated delegates to the Crown Nominations Commission and do not refer back to the Vacancy in See Committee during the selection process. It is therefore important that they are people of sound judgement who can be trusted to represent the needs to the diocese and who are sensitive to the needs of the wider Church.

At the meeting the Committee will wish to consider how it will produce its Statement of Needs and elect a drafting group.

At the main meeting of the committee the Appointments Secretaries clarify the process and answer any questions members of the Committee might have. A further discussion on the features and issues of the diocese and the qualities needed in the new bishop will inform both the diocesan document outlining its needs and, as part of a wider consultation, the Secretaries' Memorandum. At this meeting the Committee elects the six members to serve on the Commission. Only those present at this meeting are eligible to vote. After the meeting the Archbishops' Appointments Secretary will brief the CNC representatives on the next steps.

The Vacancy See in See Committee will decide whether a further meeting is required to complete the statement of diocesan needs or whether the statement can be finalised in another way.

For further information on the Vacancy in See Committee please read the attached Code of Practice and Regulations.

Secretaries' Consultations

The two Appointments Secretaries jointly undertake consultations within the diocese in order to inform their memorandum outlining their views on the requirements of the diocese and on the desired profile of the new bishop. The consultations are generally conducted over two days and are arranged by the Diocesan Secretary in liaison with the Archbishops' Secretary for Appointments. The Appointments Secretaries meet representatives of local civic, social and religious life. These may include, for example, individuals from local government, the education sector, other faiths and other Christian churches, and charities, as well as representatives of the diocese such as members of the Bishop's Council, representatives of deaneries and parishes, clergy groups, and other representatives of church life.

In addition, the Secretaries are present at an open hearing at which anyone may express views about the needs of the diocese. The Chair of this meeting is identified by the Chair of the Vacancy in See Committee in consultation with the Secretaries.

Having established the needs of the Diocese, two documents are prepared. The diocesan Vacancy in See Committee prepares a Description of the Diocese and Statement of Needs and, on the basis of their consultations, the Appointments Secretaries produce a Memorandum. In addition the outgoing bishop is invited to submit in writing any views he or she may have, or to give the Secretaries his or her view orally if preferred.

In addition, the Strategy and Planning Unit at Church House, Westminster, will produce statistics on the Diocese's mission and ministry.

The needs of the national church

The diocesan bishop is not only the bishop of his or her diocese, but also part of the collective leadership of the Church of England as a whole and a member of the House of Bishops and, in most cases, a potential future member of the House of Lords. The Archbishops will prepare a statement which will set out the needs of the Church of England as a whole with particular regard to the range of skills, perspectives, and experience of existing members of the House of Bishops.

Identifying the next bishop

Identifying candidates

A national announcement in the church press will have invited members of the public to submit comments and possible names to the Appointments Secretaries. The names submitted are circulated to all members of the Crown Nominations Commission, together with the Description of the Diocese and Statement of Needs, the Secretaries' Memorandum, a note by the outgoing bishop (if submitted) and a statement by the Archbishops on the needs of the Church of England as a whole. The Archbishops' Secretary for Appointments will have produced a draft role profile and person specification in the light of these documents, which will also be sent out. This will be for discussion and final agreement at the first meeting of the Commission. Members of the Commission are invited to submit the names of potential candidates for consideration by the Commission in the light of the priorities identified.

The Crown Nominations Commission

The Crown Nominations Commission consists of the two Archbishops (as Chair and Vice-Chair), six members of the General Synod (three clergy, three lay), six members elected by the diocesan Vacancy in See Committee (at least three of them lay), and the two Appointments Secretaries (as non-voting members). The Archbishop of the Province presides, although he or she may delegate presidency of all or part of a meeting to the other Archbishop. (When a vacancy in the See of Canterbury or the See of York is considered, the membership is slightly different and a lay person presides).

While the dates of the meetings of the Commission will be announced, the discussions about individuals and the supporting documentation must remain confidential. This is to protect all candidates considered from undue pressure and also to protect the new bishop and his or her family from rumour, as well as individual members of the commission.

The following documents will be circulated to the Commission in respect of each candidate:

- the Register of Ministers form;
- a statement by the candidate, reflecting on their ministry and sharing their aspirations for the gospel and the Church;
- references from three referees named by the candidate;
- a nomination statement from the candidate's diocesan bishop.

Each of these documents is prepared with a view to the candidate being considered for diocesan sees in general and will be held on file.

The Commission's first meeting

The purpose of this meeting is to:

- develop a general level of understanding of the process to be followed;
- explore the nature of the role to which the Commission will be nominating and to agree the role profile and person specification;

- consider the candidates against the profile agreed and identify those whom the Commission would like to interview;
- discuss the material that might be provided to those whom the Commission wishes to interview and the outline format of the interview.

The Commission generally interviews four candidates.

The first meeting is usually held at Lambeth Palace or Bishopthorpe and commences at 1000 and ends at 1800.

In advance of the second meeting, the Archbishops' Secretary for Appointments obtains follow-up references on candidates for interview in the light of the agreed profile. Members of the Commission will also develop an outline interview structure via email.

The Commission's second meeting

The meeting is structured as follows:

- preparation for the interviews and consideration as to how they will be approached;
- interviews with candidates;
- review and discussion of the candidates in the light of the role profile and person specification;
- voting for the preferred and second names to be submitted to the Prime Minister.

The meeting is usually held at Lambeth Palace or at Bishopthorpe.

Before any vote is taken, the person presiding must be satisfied that the Commission's discussions have paid due regard to the views of the diocesan members and to the requirements of the mission of the Church of England as a whole.

The Commission identifies their preferred name for submission to the Prime Minister and a second name in case the first is unable to accept the nomination.

Both of the names submitted must have received the support of two-thirds of the members, voting in a secret ballot. When the two names have been identified, a further vote is taken, again by secret ballot, in order to allow the Commission's members to express a preference between them. It is this vote which identifies the preferred name.

The Archbishops' Secretary for Appointments contacts candidates as soon as practicable after the interviews and arranges feedback for unsuccessful candidates.

The Prime Minister

The Archbishop of the Province then writes to the Prime Minister, submitting the two names.

The Prime Minister invites the candidate concerned to accept the nomination and arranges for him to meet with the Archbishop of the Province and the Archbishops' Secretary for Appointments to discuss the role. A medical and DBS check (Disclosure and Barring Service

check, previously CRB check) are conducted prior to the candidate's formal nomination to the See.

