

# **Mission and Pastoral Measure 2011**

## **Part 7: Mission Initiatives**

### **CODE OF PRACTICE**

Drawn up by the House of Bishops under section 84 of the Mission and Pastoral Measure 2011  
and replacing the Code of Practice issued in March 2008 and updated in July 2012

**2<sup>nd</sup> Edition: July 2018**



THE CHURCH  
OF ENGLAND



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(as revised by the Mission and Pastoral etc (Amendment) Measure 2018)

## Introduction

### Overview

**Parts 1 to 3** of this Code give a broad overview of the purpose of the BMO provisions and types of mission initiatives they are likely to support, outlining the roles of the Bishop, the DMPC, the leadership of the initiative and the Visitor.

**Parts 4 to 6** are for those needing a more detailed understanding of the BMO legal provisions because they are involved in their setting up and operation. They cover the basic legal requirements, consultation, formal documentation, licensing of ministers, governance, reviews and variation or revocation of a BMO.

### The purpose and status of the Code of Practice

This Code of Practice drawn up by the House of Bishops replaces the Code previously issued in March 2008 and updated in July 2012. It provides guidance on exercising the functions of Part 7 of the Mission and Pastoral Measure 2011 (“the Measure”) providing for Bishops’ Mission Orders (“BMOs”) as part of the redrawn legal landscape, a “principled and careful loosening of structures”<sup>1</sup>, enabling the Church to engage more fully with God’s mission.

It affirms that those whose passion is mission on the margins of the Church have to recognise the importance of order when ecclesial recognition is being sought. However, it also acknowledges that those whose ministry is centred upon the good ordering of the Church need to listen attentively to the voices of those who seek to live and proclaim the gospel of Christ in cultural contexts where ecclesiastical concerns are perceived to be either marginal or simply irrelevant.

Not all mission initiatives will require a BMO. The involvement of the Bishop is missiologically and ecclesologically important for the Bishop is at the centre of unity, ministry and mission in the diocese. However, this does not require episcopal involvement in every mission activity, and even where the Bishop should be and is involved, a BMO may not be the way in which to achieve or reflect that. An example is a mission initiative not intended to form a new Christian community, such as a traditional town-wide evangelistic mission expected to link people with an existing local church. Nevertheless, the Church needs to be open to the surprises that God often brings into being and recognise that what was planned as a particular activity might unexpectedly lead to the creation of a new community of Christians which might begin to look like Church. A BMO might be issued at a later stage in the development of a project that had, in the economy of God, turned out very differently from that expected by its instigators.

The Measure requires Bishops, leaders and Visitors of mission initiatives, and diocesan mission and pastoral committees (DMPCs) to have regard to the Code in exercising these functions. At the same time, the Code should help Bishops, clergy and laity to be aware of the new possibilities for creative yet orderly thinking, planning and action in regard to mission initiatives. The House of Bishops hopes that it will prove to be an enabling gift to the Church of God for the mission of God.

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<sup>1</sup> Report of Proceedings, General Synod, November 2005 p 64 (Presidential Address by Archbishop of Canterbury)

## **Part 1: Setting the scene**

### **1.1 Introduction**

1.1.1 Diocesan mission and ministry strategies support a variety of organisational and deployment arrangements to meet changing needs and new challenges. BMOs provide both space for experiment in mission and a means of accommodating non-territorial forms of church.

### **1.2 The purpose of a BMO**

1.2.1 A BMO is intended to affirm, enable, encourage and support a new or existing mission initiative within the overall ordering of the life of the Church, through:

- effective legal recognition of a new or existing Christian community within the life of the diocese(s);
- appropriate and supportive oversight of plans and resources;
- encouraging creative partnerships between parishes and deaneries and with other Churches;
- ensuring proper provision for ministry (including administration of the sacraments);
- where necessary, making lawful acts that would not otherwise be lawful; and
- ensuring compliance with legal guidelines and best practice in (for example) employment legislation, safeguarding and the care of the vulnerable.

1.2.2 The BMO is designed as a flexible tool to support the development of new worshipping communities in contexts where wider recognition is necessary and helpful, part of a “mixed economy” of fresh expressions of church alongside traditional parishes.

#### ***When is a BMO not required?***

1.2.3 There are many ways to share in God’s mission through new initiatives. Most will not require a BMO. Many fresh expressions of church develop wholly or largely within and by a single parish or benefice and, normally, a BMO will not be needed in such circumstances; support and oversight is provided through existing parochial and diocesan structures.

1.2.4 A Parochial Church Council (PCC) may, however, find it helpful to consider some of the matters raised in this Code in planning for fresh expressions of church, including the provision of support and mission accompaniment, even though not within the formal framework provided by a Bishop’s Visitor. As the whole Church learns new lessons in mission, parishes are encouraged to share with others the wisdom gained through new ventures.

#### ***When might a BMO become necessary or helpful for a local project?***

1.2.5 Sometimes a project may begin locally but develop in such a way that recognition through a BMO may be a helpful step in its journey to maturity, as its mission expands beyond the area of the parish or benefice. Alternatively, it may become appropriate for an initiative to determine its own direction and life in collaboration with the parish in which it is set.

1.2.6 Examples might include:

- A youth congregation beginning in one parish attracting members from a much broader area, needing wider recognition in support of its ministry, representation in the life of the deanery or in establishing new congregations.
- A network community that grows up within an existing multi-parish benefice, which, as part of its own growth to maturity, requires a similar legal status and recognition to that of the individual parishes within that benefice.
- A group which begins for enquirers or new Christians within a town centre beyond the originating parish which then begins to develop as an ongoing Christian community and holds services for public worship.

*When is a BMO necessary and helpful from the outset?*

1.2.7 A BMO may be desirable in launching a new initiative involving mission, collaboration and co-operation across a number of different parishes or deaneries, in order to describe the scope of the project, define the necessary partnerships, ensure appropriate oversight and support and assure continuity through changes in tenure.

1.2.8 Examples might include:

- the intentional establishing of a network congregation for young adults across a city;
- the revitalisation of an existing congregation which enables structured partnership between two or more parishes and the drawing in of new resources;
- the ecumenical appointment of a schools worker to three local secondary schools with the intention of creating a Christian community;
- a congregation which primarily serves the needs of a particular ethnic group seeks affiliation with the Church of England; or
- collaborative work between several parishes and the Methodist Circuit to engender a missional Christian community in an area of new housing development.

1.2.9 In summary, the BMO provisions are intended for **situations where the Bishop is satisfied that the initiative would be likely to promote or further the mission of the Church through fostering or developing a distinctive Christian community**, which will itself be part of the wider Church of England.

## Part 2: Getting Started

**Part 2** gives a broad practical overview of:-

- how and from whom a proposal for a BMO may originate;
- the types of initiative to which that proposal may relate;
- the roles of the Bishop and DMPC.

The scope and extent of any initial exploration is also covered. This will be linked to the nature of the project, but in the case of a well-developed project or proposal it may well be appropriate to proceed directly to the more formal stages for making a BMO.

### 2.1 How and from whom a proposal for a BMO might originate in practice

2.1.1 A proposal for a BMO (see Para 4.1) may originate with either:

- a) *A person or group of persons exercising ecclesiastical functions within the diocese* (e.g. an incumbent; the standing committee of a deanery synod; a diocesan missionary).
- b) *The Bishop or a member of the Bishop's staff.*

### 2.2 Proposals for differing types of initiatives

2.2.1 The proposal could be either for an existing initiative or a new project, such as where:

- An established initiative has reached a particular point in its development (e.g. the emergence of a new Christian community or expansion beyond an initial parish base).
- A new initiative seeks to serve a particular geographical community, such as an area of new housing straddling two parishes.

