

**GENERAL SYNOD****MANCHESTER DIOCESAN SYNOD MOTION****INTRODUCTION AND CONTEXT**

1. Manchester Diocesan Synod voted in favour of both the Women Bishops legislation and in support of the following motion by nearly two to one. The reasons for members supporting the following motion are varied.
2. Those who cannot accept the ministry of a woman bishop in the Church of England on theological grounds are clear that the draft legislation with a code of practice (however that ends up looking) is not sufficient to enable them to remain: they would not be able to recognize authority that is delegated from a bishop who, in their eyes, does not have that authority in the first place. For them, the Archbishops' amendment offers a greater level of provision that is worth exploring further.
3. Many members of the Diocesan Synod in favour of women bishops are profoundly uncomfortable at the prospect of some people feeling unable to stay within the Church of England once there are women bishops. There is a wish to be more generous, if at all possible, to enable as many as possible to stay. This reflects the feeling in some of our deaneries who voted overwhelmingly in favour of a following motion.
4. Others of us were aware that when the Archbishops' amendment came to the General Synod in July 2010, a majority voted in favour of it. It was only lost after a call for a vote by houses; and then only in the House of Clergy by five votes, with five people abstaining. This suggests to us that the amendment merits further consideration.
5. Manchester Diocese is amongst the most diverse in terms of church tradition. We have one petitioning parish from the Evangelical wing of the church and nineteen from the Catholic wing. Eight others have passed resolutions A and/or B. Since 1994, many have worked hard to build bridges, to foster greater understanding and respect and, despite our significant differences, to establish the good working relationships that we now enjoy. It is out of this experience and desire to remain together in 'the highest possible degree of communion' that the Diocesan Synod voted so strongly for the following motion that is now before the General Synod.

**A MODEL OF GOOD PRACTICE**

6. The Bishop of Manchester and the Bishop of Beverley work well together in relation to parishes within the Diocese which have petitioned for appropriate episcopal duties to be carried out in the parish in accordance with the Episcopal Ministry Act of Synod 1993.
7. The Bishop of Beverley is an Assistant Bishop in the Diocese and, as such, attends meetings of the Bishop's Leadership Team, at which his advice is valued on a wide range of matters, not only those relating to petitioning parishes.
8. The Bishop of Beverley conducts Confirmations and Ordinations in petitioning parishes; he also licenses and institutes clergy to those parishes, as a Commissary of the Bishop of Manchester. The Bishop of Beverley exercises pastoral care for the parishes which have petitioned, together with their clergy, in partnership with the Diocesan Bishop and his staff.
9. The lead person in appointments in the Diocese is the Archdeacon of the Archdeaconry concerned, who normally works in partnership with one of the Suffragan Bishops; in relation to petitioning parishes, the Archdeacon works instead in partnership with the Bishop of Beverley.
10. Pastoral reorganisation is carried out by the Bishop of Manchester and his staff, in consultation with the Diocesan and Deanery Mission and Pastoral Committees, and the interested parties; the Bishop of Beverley is always consulted where pastoral reorganisation is contemplated involving a petitioning parish.
11. Clergy in petitioning parishes participate in the diocesan scheme for Ministerial Development Review; the Bishop of Beverley is available as a reviewer in the Diocesan Scheme. Clergy discipline is exercised by the Bishop of Manchester and the Archdeacons; the Bishop of Beverley is consulted regarding clergy in petitioning parishes, or other clergy who look to him for pastoral care. Selection and training of ordinands

takes place in accordance with diocesan and national schemes; again the Bishop of Beverley is consulted regarding candidates from petitioning parishes.

### **WHAT DIFFERENCE WOULD THE ARCHBISHOPS' AMENDMENT MAKE?**

12. In terms of who would carry out episcopal functions, the Archbishops' amendment would make very little difference to the practice described above. The key change would be in the source of authority for particular episcopal functions. Currently, the Bishop of Beverley acts with legal authority delegated from the Bishop of Manchester, or is consulted, or invited to be involved.
13. The Archbishops' amendment would have the effect that the co-ordinate bishop would confirm, ordain, license and institute clergy, and exercise functions relating to the provision of pastoral care to clergy and parishioners, by the authority given him by the Measure, and in accordance with the Diocesan Scheme made under the Measure. As the amendment would not divest the Diocesan Bishop of any of his or her functions, the co-ordinate bishop would need to work in partnership with the Diocesan Bishop and his or her staff.
14. Matters relating to clergy discipline, pastoral reorganisation, and the selection and sponsorship of ordinands would be unchanged by the Archbishops' amendment; the co-ordinate bishop's involvement would be by way of consultation or delegation from the Diocesan Bishop, in accordance with the Code of Practice and the Diocesan Scheme made under the Measure.