The Sovereign

Once a candidate has agreed to accept, the Prime Minister advises the Sovereign, who formally nominates him or her to the See.

The College of Canons

The College of Canons of the Cathedral then meets formally to elect the person nominated by the Crown. In electing the person nominated, the College of Canons expresses the consent of the diocese to the outcome of the process of discernment described above, in which the diocese's representatives will have played a full part.

Confirmation of the Election

The election is confirmed by the Archbishop of the Province or by his or her Vicar-General on their behalf. It is the confirmation of the election which actually makes the person concerned the bishop of the diocese; at the end of the ceremony he or she is given spiritual jurisdiction over the diocese ('the care, government and administration of the Spirituals' of the bishopric').

Taking Up Office

If the new bishop is not already in episcopal orders, he or she will be ordained bishop before taking up office. He or she will also need to pay homage to the Sovereign and an enthronement service will take place in the diocese.

**VACANCY IN SEE COMMITTEES REGULATION 1993
(AS AMENDED IN 2003, 2007, 2008 and 2013)**

**GUIDANCE NOTES AND CODE OF PRACTICE
FOR VACANCY IN SEE COMMITTEES**

These Guidance Notes and Code of Practice were drawn up by the Steering Group charged with following up the recommendations of the report *Working with the Spirit: Choosing Diocesan Bishops* (GS 1405). They have been updated in the light of subsequent amendments to the Regulation and evolving practice. This document is not legally binding.

Numbers in square brackets refer to the relevant paragraph of the Vacancy in See Committees Regulation 1993 (as amended by the Vacancy in See Committees (Amendment) Regulations 2003, 2007, 2008 and 2013). In its current form, the regulation, which governs the membership, functions and procedure of Vacancy in See Committees, was re-declared an Act of Synod in November 2013 and its newest provisions came into force on 31 January 2014 (subject to a transitional provision).

PART I – FORMATION OF COMMITTEE

I. Formation of New Committee

The procedure for the formation of a new Committee is set out in the Regulation. The Committee is reconstituted after the election of a new diocesan synod and, although the Committee continues in existence at all times, the term of office of elected members, and of archdeacons elected under para. 1 (a) (iii), begins on 1 January of the year following that election. The term of office of elected members of the Committee expires on 31 December of the year in which the new diocesan synod is elected [2(a)].

2. Membership

2.1 Ex-Officio Members

- 2.1.1 All suffragan bishops and any assistant bishops who are both in full-time stipendiary service and members of the diocesan House of Bishops are ex-officio members of the Committee [1(a) (i)]. Other bishops resident in the diocese do not qualify.
- 2.1.2 The dean is an ex-officio member of the Committee [1(a) (ii)], because of the central role of the cathedral in the life of the diocese. If the dean is unable to serve, then a member of the Chapter is to be elected by the Chapter to serve instead of the dean. A member of the Chapter (for example an archdeacon or a proctor in Convocation) who has become a member of the Committee by another route is not eligible for election to represent the Chapter [1(a) (ii)].
- 2.1.3 The archdeacons of the diocese (if there are not more than two), or, if there are more than two, then two archdeacons elected by and from their number, are also included in the ex-officio membership [1(a) (iii)].
- 2.1.4 The proctors in Convocation (including any archdeacon elected as a proctor) and the members of the House of Laity of the General Synod are all ex-officio members of the Committee [1(a) (iv) & (v)], (but it should be noted that if a member of the Committee is appointed by the Bishop's Council to act as secretary to the Vacancy in See Committee, he or she must immediately resign from membership of the Committee [4(c)]).
- 2.1.5 The Chair of the House of Clergy and the Chair of the House of Laity of the diocesan synod are also ex-officio members [1(a) (vi)]. In the event of their being members of the Committee by some other route, there is no provision for a deputy to be appointed to replace them.

2.2 Elected Members

- 2.2.1 Archdeacons and persons in episcopal orders are excluded from the elected membership of the Committee [1(a) (vii)], and if an elected member is appointed to act as secretary, he or she must immediately resign from membership [4(c)].

- 2.2.2 The Regulation attempts to give some flexibility to dioceses to determine the size of the Committee (subject to its having a minimum of 21 members [1(b)(iii)]), and the Bishop's Council will need to address the geographical spread of representation, including the question of adequate representation from each archdeaconry [1(b)(i)]. It is important to note that the requirement that 'every archdeaconry in the diocese will be adequately represented' does not necessarily imply either equal or proportional representation. It is for each diocese to decide what constitutes adequate representation of particular archdeacons in its own context.
- 2.2.3 The number of Clerks in Holy Orders and the number of lay persons to be elected must not, in each case, be fewer than two [1(a) (vii) and (viii)]. In order to determine the number that should be elected, the distribution of the ex-officio members of the Committee must first be taken into account. The aim is to achieve a Committee which (a) adequately represents every archdeaconry in the diocese (b) comprises an equal number of clerical and lay members and (c) has at least 21 members. If, after considering the distribution of the ex-officio members, the first two of these considerations are already satisfied, then the number to be elected must not exceed two clerical and two lay members - unless additional members need to be elected to bring the total number of members up to 21 [1(b)].
- 2.2.4 The preponderance of ex-officio clergy on the Committee means that it is important that, in determining the size of the Committee, special attention is paid to achieving an equality of clerical and lay representatives. Consideration should also be given to achieving representation of a spread of different interests among the clergy membership (for example, parish priests, sector ministers and non-stipendiary ministers).
- 2.2.5 Elections to the Committee must be carried out using the method of the Single Transferable Vote, in accordance with the Single Transferable Vote Regulations of the General Synod [2(c)].

2.3 Nominated Members

- 2.3.1 The provision for the nomination of additional persons reflecting special interests in the diocese [1(c)] was originally included in the Regulation so that, for example, the two ancient Universities could be given a say in discussions concerning the appointment of the Bishops of Ely and Oxford.
- 2.3.2 The amended Regulation allows for the nomination of up to four additional persons either because they reflect a special interest in the diocese or because their nomination is, in the opinion of the Bishop's Council, appropriate in order to secure better reflection of the diocese as a whole. It is for the Bishop's Council to determine whether and how this provision should be used. The Bishop's Council may wish to consider issues of geographical spread, ethnicity, gender and age. There are no powers of co-option to the Committee [1(d)].