2.2.2 The initial proposal should normally identify some geographical boundary to help identify both potential partners and also appropriate parties to be consulted. If it straddles diocesan boundaries, the Bishops concerned should agree how to take this forward; in due course an Order may be needed in both dioceses.

2.2.3 However, where it is not possible to specify a geographical boundary for the exact scope of the proposed outreach, (e.g. an internet community or informal network of communities straddling several dioceses), the proposal should specify the diocese(s) which will license any ministers and exercise oversight. Suitable protocols and patterns of communication should be developed as needed.

### 2.3 Initial exploration

2.3.1 The proposal should briefly address the following questions:



1. What is the nature and scope of the proposal?
2. Who are the originating parties?
3. How will the proposal further the mission of the Church?
4. Are ecumenical partners involved at this stage or envisaged?
5. Why is a BMO required?

2.3.2 In some cases the Bishop might wish to undertake some discretionary initial explorations, but for a well-developed initiative or proposal is likely to proceed directly to the formal stages for consultation and making an Order (see Part 4).

2.3.3 The Bishop will normally appoint a suitable person (“Bishop’s Officer”) to carry out any initial explorations, meeting the project leaders to explore its viability and potential, existing and possible partners, any ministry or funding implications, and why a BMO is necessary and desirable. This may also include conversations with incumbents or priests in charge of parishes likely to be most affected and any ecumenical partners involved. The views of the Bishop’s Staff meeting and the DMPC may also be sought.

2.3.4 In addition to the *questions* in para 2.3.1 above, the following are also relevant:

6. Does what is proposed complement existing mission initiatives?
7. What resources are needed to begin and sustain the project and are these already in place? Are there other partners who might be able to contribute?
8. Who should be consulted formally as part of the process of the granting of a BMO?
9. Is appropriate mission accompaniment in place or envisaged for the venture?
10. What proposals are there for the provision of ministry (including the sacraments of Baptism and the Eucharist at the point this becomes appropriate.)?
11. Has thought been given to the long-term future and possible sustainability of the venture? (There may be value in short term initiatives in particular contexts but there are also those with the capacity for fruitful ministry over many years.)
12. Are there any special circumstances to be explored further in the formal consideration of the Order?

***Possible outcomes of any initial exploration stage***

2.3.5 A reasonable time frame for any initial exploration is up to three months from the request to the decision to proceed (or not), by which time:

- the Bishop will have assembled the information required to draw up a draft Order and initiate formal consultation; and
- the initiating group will have carried out any research required, firming up proposals and exploring partnerships.

2.3.6 There are various possible outcomes:

- The Bishop’s Officer and initiating group both agree to take the process forward; the Bishop will normally then initiate formal consultation and drafting the Order.
- The BMO proposal is not taken further by mutual agreement, with a brief report to the Bishop (possibly suggesting other measures to support the initiative).

- The Bishop’s Officer recommends that a BMO is not the right way to proceed but the initiating group wish to go ahead. The latter should have the opportunity to make its own case to the Bishop, whose decision is final on whether or not to proceed.

## 2.4 Roles of the Bishop and the DMPC

### *The role of the Bishop*

2.4.1 The Measure provides structures and processes intended to enable the Bishop to be an effective leader in mission:

“Bishops have a key role in setting mission priorities, in releasing resources for mission, and in their powers to ordain and license. This includes the ability to send fresh apostolic teams to cultures or areas where the mission presence is thin or non-existent.”<sup>2</sup>

2.4.2 This understanding of the Bishop in mission builds on the work of the 1998 Lambeth Conference and other recent documents on episcopacy in the Church of England.<sup>3</sup>

2.4.3 The Bishop’s role is crucial in making the Order and arrangements for consultancy, oversight and a process of review. ***Much of the task of discernment and consultation can and should be shared, but only the Bishop may make (or terminate) the Order.***

2.4.4 Part of the Bishop’s role in mission is to have due regard to the ***ongoing shift of culture*** within the Church as we seek to grow, under God, as a church shaped by mission. Diocesan policies on cross boundary mission and mission initiatives, fresh expressions of church and church planting and training initiatives may all assist this process.

2.4.5 The principle of ***contextual mission*** applies in respect of dioceses as well as parishes and new initiatives. Every diocese is in some ways distinct in terms of its history, social context, challenges and resources. The House of Bishops therefore anticipates some variation in provision across the Church of England in the way in which the detail of these proposals is put into practice. However the House also commends attending to emerging good practice.

2.4.6 Section 13 of the Dioceses, Pastoral and Mission Measure 2007 allows ***the functions of the Diocesan Bishop to be delegated*** to a Suffragan or Assistant Bishop, including powers to make a BMO. The Bishop will normally be advised by the Archdeacons, and also any Diocesan Missioner, Director of Ministry or Fresh Expressions Officer.

### *The role of the DMPC*

2.4.7 The DMPC, having regard to “worship, mission and community as central to the life and work of the Church of England” (s.3 (1) of the Measure), supports the Bishop’s work regarding mission initiatives and is a statutory consultee for BMOs.

2.4.8 Schedule 1 to the Measure gives dioceses freedom to establish a DMPC of appropriate size and membership (likely to include the Diocesan Missioner), and to appoint sub-committees.

<sup>2</sup> *Mission-Shaped Church* (GS1523) p136

<sup>3</sup> Sub Section 6, “Being a Missionary Bishop in a Missionary Church”, in Section II, Called to Live and Proclaim the Good News, The Official Report of the Lambeth Conference, 1998, Morehouse Publishing, 1999

A sub-committee responsible for developing and sharing good practice on mission initiatives might be helpful where a number of these are in place.

## **2.5 Ecumenical considerations**

2.5.1 The Measure provides for co-operation under BMOs with other Christian Churches and religious organisations (see below) and the Bishop may find it helpful to discuss potential collaboration with ecumenical colleagues.