### **POSSIBLE OBJECTIONS**

*There is no precedent to co-ordinate jurisdiction*

15. There is a close precedent in Area Schemes made under section 11 of the Dioceses Measure 1978, which provide for co-ordinate jurisdictions. These Area Schemes provide for a Diocese to be divided into Areas, and specify which Bishop (the Diocesan or a Suffragan) shall have, or share, the episcopal oversight of each Area. Subsection (7) states 'The making of a scheme under this section shall not be taken as divesting the bishop of the diocese to which the scheme relates of any of his functions.' In other words, both the Diocesan and the Suffragan Bishop(s) have jurisdiction or oversight, but the Scheme specifies which Bishop exercises oversight, or specified episcopal functions, in an Area. The oversight of the Suffragan Bishop(s) derives from the Measure, and the Area Scheme, not from delegation by the Diocesan Bishop.
16. Such Area Schemes operate in the Dioceses of Chelmsford, Chichester, Lichfield, London, Oxford and Southwark; they have operated in those Dioceses for many years, but they do not undermine the role of the Diocesan Bishop, or his ability to speak for the whole Diocese.

*What happens if two Bishops cannot agree – who holds jurisdiction then?*

17. The scheme made by the Diocesan Bishop under the Measure, having regard to the Code of Practice, would specify which Bishop exercises jurisdiction in which situations; in the event of disagreement, reference to the Diocesan Scheme and the Code of Practice would determine which Bishop exercises jurisdiction.

*Only women bishops would be required to make schemes for co-ordinate jurisdiction*

18. The draft Measure as it stands provides that every Diocesan Bishop must make a scheme, so if the Archbishops' amendment were made, every Diocesan Bishop would have to make a scheme for co-ordinate jurisdiction.

### **CONCLUSION**

19. The Diocese of Manchester, in all its diversity, desires to move forward together as one body in the highest possible degree of communion. We regret that the proposed legislation does not make this possible and we believe that the Archbishops' amendment gives the Church of England the best way to move forward together in mission and ministry to the nation.

Martin Miller (on behalf of the Manchester Diocesan Synod)  
January 2012

## **Annex A**

### **TEXT OF THE ARCHBISHOPS' AMENDMENT** (proposed in July 2010)

#### Clause 2

1. In subsection (1) leave out the words "way of delegation to".
2. After subsection (1) insert  
"(2) The episcopal ministry referred to in subsections (1), (3) and (5) shall be exercisable by virtue of this section and shall not divest the bishop of the diocese of any of his or her functions."

#### Clause 5

In section 5(1)(b), at the end, insert the words

"and, in particular, arrangements for co-ordinating the exercise of episcopal ministry under section 2(1), (3) and (5) by the bishop of the diocese and any other bishop who exercises episcopal ministry in accordance with those subsections".

## **Annex B**

### **ARCHBISHOPS' NOTE EXPLAINING THEIR REASONING** (dated 21 June 2010)

(from: <http://www.archbishopofcanterbury.org/articles.php/993/general-synod-draft-legislation-women-in-the-episcopate>)