3. Chair and Deputy Chair

- 3.1 The Regulation provides that there shall always be a Chair of the Committee 'in waiting'. This enables the Archbishops' Secretary for Appointments, as Secretary to

the Crown Nominations Commission, to begin the task of liaison with the diocese immediately a vacancy in the see is announced.

- 3.2 The Chair is to be 'elected' (not merely appointed) by the Bishop's Council from among the members of the Committee at the first meeting of the Council after the election of the Committee [4(a)]. It is inappropriate for the diocesan bishop to nominate or second a candidate or to vote in the election.
- 3.3 There may well be advantages in the Chair being a person of perceived neutrality and objectivity in the diocese, known for his or her ability to deal with complex business and issues in a relatively short period of time. It is imperative that the Bishop's Council form its own view as to what is required.
- 3.4 The election of the deputy Chair of the Committee takes place at the first meeting of the Committee [4(b)].

4. Secretary

- 4.1 Originally, the Secretary of the Committee was always the diocesan registrar. From 1993 there was the option of appointing either the registrar or the diocesan secretary and now it is open to the Bishop's Council to appoint any 'fit and proper person'. The Regulation requires the Bishop's Council to decide, at the same meeting at which the Chair is elected, who is to be the Secretary. If the person appointed is a member of the Committee, he or she must immediately resign from membership [4(c)].

5. Continuation of Term of Office of Existing Committee

- 5.1 The elected and nominated members of an existing Vacancy in See Committee continue in office until 31 December of the year in which a new diocesan synod is elected [2(a)]. This ensures that there is always a full complement of Committee members in place whenever a vacancy occurs.
- 5.2 Where a Vacancy in the See occurs and a Committee has begun its work, the Committee membership as convened shall continue to serve, irrespective of the election of new members following a diocesan synod election [4(e)].

6. Casual Vacancies

- 6.1 Because the Committee is a permanent committee of the diocese, it is essential that casual vacancies (including vacancies caused by an insufficient number of eligible candidates standing for election) are filled as soon as possible; at the latest, they must be filled within six months of the casual vacancy occurring. Any casual vacancy which exists when a vacancy is announced, or arises before consideration of the vacancy is concluded, remains unfilled until the Committee has completed its consideration of the vacancy. The procedure for filling vacancies among the places for elected members is election, not appointment or nomination [3(a)].

7. Briefing Booklet

7.1 As soon as practicable following announcement of a vacancy, the diocesan secretary is to send each member a booklet, prepared by the Archbishops' Secretary for Appointments and approved by the Legal Adviser to the General Synod [4(g)]. This booklet contains:

- an explanation of the dual role of a diocesan bishop as the bishop of his or her diocese and as a member of the House of Bishops of the General Synod and, in the case of a bishop who is or may become a member of the House of Lords, of his or her role as a member of that House, and of the importance of giving due weight to those roles when considering candidates for a vacant bishopric;
- a description of the whole process leading to the nomination of a diocesan bishop;
- a copy of these Guidance Notes and Code of Practice, with the Regulation appended;
- recommendations concerning the procedure to be adopted for meetings of the Committee.

7.2 A copy of this booklet should be given to the Chair on election.

8. Functions of Secretary of Committee

8.1 The Secretary is responsible for:

- convening meetings of the Committee (in consultation with the Chair);
- ensuring that the Secretaries for Appointments are invited to attend meetings of the Committee;
- announcing the dates of the main meeting of the Committee and the two meetings of the Crown Nominations Commission (in liaison with the Archbishops' Secretary for Appointments – see para. 10.2 below);
- overseeing the election of the six diocesan representatives to the Crown Nominations Commission;
- announcing the names and addresses of the representatives in the local media and sending the Description of the Diocese and Statement of Needs to the Secretary of the Commission [4(c) & (d), 5(a)].

PART II – ACTIONS IN ADVANCE OF THE FIRST MEETING AND BETWEEN MEETINGS

9. Chair and Secretary of the Committee

- 9.1 The Archbishops' Secretary for Appointments (ASA) will contact the Chair and the Secretary as soon as a vacancy is announced. It is suggested that the Chair and Secretary should arrange to visit the ASA so that she or he can brief them on the process and key dates for the process (eg for consultations in the diocese, for the meetings of the Commission and for the production of paperwork) can be identified.

10. Publication of information about the Committee and the Process

- 10.1 It is important that the names of the members of the Committee are publicly available, so that anyone wishing to make individual representations to them may be able to do so. One way of publicizing the membership of the Committee would be to include it in the diocesan year book or similar publication.

- 10.2 After the preliminary meeting, the Secretary of the Committee should insert in the national church press (in liaison with the ASA) an announcement of the vacancy, following a standard wording. This should:

- invite people to send comments and possible names to the ASA and the Prime Minister's Secretary for Appointments by a certain date;
- indicate the dates of the two meetings of the Crown Nominations Commission

PART III – MEETINGS OF THE COMMITTEE

11. Dates and Times of Meetings

- 11.1 Thought should be given to the most convenient times and places for meetings. Meetings should be held at times which do not make it difficult for lay members to attend. The Chair will need to consider the meeting pattern that will work best for the diocese, in the light of the requirements of the Regulation. There is no reason why meetings should not be held on a Saturday. For many laypeople, Saturday is the best day, and a Saturday meeting provides the opportunity for proceedings to be more unhurried than might be the case on a weeknight.

- 11.2 The frequency of meetings will turn in part on the way in which the Committee intends to conduct its business. Some dioceses hold three or four meetings to agree the Statement of Needs, working entirely in full Committee throughout, whereas others supplement the work conducted at its formal meetings by email discussions or facilitated group work.

- 11.3 At its preliminary meeting, the Committee should agree dates and times for its subsequent meetings. The ASA and the Prime Minister's Secretary for Appointments must be invited to all meetings of the Committee [4(d)] although it is entitled to meet whether or not they attend. In practice they usually only attend the main

meeting, which is usually timed to coincide with the consultations in the diocese, as this allows them both to hear the views expressed by the members of the Committee and also to offer its members a perspective which takes account of the interests of the wider Church.

12. Confidentiality

- 12.1 The business of the Vacancy in See Committee (but not the date, time and place of its meetings) must be kept confidential in order to maintain the integrity of the process.
- 12.2 It may be that a member of the Committee is also an elected 'central' member of the Crown Nominations Commission. Nothing prevents such a member from playing a full part in the deliberations of the Vacancy in See Committee, although central members are clearly privy to a great deal of confidential information that they will not be at liberty to reveal. Central members will need to consider whether it is appropriate for them to act on the Commission for their own diocese.