2.5.2 The three models provided for co-operation are through:

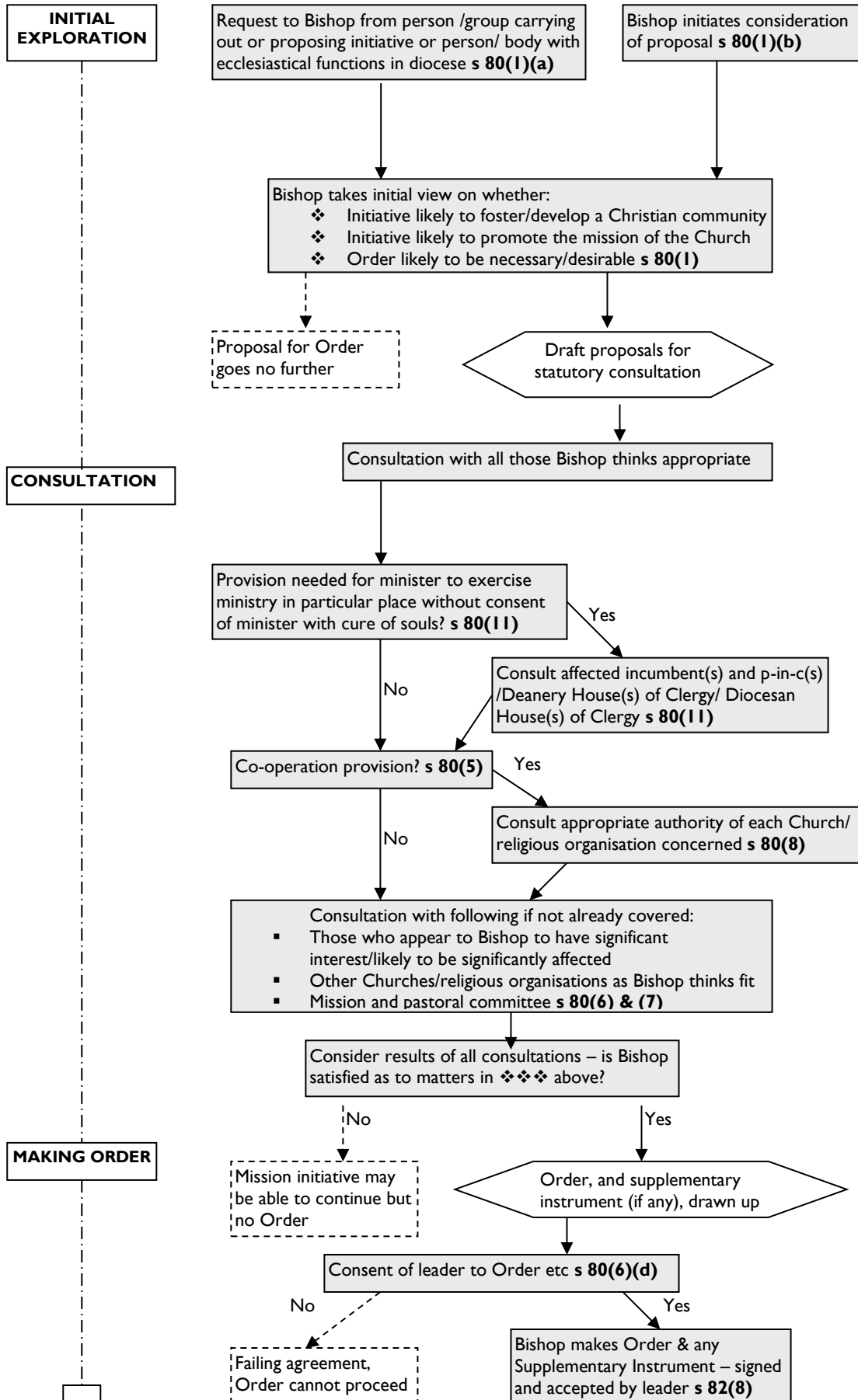
- a) “participation in a local ecumenical project (commonly known as a local ecumenical partnership)” (s.80(5)(a));
- b) “other ecumenical co-operation with other Churches” (s.80(5)(b)); and
- c) “collaboration with any religious organisations” (s.80(5)(c))

2.5.3 The formal requirements attached to each model are outlined in detail in Part 4.6 below.

2.5.4 The driver behind any cooperation with partner Churches will always be more effective engagement with God’s mission. The appropriate courtesies of working in partnership with other Churches and agencies are not to be laboured at the expense of mission. Conversely it is unhelpful to pursue mission initiatives as though other Christians do not exist.

2.6

Procedure flowchart for making an Order



## **Part 3: Key roles in the initiative - ministry and leadership, the Visitor and mission accompaniment**

Part 3 gives a broad overview of two key roles in mission initiatives operating under BMOs:

- Ministry and leadership; and
- The role of the Visitor and mission accompaniment.

### **3.1 Ministry and leadership**

3.1.1 Different models for developing the new Christian communities recognised through a BMO include (but are not restricted to):

- a team of lay volunteers beginning a new venture which develops into a Christian community. Several such volunteers may over time be appropriately recognised or authorised by the Bishop to the exercise of particular ministries;
- a paid lay worker (such as a youth worker) seeing a new congregation grow as part of his or her ministry and developing a leadership and ministry team within the congregation. In time the lay worker may be authorised or licensed to recognised ministry within the new venture. This may include ordination as deacon or priest after appropriate selection and training;
- a Church Army Evangelist, ordained minister, or pioneer lay minister<sup>4</sup> appointed to begin a new community and drawing together a team of volunteers.

3.1.2 Relevant factors in the healthy development and support of ministry in new Christian communities which are owned across the denominations include:

#### **1. Training**

Authorisation carries with it responsibility for appropriate support in terms of training and development. This training should cover the areas of personal formation, Christian formation (evangelism and the making of disciples), missiology and ecclesiology, listening and contextual mission, beginning new Christian communities and enabling these communities to grow to maturity.

#### **2. Mission Accompaniment**

The provision of suitable mission accompaniment (see below) is seen as essential to the healthy development of new Christian communities in order to allow capacity for learning, reflection and development as the journey unfolds.

#### **3. Flexible development of ministry**

Ministry will need to develop flexibly within these new communities. In particular, thought will need to be given to the development of part time or full time supported

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<sup>4</sup> Information about Pioneer Ministry can be found at <https://www.cofepioneer.org/>

posts as the community expands and to the different gifts which are needed in the pioneering stage from the more settled life of the community which may follow.

#### **4. *Growing ministry locally***

The lessons of the world mission movement and much recent work within the Church of England demonstrate that a key test and means of a Christian community growing to maturity is the development and nurture of indigenous ministry which can serve and take forward the mission of the whole Church. This should be borne in mind from the beginning of the initiative by all concerned.

### **3.2 The role of the Visitor and mission accompaniment**

- 3.2.1 Each BMO-authorised mission initiative is required to have a designated Visitor, who may be ordained or lay and should be appointed by the Bishop following consultation with the initiative. The Visitor will share in the function of mission accompaniment and exercise oversight on behalf of the Bishop. In addition, the Visitor has a responsibility both to the community and to the minister(s) in respect of oversight.
- 3.2.2 The detailed provisions regarding the Visitor's role are set out in Paragraphs 5.3 and 6.1 below. The Visitor should have regular contact with the initiative and its leader(s) and report to the Bishop on its progress.
- 3.2.3 What is disclosed to the Visitor by the community and its leader(s) should be regarded as being held within normal ministerial confidence save that the Visitor must be able to discuss any aspect of the life of the initiative with the Bishop according to his or her own judgment.
- 3.2.4 Good practice in reporting should be followed in that any written report made by the Visitor to the Bishop should normally be shown to the leader(s) of the initiative in advance with an opportunity for correction of error or comment.
- 3.2.5 The term *mission accompaniment* has emerged in recent years as a useful generic description of a companion and reflector primarily to the developing community. *New communities have a particular need for those who will walk with them as supportive and critical friends, both encouraging and challenging their development.*
- 3.2.6 In the establishing of a mission initiative, the Bishop and those who share in his or her oversight will need to pay particular attention to these structures of oversight, supervision and support of both the community and the licensed ministers. It is likely, of course, that a different combination of measures will be helpful in different situations.

## Part 4: Setting up an Order – the legal requirements and their implications

This Part of the Code outlines the formal legal requirements to be satisfied if the Bishop is to make a BMO. It explains the **purpose and legal effect** of a BMO, the **process of consultation** and the main categories of those who the Bishop must consult before making an Order.

Finally, it deals with signature of the Order, formal consent of the leader(s) and acceptance by the leader(s) of the terms of the Order.

### 4.1 The basic legal requirements for an Order

4.1.1 **S.80 (1)** outlines the formal legal routes whereby a request or proposal for a BMO may reach the Bishop and the basic criteria on which the Bishop should be satisfied when exercising his or her discretionary power to make such an Order.

4.1.2 *A person or group of persons is carrying out or is proposing or wishes to carry out an initiative in the diocese(s).*

- “Initiative” is not given any statutory definition. Taking its normal meaning, it refers to beginning something that has not been there previously. The approach to the Bishop may range from a very basic idea to a fully worked out proposal.
- An Order may also be made for an initiative already being carried out. If so, the Bishop may decide to proceed directly to the necessary consultations and process of drawing up the Order. Any Supplementary Instrument (see Part 5) may identify any changes which should be made in the initiative’s present structure and practice.