1. We want as many people as possible to feel that there is good news for them in this process, and we hope that what we are suggesting may help secure the broadest degree of support for the legislation without further delaying the process of scrutiny and decision.
2. Successive General Synod debates have produced clear majorities in favour of admitting women to the episcopate in the Church of England. At the same time, a number of motions have also shown a widespread desire to proceed in a way that will maintain the highest possible degree of communion within the Church of England between those who differ on the substantive point, reflecting the 1998 Lambeth Conference Resolution that 'those who dissent from as well as those who assent to the ordination of women to the Priesthood and episcopate are both loyal Anglicans'.
3. The issue that has proved most difficult to resolve in securing these two objectives has been that of 'jurisdiction'. Once women become bishops, it will be possible to maintain something like the present 'mixed economy' in the Church of England only if there is provision for someone other than the diocesan bishop to provide episcopal oversight for those who are unable to accept the new situation. The need for such provision is widely accepted. But what is still much debated is what should be the basis in law for the authority exercised by a bishop in this kind of ministry.
4. The various approaches so far explored have all taken for granted that there is a simple choice between either deriving this authority from the diocesan by way of delegation or removing some part of the diocesan's jurisdiction so as to confer it on a bishop who then exercises authority ('ordinary jurisdiction') in his own right.
5. The amendments we intend to propose involve neither delegation nor depriving a diocesan of any part of his or her jurisdiction. Instead we seek to give effect to the idea of a 'co-ordinate' jurisdiction.
6. What this would mean is that:
  - a) the jurisdiction of the diocesan bishop, whether male or female, remains intact; he or she would remain the bishop of the whole area of the diocese and would be legally entitled to exercise any episcopal function in any parish of the diocese;
  - b) where a parish had requested arrangements, by issuing a Letter of Request, the diocesan would in practice refrain from exercising certain of his or her functions in such a parish and would leave the nominated bishop to exercise those functions in the parish in question;
  - c) the legal authority of the nominated bishop to minister in this way would derive from the Measure itself, and would not, therefore, be conferred by way of delegation; but the identity of such a bishop and the scope of his functions would be defined by the scheme made by the

diocesan for his or her diocese, in the light of the provisions contained in the national statutory Code of Practice drawn up by the House of Bishops and agreed by General Synod;

- d) thus both the diocesan and the nominated bishop would possess 'ordinary jurisdiction'; the diocesan would retain the complete jurisdiction of a diocesan in law, and the nominated bishop would have jurisdiction by virtue of the Measure to the extent provided for in the diocesan scheme, in effect holding jurisdiction by the decision of the Church as a whole, as expressed in the Measure;
- e) in respect of the aspects of episcopal ministry for which the diocesan scheme made provision, the diocesan and the nominated bishop would be 'co-ordinaries', and to that extent, their jurisdiction could be described as co-ordinate, that is to say, each would have an ordinary jurisdiction in relation to those matters; and the Code of Practice would contain guidelines for effective co-ordination of episcopal functions so as to avoid duplication or conflict in the exercise of episcopal ministry.

*[paras. 7 & 8 omitted – specific to July 2010 only]*

- 9. Since the amendments would not divest the diocesan bishop of any jurisdiction, they would involve no change in the Church of England's understanding of the episcopate. But for those seeking ministry under this provision from a nominated male bishop, there would no longer be the difficulty that this authority was derived in law from an act of delegation by an individual diocesan.
- 10. An arrangement whereby two people have jurisdiction in relation to the same subject matter would not be unique. For example, the High Court and the Charity Commission each has jurisdiction to make schemes for the reorganisation of charities. Many courts and other bodies have overlapping jurisdictions.
- 11. Such situations are often described as 'concurrent jurisdiction', though this should not be understood in the sense of two different courts acting at the same time in relation to the same things, simply as meaning two authorities possessing jurisdictions that exist side by side. We prefer the term 'co-ordinate' as less likely to give rise to confusion.
- 12. Where there are cases of concurrent jurisdiction in the law, procedural rules and rules of practice have had to be developed to avoid two authorities acting at the same time on the same matters. Similarly, our amendments will require the Code of Practice to give guidance on arrangements for co-ordinating the exercise of ministry as between the diocesan bishop and the nominated bishop under the diocesan scheme. The diocesan retains the freedom to amend the diocesan scheme from time to time after consultation with the diocesan synod.
- 13. Since 1994, the Church of England has managed to operate a practical polity that reflects continuing differences over the question of the priestly ministry of women. This has been possible not only because of the framework created by General Synod through the 1993 Measure and the Act of Synod but also because a great many people on all sides have wanted to make it work.
- 14. We are convinced that the small but significant changes we are proposing will make it easier for the statutory framework and Code of Practice emerging from the legislative process to create a climate in which mutual trust and common flourishing across the Church of England can be nourished, in a situation where for the first time, all orders of ordained ministry are open to women and men alike.
- 15. We believe that the amendments secure two crucial things: that women ordained to the episcopate will enjoy exactly the same legal rights as men within the structures of the Church of England and that there will be no derogation of the rights of any diocesan bishop, male or female; and that those who request oversight from a nominated bishop under a diocesan scheme will be able to recognise in them an episcopal authority received from the whole Church rather than through delegation or transfer from an individual diocesan.

*✠ Rowan Cantuar: ✠ Sentamu Ebor:*

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