13. Preliminary Meeting

- 13.1. The Committee is required to meet at least twice, the first meeting being held as soon as practicable after the announcement of a vacancy [5(a)].
- 13.2 The main purpose of the first preliminary meeting is for the members to get to know each other, but there will also be some preliminary business to conduct.
- 13.3 It is recommended that the meeting should begin with an act of worship, which might be a celebration of the Eucharist.
- 13.4 The recommended agenda for this meeting is as follows:
 - 1. Introductions.
 - 2. The process and the Committee's part in it (briefing by the Chair or Secretary on the basis of the briefing booklet and a conversation with the ASA).
 - 3. Election of Deputy Chair.
 - 4. Commissioning of work towards production of factual material for the Description of the Diocese.
 - 5. Commissioning a drafting group for the Statement of Needs and agreeing the process for production.
 - 6. Preparatory discussion for election of diocesan members of the Crown Nominations Commission and distribution of nomination forms.
 - 7. Dates, times and venues of subsequent meetings:

(a) main meeting; and

(b) subsequent meetings to finalise the description of the diocese and the Statement of Needs.

- 13.5 The election of diocesan members of the Commission is normally to be the final business of the main meeting [5(b)], which will generally be attended by the Appointments Secretaries. This is so that members can make their choice having heard the discussion of the needs of the diocese and the contributions of the candidates to that discussion.
- 13.6 Before candidates are nominated, the Committee should be encouraged to consider the need for a balance of interests and representation (clergy/lay; male/female; urban/rural; ethnic minorities; churchmanship; etc.) among its representatives. Since at least three of the six representatives must be lay [5(b)], it is important to ensure that a sufficient number of lay candidates are nominated. However, it is highly unlikely that all aspects of the life of the diocese will be reflected directly in the members elected. It is therefore important above all that those who are elected are people of sound judgement who understand, and can be trusted to represent, the needs of the diocese and will also be sensitive to those of the wider Church. The task with which they are charged is an onerous one.
- 13.7 Candidates must be proposed and seconded by members of the Committee and no member shall propose or second more than one candidate [5(b)]. (This is so as to ensure that the number of candidates does not exceed 50% of the number of electors, thus minimizing the likelihood of a need for random exclusion of candidates at an early stage in the counting of votes.) Nomination forms should be distributed at the preliminary meeting, so that members may discuss possible candidates informally, and sign the forms, in advance of the main meeting.

14. Main Meeting

- 14.1 The principal tasks of the Committee are to prepare a brief description of the diocese and a statement setting out the needs of the diocese and to elect members to serve on the Crown Nominations Commission. The Regulation requires that the statement should be “prepared” following discussion at the second meeting of the Committee (the main meeting). In practice drafting work is often done in advance of the discussion at the main meeting, but it is important that the text is finalised after that meeting and that it reflects discussion. The representatives on the Commission should be elected at the main meeting [5(a) & (b)].
- 14.2 The recommended agenda for the main meeting is as follows:
1. Worship.
 2. Welcome to the Appointments Secretaries.
 3. Remarks by the Appointments Secretaries.
 4. Discussion of the principal features and issues of the diocese, including:
 - (a) geographical and social factors
 - (b) factors affecting the Church.

5. Discussion of the qualities needed in the new diocesan bishop.
6. Appointment of drafting group.
7. Confirmation of nominations for election to the Commission.
8. Short break (if necessary).
9. Election of members to serve on the Commission.

Often items 4 and 5 are omitted from this meeting if these discussions have already been held.

15. Statement of Needs

- 15.1 The purpose of the Description of the Diocese and Statement of Needs is to provide the Crown Nominations Commission with a description of the principal characteristics of the diocese and of the qualities thought to be needed in its new bishop. The Commission may from time to time issue guidance to Vacancy in See Committees about the form which these documents should take and what the subjects which they might helpfully cover.
- 15.2 In preparing the Statement of Needs one of the matters the Committee will need to decide is whether it wishes to express a view as to whether the new bishop should be someone who will, or will not, ordain women. (See paragraph 12 of the *House of Bishops' Declaration on the Ministry of Bishops and Priests.*)”
- 15.3 It is recommended that a drafting group of three or four should be appointed to prepare a draft Description and Statement for consideration by the whole Committee.
- 15.4 The draft Description and Statement should be circulated to the members of the Committee with an indication of the date by which any comments should be sent in. If changes are made in response to comments, a second draft should be circulated with an indication that unless objection is made by a certain date, the Committee will be deemed to have given its approval, in which case it will not be necessary to hold a third meeting of the Committee. If agreement cannot be achieved by correspondence in this way, the Description and Statement should be finalised at the third meeting (for which a date will have been agreed at the first meeting).
- 15.4 The Statement of Needs should be sent to the Secretary of the Commission as soon as possible after the Committee has agreed it. It will be distributed, together with the memorandum prepared jointly by the two Secretaries after their independent consultation, to all members of the Commission, including the members elected from the diocese. It is for the Vacancy in See Committee to decide whether it should be confidential.

16. Diocesan Representatives on the Commission

- 16.1 The election of the diocesan representatives to serve on the Commission is normally to be taken at the second meeting of the Committee (the main meeting), as the last

item of business [5(b)] – in the light of the discussion of the needs of the diocese. The Chair is advised to ask the meeting after the discussion whether there are any further nominations, which should be submitted in writing in the normal way [cf. paras 13.8 & 14.2]. It is important to note that those elected are representatives and not delegates; they cannot be mandated as to how they should vote at meetings of the Commission.

- 16.2 The election must be carried out by using the method of the Single Transferable Vote, in accordance with the Single Transferable Vote Regulations of the General Synod [5(b)].
- 16.3 It is helpful (though not essential) if the representatives, once elected, can appoint one of their number to act as convener.
- 16.4 Only those members who are present at the meeting of the Vacancy in See Meeting when the election is held may vote. At least three of the members elected must be lay and only one may be a member of the bishop's senior staff [5(b)].
- 16.5 No candidate is eligible for election unless proposed and seconded by members of the Committee other than the candidate and no member may propose or second a candidate if he or she has proposed or seconded another candidate [5(b)].
- 16.6 In the event of one of the representatives being unable to serve, the Chair and Deputy Chair of the Committee, acting jointly, must appoint a replacement and notify the Secretary of the Crown Nominations Commission accordingly. In making their decision, they are required to 'have regard to the desirability of maintaining, amongst those members, a similar balance of opinion and representation of the interests which those members represented' [5(c)].