4.1.3 *Either:-*

*the Bishop has received a request from that person/group or some other person or body exercising ecclesiastical functions in the diocese to make an Order for the initiative; or*

*the Bishop has not received such a request but considers it would be appropriate to make an Order.*

- Under the first scenario, the Bishop may instigate some initial exploration (see Part 2) but is not required to take the matter forward if he or she considers it would be inappropriate to make an Order, or impossible as a matter of law.
- In all cases, the Bishop cannot make an Order unless and until there is an identifiable person or group carrying out or willing to carry out an identifiable initiative.

4.1.4 *The Bishop is satisfied that the initiative would be likely to promote or further the mission of the Church of any aspect of it.*

- “**mission**” is defined in **s.106(1)** as meaning the “whole mission of the Church of England, pastoral, evangelistic, social and ecumenical” (mirroring legal definitions elsewhere relating to PCCs and in other contexts.) This gives a very wide scope for making an Order, covering all kinds of outreach and ways of “being church”.

- The Bishop is not required to see success in promoting or furthering the mission of the Church as a certainty but should evaluate the prospects of the initiative achieving that goal at least to some extent, and come to the conclusion that it is likely to do so. Experience has shown that BMOs may fail, and such experiments demand that they should be free to do so.

4.1.5 ***The Bishop is satisfied that the initiative would be likely to achieve 4.1.4 above through fostering or developing a form of Christian community.***

- “**Christian community**” is not defined but needs to be construed so as to allow for “new ways of being church” as well as more traditional patterns and expressions of community. However, it clearly goes beyond a group of people with a common interest in matters connected in some way with Christianity and describes people who explicitly recognise that they have, or who aspire to, a common life which has the Christian faith and message as its wellspring and lifeblood, which is ordered to at least some extent, and from which the work of the mission initiative flows.
- Definitions of a fresh expression of church note the sense of journey and development present in many new ways of being church:

A **fresh expression** is a form of church for our changing culture established primarily for the benefit of people who are not yet members of any church. It will come into being through principles of listening, service, incarnational mission and making disciples. It will have the potential to become a mature expression of church shaped by the gospel and the enduring marks of the church and for its cultural context.

*(Fresh Expressions Prospectus: Phase 2 - May 2006)*

- In other words, the Bishop does not need to see present evidence in the initiative of every element of a mature church. However, at the time of the granting of the Order, the common intention of the Bishop and the initiating group will be the development of a Christian community with the potential to develop into a mature church.

## 4.2 **Orders extending to more than one diocese**

- 4.2.1 **S.80 (3)** recognises that a mission initiative may be carried out in more than one diocese. In that event, the Order must be made jointly by the Bishops of each affected diocese; the basic legal requirements and other BMO provisions apply to all those Bishops and their dioceses.

## 4.3 **The purpose and legal effect of an Order and some factors in deciding whether an Order is appropriate in a particular case**

- 4.3.1 Under **s.80 (2)** a BMO will “endorse the initiative” to which it relates. The Bishop’s endorsement gives public recognition and support to the initiative, and should be given only if the Bishop has made reasonable enquiries beforehand, is willing to exercise reasonable oversight under the Order, and accepts the need to revoke the Order if the Bishop considers it no longer appropriate to endorse the initiative.
- 4.3.2 Such endorsement also envisages that the initiative will operate “within the Church of England” (or, for certain ecumenical initiatives, within a partnership of Churches). All those



concerned should accept that it is subject to the Church's legal controls and recognise and accept the Bishop's authority.

4.3.3 Some initiatives furthering the Church's mission could not operate at all, or would lack the space needed for experiment, or could not achieve their full potential, unless permitted under a BMO to do things not otherwise lawful under the Church's legal rules:

- In particular, **s.80 (11)** permits the Bishop to include, after special statutory consultation, a provision authorising a minister to exercise his or her ministry in a place, for the purpose of or in connection with the initiative, without the consent of the person with the cure of souls there – see paras 4.5.8 - 9. This is relevant where:
  - the present incumbent or priest in charge is unwilling to give such consent and the Bishop, after consultation, is satisfied that it is right to override this;
  - the present incumbent or priest in charge consents but the mission initiative needs the security of being able to continue notwithstanding the appointment of a new incumbent or priest in charge; and
  - the initiative covers a large geographical area, and the task of identifying which incumbents/priests in charge need to consent under the normal provisions of Canon law, and/or securing the consent of each would be impracticable or substantially impair the initiative's ability to achieve its objective (for example, an initiative covering an extensive catchment area or across two dioceses).
- There is also special provision for initiatives operating ecumenically – see para 4.6.

4.3.4 Thus the purposes of the Order include:

- to provide a clear legal framework for the mission initiative, setting in place arrangements to enable it to operate and develop successfully;
- to make clear the object, nature and scope of the initiative, provide for its leadership and responsibility to the Bishop for its conduct; with such provision as the Bishop thinks fit for administration of the sacraments in accordance with the legal requirements applying in the Church of England as a whole;
- to ensure adequate nurture, support, oversight, review and protection for those involved with the initiative;
- to make provision for relationships with others within the Church of England, and (so far as appropriate) with other Churches, institutions and religious organisations; and
- to allow for the development and growth of the initiative (including, if appropriate, through an indefinite Order).

## **4.4 Consultation**

### **“Consultation” as required by the Measure**

4.4.1 In the preparatory work for making a BMO, the Bishop is required to undertake a range of consultations. In practice, this forms a natural part the process by which the Bishop ensures that the proposed initiative is embraced within the life of the Church as a whole while still having its freedom to develop a pioneering ministry and mission.

4.4.2 **The Measure entrusts the Bishop to decide what consultation is appropriate, practicable and proportional in the light of the nature and scale of the initiative**, how best to take account of the context and its needs, and to allow the voice of the Church as a whole, as well as that of particular interests, to be heard.

4.4.3 The Code specifies the range of persons and interests normally to be consulted at each point.<sup>5</sup> Subject to the provisions of the Measure, these may be interpreted flexibly in relation to each phase:

- in the drawing up of the proposal (or during any initial explorations);
- in the making of an Order; and
- during the review of an Order of defined duration.

#### **Consultation – what the law requires**

4.4.4 A series of decisions by the courts have made the following principles clear in respect of the meaning in law of ‘consultation’:

1. Precisely what is required varies with the individual circumstances, and this applies both to the extent and to the method of consultation.
2. However, the underlying concept which determines what the law will require in a particular case is always that of fairness. The general principles established by the decided cases are that:
  - a) Consultation must be undertaken when the proposals are still at a formative stage. The decision maker must at that stage have an open mind;
  - b) Consultation must give sufficient details of and reasons for particular proposals to permit the person consulted to give them intelligent consideration and make a meaningful response;
  - c) The person consulted must also be given adequate time for that consideration and response; and
  - d) The results of the consultation must be conscientiously taken into account when the final decision is taken.

4.4.5 The courts have also made it clear that even if an authority is not required by law to undertake consultation on a particular matter, but nevertheless decides to do so, the principles which apply are no different from those where there is a legal duty to consult.

#### **4.5 Specific categories of consultees**

4.5.1 **S.80(6) lists three specific categories of persons, groups and bodies whom the Bishop must consult before making an Order:**

- such other Churches or religious organisations as the Bishop thinks fit;

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<sup>5</sup> See in particular paras 4.5 - 4.6 and 6.2.

- any person or group of persons who or which appears to the Bishop to have a significant interest in or to be likely to be significantly affected by, the Order, including any body which the Bishop considers would adequately represent the interests of any such person or group; and
- the DMPC.

