

**GENERAL SYNOD****WOMEN IN THE EPISCOPATE  
MANCHESTER AND SOUTHWARK DIOCESAN SYNOD MOTIONS****Background Note from the Secretary General**

1. At the Revision Stage of any legislation - which in the case of the draft Bishops and Priests (Consecration and Ordination of Women) Measure was in July 2010 - the General Synod is able to make any amendments that it sees fit, provided they are relevant to the 'general purport' of the draft Measure and within the scope of the clause to be amended, and relate to a matter contained in the report of the Revision Committee. Thereafter the circumstances in which the Synod can make further amendments are much more constrained.
2. In February the General Synod's opportunity to amend the legislation is confined to deciding whether to accept the drafting amendments proposed by the Steering Committee in its report to the Synod. The Committee has not proposed any 'special amendments' (defined narrowly in the Standing Orders as those considered 'necessary or desirable by the Steering Committee' because a Measure is not 'sufficiently clear or because some criticism not considered by the Synod or any Revision Committee has been brought to the notice of the Steering Committee.')
3. The House of Bishops, however, has power under Standing Order 60 to amend any Article 7 or Article 8 Measure 'as it thinks fit' before it comes to the General Synod for final approval. It is because of the special responsibilities of the House of Bishops for faith and order that Article 7 of the Synod's Constitution says that particular types of provision (which include this draft Measure) 'shall, before it is finally approved by the General Synod, be referred to the House of Bishops, and shall be submitted for such final approval **in terms proposed by the House of Bishops and not otherwise**' (emphasis added).
4. The debate on the motion proposed by the Manchester Diocesan Synod (and carried in the same form in Chichester, Wakefield and York and in a similar form in Exeter) does, however, give the Synod the opportunity to consider whether it wishes to express a view of some kind to the House of Bishops about what action the House should take.
5. No motion passed at this stage can bind the House or fetter its discretion. It would, nevertheless, be something that the House would need to take into account in deciding whether to exercise its power to amend the draft legislation.
6. Because the motion passed by the Southwark Diocesan Synod proposes a course of action inconsistent with the Manchester motion the Business Committee concluded that the most satisfactory way of enabling Synod to consider the conflicting arguments (given the constraints imposed by Standing Order 24) was for the Southwark motion to be debated as an amendment to the Manchester motion.
7. In the interests of parity of treatment, the Business Committee also agreed that the Southwark amendment should be moved from the platform; and the expectation is that its mover will be allowed to speak to it for the same length of time as the mover of the

Manchester motion will have to speak in moving that motion. The normal rules in relation to tabling other amendments apply (though members' attention is drawn to what is said in the Agenda about the revised deadline agreed by the Business Committee for the giving of notice of them).

8. As the background material prepared for the Article 8 reference explained, the question how best to admit women to the episcopate, while at the same time making provision for those wishing to remain within the Church of England despite their inability, for theological reasons, to receive the ministry of female bishops, generated much debate both within the groups involved in preparing the legislation and within the Synod itself, both in Revision Committee and at the Revision Stage.
9. The eventual judgement of the Synod was that the provision to be made should be on a statutory basis rather than, as some would have preferred, made outside the legislation so that the Measure could have been framed in the simplest form necessary to make it lawful for women to become bishops.
10. At the same time the Synod concluded that provision should be made by way of schemes in each diocese and that in putting schemes in place diocesan bishops and their synods should be required to take account of a national Code of Practice made by the House of Bishops and approved by the Synod. The Synod did not, as some would have preferred, agree that provision should be made by legislating to create new dioceses or other structures outside the present diocesan framework.
11. Within this overall approach the sharpest area of disagreement concerned the basis on which bishops exercising particular aspects of episcopal ministry in relation to parishes which had issued Letters of Request would be doing so. By what authority would they act and what would their relationship be with the diocesan bishop who, under Canon C 18.1, will remain 'the chief pastor' of all within the diocese?
12. The draft Measure sent to the dioceses following the Revision Stage in July 2010 answered this question by saying that the arrangements made in each diocese by way of a scheme made by the diocesan bishop should be 'by way of delegation'.
13. The effect of the amendments sought by the Manchester motion would be to delete the reference to delegation and instead provide that the legal authority of the male bishop providing episcopal ministry under each diocesan scheme would derive from the Measure itself. Annex B to the background note provided by Manchester Diocese sets out the explanation that the Archbishops offered the Synod in 2010 of this proposed 'co-ordinate jurisdiction'.
14. There are, as the Manchester paper notes, some parallels between what the Archbishops proposed in their amendment and section 11 of the Dioceses Measure 1978. That provision allowed the making of a scheme which provided for a diocese to be divided into areas and for the scheme to specify the bishop (whether the diocesan bishop or a suffragan bishop) 'who is to have, or to share, the episcopal oversight of each such area.'

15. The section made no reference to the suffragan having episcopal oversight by way of delegation: the power to exercise oversight was derived from section 11 of the 1978 Measure and the scheme made under it.
16. Nevertheless there are differences between schemes under section 11 and under clause 2 of the draft Measure. The making of area schemes was optional under the 1978 Measure. The diocesan bishop was not obliged to bring forward such a scheme. By contrast it is a mandatory requirement under the draft Measure for each bishop to make a scheme under clause 2. Another difference is that schemes under section 11 could not, unlike schemes under clause 2, confer authority to exercise functions on a bishop from outside the diocese.
17. Section 11 of the 1978 Measure was repealed when section 13 of the Dioceses Pastoral and Mission Measure 2007 ('the DPMM') came into force on 1 May 2008. By virtue of transitional arrangements contained in the DPMM, section 11 schemes made before that date can remain in force indefinitely unless revoked by a diocesan bishop with the consent of the diocesan synod. (Previously the consent of the General Synod had also been required but that requirement was dropped for reasons of subsidiarity.)
18. Section 13 of the DPMM now provides for the delegation by the diocesan bishop, by instrument, of certain functions to suffragan bishops or assistant bishops. The change made by the DPMM was driven by a desire to simplify processes and not by any perceived issues of principle over the basis on which the functions exercised by area/suffragan bishops should be exercised.
19. The motion from Southwark, since it seeks to request the House of Bishops to let the draft Measure come to the Final Approval Stage in the form in which it was referred to the dioceses, calls for no significant comment, save to note that the motion requests the House not to exercise its power to make amendments whereas paragraph (b) refers to the desirability of the draft Measure being 'returned to the Synod for consideration on the Final Approval Stage **substantially** un-amended' (emphasis added).
20. Since it is a provision of some importance in relation to the remaining stages of the legislation Synod members may, in conclusion, find it helpful to be reminded of Standing Order 92. That provides that, before Article 7 or Article 8 business is considered on the Final Approval Stage, the Archbishop chairing the debate on the Final Approval motion is required to declare, on behalf of the Presidents, the Prolocutors and the Chair and Vice Chair of the House of Laity ('the Group of Six'), that the requirements of Article 7 and/or Article 8 (as the case may be) have been complied with. Article 8 requires any Measure or Canon falling within it, 'or the substance of the proposals embodied therein', to have been approved by a majority of the dioceses.
21. The Group of Six cannot finally determine whether the requirements of Article 7 and Article 8 have been complied with until the relevant references have been concluded. It has, having had initial legal advice and carefully weighed all the relevant considerations, discussed whether it should offer an initial view at this stage in relation to what might trigger a further reference to the dioceses under Article 8 of the Constitution. It has decided not to do so.