PART IV – ANNOUNCEMENT OF REPRESENTATIVES

- 17.1 As soon as practicable after the main meeting of the Committee, the Secretary of the Committee should announce, using the local press and other media, the names and addresses of the diocesan representatives. The announcement should invite people to write to them with an expression of view or suggested names by a certain date (identified on the advice of the Archbishops' Secretary for Appointments). It should be made clear that representatives will not be able to enter into correspondence. The announcement should seek and encourage the prayers of the diocese for all those involved in the process, and especially for the Commission and its members. (Often a diocese will prepare and issue a prayer for the vacancy in see process.)
- 17.2 Diocesan representatives will bear suggested names in mind when considering which names (if any) they should submit for by the Commission.

THE VACANCY IN SEE COMMITTEES REGULATION 1993

as amended by
the Vacancy in See Committees (Amendment) Regulation 2003,
the Vacancy in See Committees (Amendment) Regulation 2007,
the Vacancy in See Committees (Amendment) Regulation 2008
and the Vacancy in See Committees (Amendment) Regulation 2013
(i.e. in the form it takes from 31st January 2014)

A REGULATION passed by the General Synod to make fresh provision with respect to Vacancy in See Committees

I. Establishment and Composition

- (a) In every diocese there shall continue to be in existence at all times a Vacancy in See Committee consisting of:

Ex-Officio Members

- (i) The suffragan bishop or bishops and any full-time stipendiary assistant bishop who is a member of the diocesan House of Bishops.
- (ii) The dean of the cathedral or, if he or she is unable to serve, a member of the Chapter of the cathedral elected by the Chapter excluding from election any person who is a member of the Committee in any other capacity; where there is an equality of votes, the matter shall be decided by lot.
- (iii) Two archdeacons elected by and from the arch-deacons of the diocese; if there are no more than two archdeacons in the diocese, those archdeacons or archdeacon. Where there is an equality of votes, the matter shall be decided by lot.
- (iv) The proctors elected by the diocese to the Lower House of Convocation.
- (v) The members elected by the diocese to the House of Laity of the General Synod.
- (vi) The chairman of the House of Clergy and the chairman of the House of Laity of the Diocesan Synod.

Elected Members

- (vii) Not fewer than two Clerks in Holy Orders being clerks beneficed in the diocese or licensed under seal by the bishop of the diocese, elected by the House of Clergy of the Diocesan Synod except that no archdeacon and no person in episcopal orders shall be eligible for election under this paragraph.

- (viii) Not fewer than two actual communicant lay persons whose names are on the electoral roll of a parish in the diocese elected by the House of Laity of the Diocesan Synod.
- (b) The number to be elected under sub-paragraphs (a) (vii) and (viii) of this Regulation shall be such as to ensure (having taken account of the place of residence of ex-officio members) that:
- (i) every archdeaconry in the diocese will be adequately represented;
 - (ii) the number of members of the Committee (including ex-officio members) who are in Holy Orders and who are lay persons shall, as far as possible, be equal; and
 - (iii) the number of members of the Committee is not less than 21
- and shall not otherwise exceed two clerks in Holy Orders and two actual communicant lay persons.
- (c) The Bishop's Council and Standing Committee of the diocese may nominate not more than four additional persons who reflect a special interest in the diocese or whose nomination is in the opinion of the Bishop's Council and Standing Committee appropriate in order to secure a better reflection of the diocese as a whole to serve on the Vacancy in See Committee for a term ending on the date on which the elected members of the Committee cease to hold office under paragraph 2(a) of this Regulation.
- (d) The Committee shall have no power to co-opt additional members.

2. Elections

- (a) Subject to paragraph 3(d) of this Regulation the elected members of the Committee shall be elected by the Houses of Clergy and Laity of the Diocesan Synod and their term of office shall commence on the first day of January following the election of a new synod and end on 31st December following the election of the next synod.
- (b) Persons eligible to stand for election shall be proposed and seconded by members of the appropriate House of the Diocesan Synod.
- (c) The election shall be conducted by the method of the single transferable vote in accordance with the Regulations of the General Synod currently in force.

3. Casual Vacancies

- (a) A casual vacancy (including any vacancy occurring because insufficient eligible candidates for election have been elected) among the elected members shall be filled within six months of the occurrence of the vacancy by a further election by the House concerned provided that if a vacancy of the bishopric is announced before a vacancy on the Committee has been filled the vacancy

on the Committee shall remain unfilled until the Committee has completed its consideration of the vacancy of the bishopric and shall then be filled within six months of the completion of such consideration.

- (b) [Repealed by the Vacancy in See Committees (Amendment) Regulation 2008].
- (c) Where a clerk in Holy Orders elected under paragraph 1(a) (vii) of this Regulation becomes an archdeacon in the diocese he or she shall cease to be a member of the Committee under that paragraph but without prejudice to his or her becoming a member of the Committee under paragraph 1(a) (iii).
- (d) A person shall cease to be a member of the Committee when he or she ceases to hold the office by virtue of which he or she was eligible for or entitled to such membership.

4. Officers and Procedure

- (a) At the first meeting of the Bishop's Council following the election of the members of the Committee a Chairman of the Committee shall be elected by the members of the Bishop's Council from among the members of the Committee both ex-officio and elected. The person elected as Chairman shall hold office for the same term as the elected members referred to in paragraph 2(a) of this Regulation subject to paragraph 4(e) hereof.
- (b) At the first meeting of the Committee a deputy chairman shall be elected by and from the members of the Committee.
- (c) The Secretary of the Committee shall be a fit and proper person (not being a member of the Committee) appointed by the Bishop's Council at the first meeting of the council held following the election of the Committee and if the Secretary is already a member of the Committee at the time of his or her appointment he or she shall forthwith resign his or her office as a member. The Secretary shall convene meetings of the Committee in accordance with the directions of the Committee or the chairman thereof.
- (d) The Secretary of the Committee shall invite the Prime Minister's Secretary for Appointments and the Archbishops' Secretary for Appointments to attend meetings of the Committee.
- (e) For the purposes of completing the consideration of any vacancy on which the Committee shall have begun work, elected members shall continue to act as members of the Committee instead of the new members notwithstanding the expiry of their term of office and where, pursuant to paragraph 4(c) above, the Bishop's Council has decided to appoint a different person to act as secretary of the Committee, the former secretary shall continue to act.
- (f) Subject to the foregoing provisions the Committee shall have power to regulate its own business and procedure.
- (g) Subject to paragraph 5A below, as soon as practicable following the announcement of a vacancy of the bishopric the diocesan secretary shall

provide to each member a booklet, prepared by the Archbishops' Secretary for Appointments and approved by the Legal Adviser to the General Synod, containing:

- (i) an explanation of the dual role of a diocesan bishop as the bishop of his diocese and as a member of the House of Bishops of the General Synod and, in the case of a bishop who is or may become a member of the House of Lords, of his role as a member of that House and of the importance of giving due weight to those roles when considering candidates for a vacant bishopric;
- (ii) a description of the procedures to be followed concerning the nomination of persons to fill a vacant bishopric;
- (iii) a copy of this Regulation, as amended, and of the document entitled "Guidance Notes and Code of Practice"; and
- (iv) recommendations concerning the procedure to be adopted for meetings of the Committee.