4.5.2 The Bishop should decide how each is to be involved; this will vary both in the different phases of the process and the circumstances of a particular case, underlining the need for a flexible approach so as to achieve the optimum result in practice.

4.5.3 Particular features of the consultation provisions should be noted:

- ***Ecumenical consultation*** - over and above the basic **s.80(6)** requirements, additional provisions apply for a proposal with a Co-operation provision – see para 4.6;
- Before including ***a provision under s.80(11)*** allowing the exercise of ministry in a particular place without the permission of the minister having the cure of souls, the Bishop must also satisfy additional consultation requirements (see para 4.5.9); and
- Regarding those appearing to the Bishop to have a ***significant interest in, or likely to be significantly affected by, the Order*** – see para 4.5.6.

4.5.4 Some general points regarding this consultation:

- Those requesting a BMO should be kept informed throughout the consultation process;
- Consultees should have sufficiently detailed information about the proposals to be able to respond effectively- it may be helpful to supply a draft of the proposed Order;
- The Bishop should make clear that the proposals are still at a formative stage, and that he or she will not take any decisions before considering the consultation responses; and
- The Bishop may authorise some other body or person to carry out these consultations, but remains responsible for deciding whether to make an Order and, if so, in what terms.

4.5.5 The **first** category of consultees under s.80(6) consists of ***“such other Churches and religious organisations as [the Bishop] thinks fit”***.

- “Churches” in the Measure refers to Christian Churches, although “religious organisation” is a deliberately broad expression, not confined by the terms of the Measure to Christian bodies. Bishops will want to be sensitive to the local context and may in some circumstances elect to consult non-Christian religious organisations.
- It is for the Bishop to decide which Churches and organisations to consult in a particular case, taking into account the nature and scope of the initiative, established ecumenical relations in the area and other Churches or organisations active in the same fields of mission and ministry and or in the same geographical area.
- The further consultation requirements if it is proposed to include a Co-operation provision are set out in para 4.6.

4.5.6 The **second** category of consultees consists of ***“any person or group of persons who or which appear to ... [the Bishop]... to have a significant interest in or to be likely to be significantly affected by the order, including any body which [the Bishop considers] would adequately represent the interests of any such person or group”***. This is to be read

together with s.80(7) which provides that the following are to be deemed to have an interest in the order:

- a) any person having or sharing the cure of souls in the area of any benefice affected by the Order; and
- b) any other person or body, including a PCC or registered patron, who may have an interest in the cure of souls in any such area.<sup>6</sup>

In considering whether any person or body has a **significant interest in**, or would be likely to **be significantly affected by** the Order, the Bishop is to have regard to the objectives of the initiative and any other circumstances he or she thinks relevant.

4.5.7 Thus, in deciding whom the Bishop is required to consult:

- First, it is necessary to identify who *has an “interest”* in or *is likely to be affected* by the Order, including incumbents, priests in charge, team vicars, PCCs, patrons and others having an interest in the cure of souls in the area covered. There may also be those with an interest at deanery level, or who may wish to provide some form of support, and any particular group whom the initiative is intended to serve;
- It is then necessary to consider which of those identified *have a “significant” interest*, and whether there are any others likely to *be “significantly affected by”* an Order. In doing so, the Bishop should have regard to the statutory criteria set out above and the initiative’s objective; but subject to that there is a wide measure of discretion in deciding what factors to take into account. The Bishop should also consider whether there is any body which should be consulted on the basis that it would adequately represent the interests of those with a significant interest in/likely to be significantly affected by the Order.

4.5.8 This includes *any consultation applying under s.80 (11)* (i.e. the specific additional consultations requirements if the Order is to authorise a minister to exercise his or her ministry in any place without the consent of the person who has the cure of souls there). Such consultees should have an opportunity to hear at first hand the proposals and views of the initiating group. They do not have a right of veto but the Bishop will of course wish to give very careful consideration to any concerns which they express.

4.5.9 Those whom the Bishop must consult where s.80 (11) applies, are as follows:-

Area affected by the Order	Bishop is required to consult:-
Single parish	Incumbent/priest in charge of the parish
More than one parish in a single diocese, in a case not covered below	Incumbents/priests in charge of the parishes <b>or</b> (if the Bishop thinks fit) the House of Clergy of the Deanery Synod of the deanery containing the parishes
All the parishes in a single deanery	The House of Clergy of the Deanery Synod

<sup>6</sup> A non-parochial congregation within the area to be covered by the initiative, and a person or body who has the right to nominate a minister for that congregation, may also have a significant interest or be likely to be significantly affected by the Order and should be consulted on that basis.

Parishes in more than one deanery within a single diocese	The House of Clergy of the Deanery Synod of each Deanery affected <b>or</b> , if the Bishop thinks fit, the House of Clergy of the Diocesan Synod
Parishes in more than one diocese	The House of Clergy of the Deanery Synod of each Deanery affected <b>or</b> , the House of Clergy of the Diocesan Synod of each diocese affected, as the Bishops concerned think fit.

4.5.10 Finally, **the DMPC** is a mandatory consultee in all cases. It will have particular insights into how the initiative “fits” within mission and ministry in the diocese as a whole, and into any particular (including financial) aspects to be taken into account. The DMPC cannot veto a BMO, but the Bishop should of course give proper weight to any concerns it expresses.

4.5.11 If the area of the initiative will affect a parish which is receiving extended episcopal care under the Act of Synod, the Bishop exercising that care should be consulted.

#### **4.6 Co-operation provisions**

4.6.1 Under **s.80 (5)** the Bishop may provide for co-operation in any of three possible ways:

- participation in a local ecumenical project (“LEP”) (s.80(5)(a));
- other ecumenical co-operation with other Churches” (s.80(5)(b)); and
- collaboration with any religious organisations” (s.80(5)(c)).

4.6.2 Where any such “*co-operation provisions*” are to be included in a BMO:

- In addition to the ecumenical consultation described in para 4.5.5, the Bishop must consult the appropriate authority of each other Church/ religious organisation involved in the co-operation (s.80(8)); and
- The Bishop and the Visitor must discharge their functions under Part 7 in consultation with the appropriate authority of each Church/ religious organisation involved (s.82(3)).

#### ***Participation in a Local Ecumenical Partnership (“LEP”)***

4.6.3 Linking the BMO provisions with an **LEP** set up under Canon B44 unlocks the possibility that the Bishop will be able to authorise a minister from an LEP partner Church to be “engaged in the cure of souls” and function as leader within the initiative. (Canons B43 and B44 as amended expressly provide for BMO cases).

4.6.4 In such cases an initiative is likely to be on its way to becoming a form of Christian community where new Christians will be brought for Baptism and Confirmation and the Eucharist will be celebrated. Special provisions apply regarding the performance of divine service (s.80 (13)-(14): see para 5.4). In an LEP context, a minister of a partner Church can be authorised to baptise and preside at a Eucharist (Canon B44) although this is not to be “held out or taken to be a celebration of the Holy Communion according to the use of the Church of England.”

- 4.6.5 The Visitor and review arrangements will need to be agreed with the partner churches: under s.83(8) these can effectively follow the normal LEP review procedures through the Sponsoring Body, with the Visitor acting on behalf of all the partners (see para 6.7).
- 4.6.6 The s.80 (5) provisions regarding *other ecumenical co-operation with other Churches* and *collaboration with any religious organisations* recognise potential co-operation short of a formal LEP partnership. (Outside provision of ordained ministry and the conduct of public worship, there is significant scope for sharing personnel, finance and property, e.g. by designating one partner as the ‘lead partner’ with responsibility for all matters of discipline, legal liability etc., as if the venture was entirely within its own structures. For many developing initiatives, although probably not normally those requiring a BMO, such an arrangement may suffice).
- 4.6.7 The term “**Church**” in the Measure means a Christian Church but is not confined to those designated under the Ecumenical Relations Measure, enabling practical co-operation with other Churches as well as *religious organisations* not themselves Churches, for example, religious orders (s.80(5)(c)). The Bishop is advised to consult the Council for Christian Unity (“CCU”) where formal co-operation is proposed with a non-designated Church.
- 4.6.8 Church of England disciplines apply regarding ordained ministry and the conduct of worship under the BMO. There will, therefore, be limits to what a Bishop may authorise as part of a co-operation provision with a non-designated Church, given that the provisions of Canon B43 will not apply. The Order or SI should make clear exactly what is permitted.
- 4.6.9 The Bishop will also need to be satisfied with arrangements for resourcing, accountability and oversight of an initiative coming under the discipline of one of the other partner Churches or religious organisations.
- 4.6.10 Various *general considerations* should be borne in mind for “co-operation provision” cases:
- Consultation should be in accordance with s.80(8) and s.82(3) and acknowledge the partnership’s existence at each stage in making the Order/SI;
  - The Visitor should be appointed in consultation with all co-operation partners and provide them with feedback/review reports, as well as reporting to the Bishop;
  - Such partners should agree the arrangements for formal reviews and any process whereby the future of the initiative will be determined where an Order is of defined duration; and
  - Further work will probably be required on the nature of any partnership, especially where it is not already an LEP, if the initiative is to continue indefinitely under an Order.

#### **4.7 Signature, formal consent by leader(s) and acceptance of the terms of the Order**

4.7.1 Under s.82(8) and s.83(12) of the Measure, any Order or SI must be signed by:-

- the Bishop (or a person authorised by him or her); and
- the leader(s) of the initiative and contain a declaration of their acceptance of its terms.

4.7.2 This requirement does not apply to an Order or Instrument revoking a previous Order or SI. If a leader had to consent to this it would in effect give him or her a right of veto over the

Bishop's decision to revoke the Order or vary its terms. (Revocation and variation are dealt with in more detail in Part 6 below.)

- 4.7.3 Under s.82(8A) of the Measure, a copy of any BMO or SI should be sent to the Church Commissioners.

## Part 5 – The Order – documentation and operation

**Part 5** outlines the BMO documentation and related legal requirements regarding its operation, in particular:

- the provisions of the formal Order and optional “Supplementary Instrument”; and
- licensing of ministers and the terms on which they serve.

It also deals briefly with:-

- the Visitor;
- worship and administration of the sacraments;
- organisation, governance, finance and property;
- protection for children, young people and other vulnerable people;
- health and safety and other civil legislation;
- links with parishes; and
- relationships with other parts of the Church and synodical representation.

### 5.1 The Order and Supplementary Instrument

5.1.1 In framing BMO documentation, a few general points should be borne in mind:-

- Every BMO needs a formal Order in writing (s.80 & s.82). Certain provisions must and others may be included- see paras 5.1.2-4. The Order may also contain such supplementary provisions as the Bishop thinks fit to further the initiative’s objectives, or these may be in a separate Supplementary Instrument (SI) so that the Order’s core provisions stand out clearly and don’t need disentangling from more detailed or secondary matters;
- Mission initiatives will need to operate within both the Church’s legal rules and civil legislation. The Order/ SI should not attempt to restate this legal framework but the initiative’s leader(s) should be guided to suitable sources of information and advice.
- The Order does not operate as the Bishop’s authority under Canon law for a leader or other ministers to exercise their ministry in the diocese. For this, a separate licence is needed – see para 5.2 below; and
- Possible “skeletons” for the Order and SI are provided on the Church of England website to assist those involved in preparing the formal documentation.

5.1.2 The Order **must**:

- **identify the mission initiative to which it relates** – normally by ensuring it is known by a suitable name and using that in the Order (s.80(2));
- **specify the initiative’s objectives** (s.80(4));
- **specify the areas in which it is being or is to be carried out** (s.80(4)). Even if conceived in terms of places, areas or criteria not defined by ecclesiastical boundaries, the Order should specify the area within which the initiative is to operate, either specific parishes/benefices or deaneries or, if appropriate, that it can extend over e.g. an archdeaconry or even the whole diocese. Where it crosses diocesan boundaries, the Order must identify the dioceses concerned;



- **specify a person or persons or a group of persons who are to lead the initiative and be responsible for its conduct to the Bishop.** The Order/ SI should normally provide for replacing the leader(s) where necessary, stating both who has the authority to appoint (subject to licensing by the Bishop where necessary) and the process to be followed;
- **specify the role of the leader(s)** (s.80(4)). This may vary depending on whether they are also responsible for exercising priestly (or diaconal) ministry, or ministry as a licensed lay worker or reader for the initiative, or if that role is given to others. It may also vary depending on governance and financial arrangements, and the use and ownership of property - see para 5.5 below;
- **make such provision as the Bishop thinks fit for the administration of the sacraments in accordance with the relevant legal requirements** (s.80(4)). The life of the initiative should be set in a framework of worship and the sacraments and will be subject to the legal rules relating to the administration of the sacraments which apply in the Church of England as a whole – see para 5.4 below;
- **designate the Visitor for the initiative** (s.81(1)) – see para 5.3 below; and
- **specify the duration of the Order** (s.82(7)) – either time-limited or indefinite.

5.1.3 In addition to the mandatory provision for the general framework of sacramental life, the Order **may**:

- **authorise a minister to exercise his or her ministry in a specified place** and in any specified manner in connection with the initiative, without the permission of the minister who has the cure of souls there (s.80(11))- see para 4.3.3 above and para 4.5.8-9 on the specific consultation requirements in this case;
- **authorise the performance of divine service (including Holy Communion if that is specified in the Order) in any building (other than a parish church, parish centre of worship, place licensed for public worship or guild church)** with the consent of the person who has the general management and control of the building (s.80(13)). The Order should either identify one or more particular buildings or set out any category of buildings covered - see para 5.5 below; and/or
- **authorise the performance of divine service, including Holy Communion, in a parish church, parish centre of worship, place licensed for public worship or guild church, with the consent of any minister having the cure of souls there** (s.80(14)). Again, the Order should identify particular buildings or categories covered or e.g. include all parish churches etc. in the area covered by the initiative provided the necessary consent is given.

5.1.4 The Order or SI may contain any other supplementary provisions the Bishop thinks fit (s.82(1)-(2)) which **might** include:

- the stipends, remuneration, pension or housing and other expenses of any persons exercising functions under the Order (unless covered by a Statement of Particulars)– see para 5.2.4;
- any other offices or functions which such persons may hold or perform in conjunction with their functions under the Order – see para 5.2.4;
- the organisation, governance and financing of the initiative including the management and control of property used by those exercising functions under the Order – see para 5.5;

- any measures required for the protection of children, young persons and other vulnerable people and for health and safety and insurance – see paras 5.6-7;
- relationships between those involved with the initiative and those who have the cure of souls in any area to which the Order relates, and with other Churches, institutions and religious organisations – see para 5.8 and
- representation on the deanery synod - see para 5.9.