5. Functions

Subject to paragraph 5A below:

- (a) The Committee shall hold at least two meetings, the first of which shall be held as soon as practicable after the vacancy which the Committee is considering has been announced. At its second meeting the Committee shall discuss the needs of the diocese. It shall then prepare a statement setting out those needs and shall send it to the Crown Nominations Commission of the General Synod, together with such factual information about the diocese and its organisation as the Commission may request.
- (b) The Committee shall elect by ballot from amongst its members persons to be members of the Crown Nominations Commission in connection with the discharge by the Commission of its function in relation to the vacancy of the diocesan bishopric, numbering such number of members as may be required by the Standing Orders of the General Synod. Such election shall be by those present and voting at a meeting of the Committee and shall normally be taken as the final business of the second meeting of the Committee held to consider the vacancy and shall be conducted by the method of the single transferable vote in accordance with the Regulations of the General Synod currently in force. Not less than half of the members elected shall be lay members of the Committee; and not more than one of the members elected shall be a member of the bishop's senior staff which, for the purposes of this sub-paragraph, shall comprise the suffragan and assistant bishops, the archdeacons, and the dean of the cathedral, of the diocese. No candidate shall be eligible for election unless proposed and seconded by members of the Committee other than the candidate and no member shall propose or second a candidate if he or she has proposed or seconded another candidate.

- (c) Where, before the Crown Nominations Commission have agreed upon the two names to be submitted to the Prime Minister, any of the members of the Commission elected under sub-paragraph (b) above dies or becomes incapable of acting as such, the chairman and deputy chairman of the Committee shall jointly appoint a member of the Committee to act as a member of the Commission in place of the first mentioned member and in making such an appointment shall have regard to the desirability of maintaining, amongst those members, a similar balance of opinion and of the interests which those members represented.

5A. Direction of Archbishop Not to Proceed with Vacancy

- (a) Where a vacancy of the bishopric is announced and:
- (i) no steps have been taken under this Regulation to fill it;
 - (ii) the Dioceses Commission has decided to prepare a reorganisation scheme in accordance with section 7 of the Dioceses, Pastoral and Mission Measure 2007 (“the 2007 Measure”) which would abolish the diocese in respect of which the vacancy has been announced or have, in the opinion of the Commission, such a significant effect on the diocese that it would be desirable to delay the appointment of a bishop to fill the vacancy; and
 - (iii) the Commission may request the Archbishop of the province in which the diocese is situated to direct that no steps shall be taken under this Regulation in relation to the filling of the vacancy.
- (b) On receipt of a request under sub-paragraph (a) above, the Archbishop may, if he thinks fit, direct as provided in that sub-paragraph and this Regulation shall have effect accordingly.
- (c) Where the Archbishop has issued a direction under sub-paragraph (b) above, then if:
- (i) the reorganisation scheme (other than a scheme dissolving the diocese) has been confirmed by Order in Council under section 8 of the 2007 Measure; or
 - (ii) the General Synod has taken a decision not to approve the scheme under section 7 of the 2007 Measure; or
 - (iii) the Dioceses Commission has informed the Archbishop that it has decided not to proceed with the scheme; or
 - (iv) the Dioceses Commission has informed the Archbishop that it has decided that it would not be appropriate further to delay the filling of the vacancy;

the Archbishop shall revoke the direction.

- (d) If the Archbishop revokes the direction under sub-paragraph (c) above this Regulation shall have effect as if the announcement of the vacancy had been made on the day on which the Archbishop revokes the direction.
- (e) Any direction or revocation given under sub-paragraph (b) or (c) above shall be in writing and signed by the Archbishop and shall be sent to the Secretary of the Committee and the Archbishop shall send a copy thereof to:
 - (i) the Archbishops' Secretary for Appointments;
 - (ii) the Secretary of the House of Bishops;
 - (iii) the Prime Minister's Secretary for Appointments; and
 - (iv) the Dioceses Commission.

6. Miscellaneous

- (a) In the carrying out of the provisions of this Regulation the Archbishop of the province shall have power:
 - (i) to make provision for any matter not herein provided for;
 - (ii) to give directions, in any case in which difficulties arise, which he may consider expedient for the purpose of removing the difficulties.
- (b) The power of the Archbishop under this paragraph shall not enable him:
 - (i) to validate anything that was invalid at the time when it was done;
 - (ii) to give any direction that is contrary to any paragraph of this Regulation.
- (c) No proceedings of any Committee constituted under this Regulation shall be invalidated by any vacancy in the membership of that Committee or by any defect in the qualification, election or appointment of any members thereof.
- (d) During a vacancy in an archbishopric or where by reason of illness an archbishop is unable to exercise his functions under this paragraph the functions of an archbishop under this Regulation shall be exercised by the other archbishop.

7. Revocation

The Vacancy in See Committees Regulation 1977 is hereby revoked.

8. Citation and Commencement

- (a) This Regulation may be cited as the Vacancy in See Committees Regulation

1993.

- (b) This Regulation shall come into force on the first day of September 1993.

STANDING ORDERS 136 TO 141 OF THE STANDING ORDERS OF THE GENERAL SYNOD, REGULATING THE CROWN NOMINATIONS COMMISSION

136. Crown Nominations Commission: functions

- (1) There is to continue to be a Crown Nominations Commission of the Synod.
- (2) The Commission must consider any vacancy in a diocesan bishopric and candidates for appointment to fill the vacancy.
- (3) The Commission must agree upon the names of two candidates for submission to the Prime Minister, with the names being given in the order decided by the Commission.
- (4) The Commission must report to the Synod from time to time as it deems expedient on matters of general concern within its area of responsibility; and SO 105 applies in relation to a report under this paragraph.