## **5.2 Licensing of ministers and the terms on which they serve**

- 5.2.1 The Order must designate one or more persons as the leader or leaders and their role, and it or the SI may provide for their replacement. The initiative’s work may involve other ministers, clerical or lay and the choice of suitable and suitably trained individuals will be crucial to its success –see Part 3.
- 5.2.2 Under Canon C8, an ordained minister normally requires the Bishop’s authority before officiating at any place in the diocese. There are equivalent provisions for those admitted as evangelists or other accredited “lay workers” (Canon E8), readers (Canon E6) or deaconesses. The BMO does not confer that authority and the person concerned will need a separate Bishop’s licence or permission to officiate. (The usual Canon Law exceptions also apply e.g. those relating to incumbents receiving the Bishop’s authority by virtue of their institution). The need for the Bishop’s authority is separate to that under Canon C8 for consent from the person with the cure of souls in the place (as explained above, it is possible, subject to consultation, for the Order to dispense with the need for such consent).
- 5.2.3 Similarly, revoking the Order does not in itself revoke a minister’s licence or permission to officiate under Canon Law, nor will any change in the terms of the Order have that effect.
- 5.2.4 The Bishop will also need to consider and take advice on:-
- the terms of the separate licence or permission;
  - whether and in what terms the Order or SI deals with stipends or remuneration, pension provision and housing for ministers working for the initiative and their expenses (s.82(2)(a)); and
  - any other functions which any of them are to carry out in conjunction with those relating to the initiative (s.82(2)(b)). Where ministers have such dual or concurrent functions, the Order, SI or some other means should outline how they are to divide their time.
  - The office holder/employment status of those working in the BMO and whether they hold office under common tenure or a contract.

## **5.3 The Visitor**

- 5.3.1 The Order must designate a person, known as “the Visitor”, to carry out various mandatory functions on behalf of the Bishop (except where special provisions apply for LEP initiatives – see para 6.7 below). There is no need to set these out in detail in the Order or SI.
- 5.3.2 A broad overview of the Visitor role is provided in Part 3. Under s.81 (1) the Visitor is under a duty, on behalf of the Bishop, to:
- exercise oversight of the initiative and advise and encourage and, so far as practicable, support it;

- report regularly to the Bishop on the discharge of his or her duties and the progress of the initiative and send copies of the reports to the leader(s);
- take such other steps as he or she thinks fit for ensuring the proper governance of the mission initiative.

5.3.4 In addition, under s.81(2), the leader(s) are under a duty to:

- consult the Visitor regularly on the initiative's general direction and development; and
- supply the Visitor with copies of the annual accounts and any other information the Visitor needs to carry out his or her functions.

#### **5.4 Worship and the administration of the sacraments**

5.4.1 The provisions which the Order must or may contain regarding worship and administration of the sacraments are set out in paras 5.1.2 –3. S.80(4) provides that administration of the sacraments under a BMO is subject to the legal rules applying in the Church of England as a whole. Such matters need careful consideration in the framing of the Order, as they have a direct bearing on the life of the developing Christian community within the initiative, and may be a sensitive area in relationships within the locality.

5.4.2 The Bishop will want to consider any provisions in the Order regarding buildings (including possible use of secular buildings), use of the parish church and/or other parochial places of worship, the performance of divine service (particularly the dominical sacraments), occasional offices, and provision of symbols and artefacts (such as a font and altar). Careful attention needs to be paid to how sacraments of Holy Communion and Christian initiation will be administered.

5.4.4 If an initiative conducts worship in a place with its own register of services, the initiative's services should be entered in that register. If it conducts public worship in any other place, it should keep such a register, recording each service and location, including Baptism and Confirmation, and comply with the same requirements as under Canon F12, i.e. recording:

- the name of the officiating minister and preacher (if someone other than the officiating minister);
- in the case of Holy Communion, the number of communicants;
- the amount of any alms – see para 5.4.7 below; and
- if desired, notes of significant events.

5.4.5 The initiative should also observe the requirements of the Parochial Registers and Records Measure 1978 regarding registration of baptisms and burials. Details of those confirmed should be recorded in the parochial register of Confirmation under Canon F11.3.

5.4.6 The solemnisation of marriages, including the places where that may take place and the registration of marriages, are almost wholly governed by civil legislation, in particular the Marriage Act 1949.

5.4.7 Under s.80(12), the minister performing an office or service in accordance with a BMO is to determine how any alms collected are dealt with, but subject to any direction by the Bishop.

5.4.8 In the case of an LEP initiative, worship matters will be subject to Canon B44 – see paras 4.6.3 – 4. Canon B43 may be relevant where the Order provides for ecumenical co-operation with another Church- see para 4.6.6.

## **5.5 Organisation, governance, finance and property**

5.5.1 Under s.82 (2)(d), the Order or SI may make provision for “the organisation, governance and financing of the mission initiative including the management and control of any property used by those exercising functions under the order”.

5.5.2 An essential aspect is how the initiative’s activities are to be financed. All concerned should be clear on this from the outset, or at least the stage when an Order is made, although if the initiative grows substantially thought may be needed on fresh sources of funding. Provisions for this in the Order/ SI are likely to be connected to those dealing with stipends, remuneration, pensions etc. of those exercising functions under the Order.

5.5.3 The Order/ SI may also provide for insurance (s.82(2)(e)). This should be on a proper footing at the outset, relating not only to any property but also, for example, to the possibility of personal injury or other claims against those responsible for the initiative, as well as any statutory insurance requirements.

5.5.4 Management and control of money and other property will be linked to provisions for governance. For both, it is important to obtain professional legal advice from a person with knowledge of the Church’s legal rules and structures as well as of the governance, finances and property of voluntary bodies generally.

5.5.5 In all cases it is essential to have in place from the outset proper rules and procedures regarding the handling and use of money and property, including appropriate supervision, proper accounting and the preparation of accounts. The Visitor’s duties include taking such steps as he or she thinks fit for ensuring proper governance.

5.5.6 In some cases an initiative may begin life as an outreach by an existing charitable body which may initially hold any funds and other property on its behalf. It is also possible that a very new initiative may have minimal funds and other property to deal with. However, as it begins to grow and flourish it will probably need to establish a legal structure for the ownership and use of property; this will almost invariably be some form of charitable body.

5.5.7 Proper professional advice should be obtained to ensure that the objects of the new body are legally charitable, and that its structure is appropriate for the initiative at the particular stage of its development, leaving open the potential for some measure of properly agreed and controlled change if necessary in the future. It may also be necessary from the point of view of anyone who has given property for the initiative to make proper provision for what is to happen to it if the initiative ceases to exist.

5.5.8 The structure chosen for the ownership of property may play a part in setting up a structure for the initiative’s organisation and governance. This again is something that may be dealt with very simply at first, but needs to develop over time, with the growth of a new Christian community, whose members will wish to be involved in all aspects of its life. The Visitor will need to advise the Bishop and the leader on initiating and developing appropriate methods of governance.

## **5.6 Protections of children, young persons and other vulnerable people**

- 5.6.1 Under s.82 (2)(e) the Order or SI may make provision for any measures needed for this purpose. This should include a requirement that the initiative complies with the House of Bishops' safeguarding policy and practice guidance.

## **5.7 Health and safety and other civil legislation**

- 5.7.1 Whether or not it is specifically mentioned in the Order or SI, those responsible for an initiative should familiarise themselves with any applicable civil legislation, such as that on health and safety, disability discrimination and data protection. However in some cases they will need to take professional advice on how it should be applied to the circumstances of the particular initiative.

## **5.8 Links with parishes**

- 5.8.1 Because BMO initiatives are by definition boundary-crossing, care is needed in the initial stages to avoid creating frameworks which may lead to difficulties. S.80 (6) provides for a general consultation with interested parties. This would normally include Churchwardens and Church Councils of parishes affected. The Bishop is required to consult specifically with clergy on any proposal to include a provision under s.80(11) (see para 4.5.8-4.5.9). These consultations require careful thought to ensure that BMO arrangements stand the test of time and a change of ministers. S.82(2)(f) allows for inclusion of provisions for processes and structures to enable such relationships to flourish.
- 5.8.2 Any patrons of a benefice covered by a BMO may wish not only to be consulted about setting up the Order but to be kept in touch with the initiative's work, and may be able to contribute practical help and support. The Measure deals with formal consultation (see paras 4.5-4.6) but an initiative should also bear in mind any continuing interest from the patron, those connected in the parish or a local non-parochial congregation.
- 5.8.3 As regards worship and services - see para 5.4.