137. Crown Nominations Commission: membership

- (1) The voting members of the Crown Nominations Commission are—
 - (a) the Presidents *ex officio*,
 - (b) three members elected by and from the House of Clergy,
 - (c) three members elected by and from the House of Laity,
 - (d) six members elected by and from the Vacancy in See Committee of the diocese in which there is a vacancy in the diocesan bishopric,
 - (e) if the archiepiscopal see in the Province in which that diocese is situated is itself vacant, the senior bishop of that Province able and willing to act as a member of the Commission, and
 - (f) for its considerations on a vacancy in either Archbishopric, the persons who are voting members by virtue of SO 139(1), (2)(a) and (3).
- (2) The non-voting members of the Commission are—
 - (a) the Prime Minister's Secretary for Appointments *ex officio*,
 - (b) the Archbishops' Secretary for Appointments *ex officio*, and
 - (c) for its considerations on a vacancy in the Archbishopric of Canterbury, the person who is a non-voting member of the Commission by virtue of SO 139(2)(b).
- (3) The members to be elected from the House of Clergy or the House of Laity are to be elected in accordance with SOs 132 to 135.
- (4) The Commission may not—
 - (a) co-opt additional members, or

(b) except as provided in SO 138(8), invite the attendance of persons other than its members.

(5) If one of the Presidents is unable to be present at a meeting of the Commission, that President may nominate a member of the House of Bishops from that President's Province as deputy with full voting rights.

138. Crown Nominations Commission: Chair

(1) The Archbishop of Canterbury is the Chair of the Crown Nominations Commission; and the Archbishop of York is its Vice-Chair.

(2) The Archbishop of Canterbury presides at meetings of the Commission when an appointment in the Province of Canterbury is being considered, and the Archbishop of York presides at meetings of the Commission when an appointment in the Province of York is being considered; but this is subject to the following provisions of this Standing Order.

(3) The Archbishop required to preside at a meeting by paragraph (2) may invite the other Archbishop to preside instead for all or part of that meeting.

(4) In the absence of the Archbishop required to preside by paragraph (2), the other Archbishop must preside.

(5) In the absence of both Archbishops, the Archbishop required to preside by paragraph (2) or, in the event of that Archbishop's incapacity, the other Archbishop must nominate one of the members of the Commission elected under SO 137(1)(b) or (c) (members from House of Clergy and members from House of Laity) to preside.

(6) For the Commission's considerations on a vacancy in the Archbishopric of Canterbury, the person presiding at meetings of the Commission must be an actual communicant lay member of the Church of England appointed by the Prime Minister after consultation with such persons or bodies as the Prime Minister thinks fit.

(7) For the Commission's considerations on a vacancy in the Archbishopric of York, the person presiding at meetings of the Commission must be an actual communicant lay member of the Church of England appointed by the Appointments Committee after consultation with the Archbishop of Canterbury.

(8) Where the person appointed under paragraph (6) or (7) has not previously served as a member of the Commission, that person is to be invited to attend, as an observer, such meetings (if any) of the Commission to consider another episcopal vacancy as are to take place before the meeting at which that person is to preside.

139. Crown Nominations Commission: archiepiscopal vacancy

(1) For the Crown Nominations Commission's considerations on a vacancy in either Archbishopric, the voting members of the Commission also include—

(a) one person in episcopal orders elected by the House of Bishops, or

(b) if the continuing Archbishop chooses not to attend the Commission's meetings on those considerations, two persons in episcopal orders elected by the House of Bishops.

(2) For the Commission's considerations on a vacancy in the Archbishopric of Canterbury—

(a) the voting members of the Commission also include—

(i) the person appointed under SO 138(6), and

(ii) a member of the Primates Meeting of the Anglican Communion elected by the Joint Standing Committee of the Primates Meeting of the Anglican Communion and the Anglican Consultative Council, and

(b) the non-voting members of the Commission also include the Secretary General of the Anglican Communion, if the Secretary General has accepted the invitation to serve as such.

(3) For the Commission's considerations on a vacancy in the Archbishopric of York, the voting members of the Commission also include the person appointed under SO 138(7).

(4) An Archbishop who has tendered a resignation may not attend meetings of the Commission on its considerations on the vacancy of the Archbishopric.

140. Crown Nominations Commission: duration of membership

(1) A member of the Crown Nominations Commission elected by the House of Clergy or the House of Laity holds office for a fixed term of five years; but that is subject to the following provisions of this Standing Order.

(2) A member elected by the House of Clergy or the House of Laity to fill a casual vacancy holds office for the unexpired portion of the term of office of the member who has been replaced.

(3) A member elected by the House of Clergy or the House of Laity—

(a) is eligible for re-election, but

(b) may not serve for more than two consecutive five-year terms or, if elected to fill a casual vacancy, part of two such terms.

(4) A person who has ceased to be eligible for election as a member of the House of Clergy or the House of Laity may again be nominated for election after an interval of five years.

(5) A person who, by virtue of paragraph (3)(b), is ineligible to be a member of the Commission elected by the House of Clergy or the House of Laity may nonetheless serve as a diocesan member of the Commission under SO 137(1)(d) or be nominated as a deputy under paragraph (9) below.

(6) A vacancy in the Commission occurs, subject to Article 3(4) of the Constitution—

(a) on the removal of a member elected by the House of Clergy or the House of Laity from one House to another, or

(b) on a member ceasing by resignation or otherwise to be a member of the Synod.

- (7) A vacancy arising under paragraph (6) is to be filled in accordance with SO 134.
- (8) Where the term of office of the members elected by the House of Clergy or the House of Laity expires, those members nonetheless continue to act as members of the Commission instead of the new members in order to complete the consideration of any vacancy on which the Commission has begun work.
- (9) Where a member elected by the House of Clergy or the House of Laity is unable to be present for the consideration of a particular vacancy, the Chair of that House must nominate a member of that House as deputy for that member at meetings of the Commission for the consideration of that vacancy.
- (10) Where a member elected by the House of Clergy or the House of Laity fails throughout a period of six consecutive months from his or her last attendance to attend meetings of the Commission—
- (a) the member is deemed to have offered his or her resignation to the Chair of that House, and
 - (b) the Chair may accept the resignation and order a by-election.
- (11) The members elected by the Vacancy in See Committee of a diocese—
- (a) hold office as members of the Commission until such time as an appointment is announced to the vacant see of their diocese, and
 - (b) attend only such meetings of the Commission as, in the opinion of the person presiding at the meeting, are concerned with that vacancy.

141. Crown Nominations Commission: business and procedure

- (1) The Crown Nominations Commission may, subject to this Standing Order, regulate its own business and procedure.
- (2) The Secretary of the Commission is the Archbishops' Secretary for Appointments.
- (3) The Secretary of the Commission must communicate to the Secretary General all details of its business and procedure and notice of each of its meetings.
- (4) The Secretary of the Commission must convene meetings subject to such directions as the Commission may give.
- (5) The Commission must not proceed to a decision to select a name for submission to the Prime Minister unless the person presiding at the meeting is satisfied that, in holding its discussions, the Commission has paid due regard—
- (a) to the views of the diocesan members, and
 - (b) to the requirements of the mission of the Church of England as a whole.
- (6) A name may not be submitted to the Prime Minister unless it has received the support of at least two-thirds of the total number of the voting members of the Commission, without discrimination in respect of Orders, in a secret ballot.

(7) The Commission must indicate a preference between the two names submitted to the Prime Minister, determined by a vote conducted by secret ballot.

(8) In the event of an equality of votes on a ballot under paragraph (7) when the Commission is considering a vacancy in either Archbishopric, the vote of the person presiding does not count.

(9) In the event of an equality of votes on a ballot under paragraph (7) in any other case, the person presiding has a second or casting vote.

(10) Names are to be submitted on the Commission's behalf to the Prime Minister—

(a) by the appropriate Archbishop, or

(b) in the case of an appointment to the Archbishopric of Canterbury, by the person presiding under SO 138(6).

ELECTION OF A DIOCESAN BISHOP BY THE COLLEGE OF CANONS: AN EXPLANATORY NOTE

Nomination, consent and confirmation

Since the fourth century at least, there has been interplay in the choosing of diocesan bishops between the local church and the province. *Selection* of the bishop by the diocese has been the exception, but the need for *consent* expressed on its behalf (together with *confirmation* by the metropolitan on behalf of the province and the wider Church) has been a fundamental principle. For more than a thousand years, this consent has been expressed formally in the Church of England in the election ‘made and celebrated’ by the Chapter of the Cathedral Church.

Since Saxon times, English diocesan bishops have generally been *nominated* by the Crown. In 1214 King John issued a charter which codified the system. The King, as founder and patron of diocesan sees, would grant the Chapter a *congé d’élire* (permission to elect), accompanied by a separate letter nominating or presenting a candidate. After the election he or she would inform the Archbishop of his assent and request him, as metropolitan, to confirm the election. This process is still followed today. (The procedures were enshrined in statute – rather than invented – in 1534.)

It is an important principle that although the Crown nominates, it is not appointment by the Crown but acts of the Church – *election* on behalf of the diocese and *confirmation* of that election on behalf of the province and the wider Church – which make the person concerned bishop of the diocese. (This may be compared with a priest being presented or nominated to a living by a patron, but being made the incumbent by the bishop at the institution.) Under the Cathedrals Measure 1999 the role of the Chapter has been inherited by the College of Canons, which generally includes laypeople.

In 1976 it was agreed that the Crown would nominate to diocesan sees only candidates proposed by a church committee, the Crown Nominations Commission. Its voting members are, normally, the two archbishops, six members elected by the Houses of Clergy and Laity of the General Synod and six members elected by the diocesan Vacancy-in-See Committee. This composition reflects the ancient interplay between the diocese and wider Church in the choice of bishops, the bishop being not just bishop of his or her diocese, but also a member of the provincial or national college of bishops and a bishop in the Church of God.

Election: the consent of the diocese

The traditional (and statutory) name for the act whereby the consent of the diocese is expressed is ‘election’. Only rarely has this involved ‘free election’ or a choice between alternatives; by the eleventh century (when the election of bishops was much discussed), *election* was a procedure for giving legal validity to a decision which had usually already been taken. ‘Election’ is a biblical term, referring to the divine choice or calling – which may be discerned through human processes and human institutions – and thus remains an appropriate term for this solemn expression of consent.

Under the Appointment of Bishops Act 1534, individual members of the College of Canons are not obliged to vote for the Crown's nominee. The College is under a corporate duty to elect him, but the penalties which formerly applied if it did not do so were abolished in 1967. If the Crown's nominee is not elected, the Crown may proceed to appoint him or her by Letters Patent, if they are willing to be so appointed.

The process

The nomination of a diocesan bishop flows from a process of discernment conducted in the context of prayer for the guidance of the Holy Spirit. This process involves:

- discussion by the Vacancy in See Committee of the diocese;
- consultation with people in the diocese – both members of the Church and members of the wider community;
- invitations to people within both the diocese and the wider Church of England to make comments and suggest possible names;
- deliberation by representatives of the diocese and of the Church of England as a whole;
- consideration by the Crown, acting on behalf of the wider community which, especially in an established Church, the bishop is also called to serve.

In electing the person nominated, the College of Canons expresses the consent of the diocese to the outcome of this process of discernment.

Confirmation of the election

It has been a fundamental principle since the fourth century at least that confirmation of an episcopal election by the metropolitan on behalf of the province and the wider Church is necessary, and this principle is enshrined in Canon 4 of the Council of Nicaea.

Today the election is usually confirmed – on the Archbishop's behalf and in his presence – by the Vicar General at a provincial ceremony in London or York, in which representatives of the Chapter participate. The election of an archbishop is confirmed by a commission consisting of the senior bishops of the Province and the Archbishop of the other Province. In each case the ceremony is preceded by an act of worship.

At the end of the ceremony, the Archbishop gives the new bishop his or her *Mission* – the mandate or authority to continue the mission entrusted to the Church in a particular place and at a particular time. This statement draws on the Crown Nominations Commission's discussion of the tasks facing the new bishop, both in the diocese and more widely within the House of Bishops, which in turn will have been informed by the statement of the needs of the diocese agreed by the diocesan Vacancy in See Committee and also on the Archbishops' statement of the requirements of the mission of Church of England as a whole.

The proceedings conclude with the Archbishop delivering the mandate for the enthronement of the new bishop to the person charged with enthroning him or her. In the Northern Province this is the dean of the cathedral, in the Southern Province, the Archdeacon of Canterbury. These different traditions serve to express the local and provincial elements respectively in the role and choosing of bishops.