## **5.9 Relationships with other parts of the Church and synodical representation**

- 5.9.1 The initiative's initial route to relationships with the wider church community will be through the Bishop and his advisers, including the Visitor, and appropriate networks such as *Fresh Expressions*, with any clergy expected to join the Deanery Chapter.
- 5.9.2 As the initiative develops, the Bishop will want to consider representation on a Deanery Synod. Under rule 27A to the Church Representation Rules, the Bishop may request the diocesan synod to make a scheme for representation on a particular deanery synod of any specified persons to whom a BMO relates, allowing considerable flexibility in dealing with different types of initiatives. The Bishop will also want to ensure that a discipline of giving is established, and that the initiative has a clear understanding of his or her expectations about its financial planning, financial viability, and contribution to diocesan finances.

## Part 6: Support, Review and Lifespan of a Mission Initiative under a BMO

The BMO provisions are intended to help a mission initiative to grow and flourish and achieve its full potential. Continuing support is provided through, for example, the Visitor.

**Part 6** deals with support and oversight, the review process for **time-limited BMOs** and possible outcomes, and the special arrangements for those with a **co-operation provision**.

The Bishop's power to revoke or vary an Order or accompanying Instrument is also outlined. An **indefinite** BMO continues unless and until revoked or varied.

### 6.1 Oversight and review by the Visitor

- 6.1.1 The Visitor exercises oversight on behalf of the bishop, providing advice, support and encouragement and taking such steps as he or she thinks fit to enable proper governance. The leader(s) should consult the Visitor regularly about the initiative's general direction and development and supply a copy of the annual accounts and any other information the Visitor requires to carry out his or her functions.
- 6.1.2 Arrangements for reporting and reviews should recognise the need for flexibility to take account of particular circumstances and ensure fair treatment for anyone who may be subject to any form of criticism. They should also deal with how far and in what circumstances reports should be treated as confidential by those to whom they are sent.
- 6.1.3 Subject to this and any views of the Bishop or the leader(s), the Visitor should decide in how much depth and detail to report on a particular occasion and the timing of such reports. When these are submitted to the Bishop the Visitor should also send copies to the leader(s) and discuss with them how best to follow up any recommendations or issues raised.
- 6.1.4 The Visitor will continue to keep the initiative and its progress under review in the course of fulfilling his or her duties under s.81(1).

### 6.2 Review at the end of an Order of defined duration

- 6.2.1 Not less than six months before a time-limited BMO is due to expire, the Visitor has to conduct a formal review of the initiative, in consultation with:
- the leader(s);
  - the DMPC(s);
  - where relevant, the appropriate authority of any other Church or religious organisation included in a Co-operation provision (see para 6.6); and
  - such other persons or organisations referred to in s.80(6) as the Visitor thinks fit, i.e. those with a significant interest in or likely to be significantly affected by the Order (see paras 4.5.7-9). This will include anyone working for the initiative.
- 6.2.2 The Visitor should assess how the initiative has operated under the Order, how far it is fulfilling its objectives, identify and consider future options, and provide the Bishop with the material needed to take a decision on its future. The object is not to apportion praise or blame or evaluate the work of individual ministers or others.
- 6.2.3 The Visitor's report to the Bishop(s) must contain his or her recommendations on:

- whether the mission initiative should continue; and, if so:
- whether the BMO should be renewed and, if so, whether indefinitely or for a defined period; or, if not:
- how the initiative or its objectives should be continued; and
- any other recommendations the Visitor thinks fit, e.g. regarding the terms of the Order, the initiative's operation, or any further help or support required.

6.2.4 Copies should be sent to such persons or bodies as the Bishop directs (s.83 (3)). Where the Order contains a Co-operation provision, this should include the other partners in the co-operation.

### **6.3 Making a further Order (either indefinite or of defined duration)**

6.3.1 The Bishop must consider the Visitor's report, consult the DMPC, and carry out any other consultation he or she thinks fit before determining:

- whether the mission initiative should continue;
- if so, whether under an Order or under some other structure;
- if under an Order, whether for a further specified period or indefinitely, and whether any terms of the Order or SI need to be adjusted; and
- what, if anything, should be done to implement any other recommendations in the Visitor's report.

6.3.2 The Bishop should provide the leader(s) and anyone else he or she considers has an interest in the initiative's continuance (e.g. anyone working for it) with an opportunity to make representations to him or her where the Bishop is considering a decision that the initiative should not continue, or not in its present form, and that no further Order should be made.

6.3.3 The Bishop's decision should be communicated in writing, with reasons, to the leader(s), the Visitor and others with an interest in the initiative, making clear who will be responsible for any follow up.

6.3.4 Any further Order or SI must be signed by the Bishop(s) (or an authorised person) and the leader(s), and contain a declaration by the leader(s) accepting the terms. An indefinite BMO will continue unless and until revoked or varied (s.83 (7) and (9)).

### **6.4 Review and decision on future of initiative after further Order of defined duration**

6.4.1 The Visitor will continue to provide oversight, report to the Bishop on the initiative's progress, and conduct another formal review not less than six months before the further Order expires; para 6.2 above applies in terms of the process and report to the Bishop.

6.4.2 On receiving the Visitor's report, if the Bishop considers (having consulted the DMPC and adopted the process set out in para 6.3) that the mission initiative should continue under a BMO, he or she may make a further Order (and SI where appropriate); where such an Order is indefinite, no further formal review will be required.

### **6.5 Variation or revocation of Order or Supplementary Instrument**

6.5.1 S.82(4)-(5) and s.83(11) give the Bishop power to revoke or vary a BMO or SI at any time. In the case of the Order itself, the Bishop must first consult:-

- the DMPC; the leader(s); and the Visitor;
- any relevant person having the cure of souls. Where the change would relate to a provision permitting a minister to exercise his or her ministry without the consent of the person having the cure of souls in the place concerned, the same consultation will be required as under para 4.5.8-4.5.9 above;
- if the Order contains a Co-operation provision, the appropriate authority for each Church or religious organisation concerned; and
- any other person the Bishop thinks fit.

In addition, the Measure gives the leader(s) a right to make written or oral representations, or both, to the DMPC about any proposed variation or revocation (s.82(6)).

- 6.5.2 Revocation or variation will not in themselves affect the licence or permission to officiate of any minister; the same is true of a person ceasing to act as leader or to have other functions under a BMO. However, it may impact on their continuance or terms, or on relevant provisions in the Order/ SI (for example, housing provision). While it is not necessary for the leader(s) to sign any variation in the Order/ SI, an important change which the leader(s) cannot accept may result in them deciding that they should cease to hold that position.
- 6.5.3 The Bishop should provide anyone at risk of being substantially affected in this way with an opportunity to make written or oral representations, or both, to the Bishop personally.
- 6.5.4 The Bishop's decision should be communicated in writing, with reasons, to the Visitor, the leader(s) and such others as the Bishop thinks fit, including the co-operation partners if the Order contains a Co-operation provision. If the Bishop decides to vary the Order or the SI, the same people should also receive copies of the amended instrument.
- 6.5.5 The Bishop, in varying/ revoking an Order, may also provide for the management and disposal of property (s.82(6)). The question of who owns property used by the initiative, on what terms, and what happens to it if the initiative ceases to operate or to need the property, should be properly addressed before the BMO is made. If the property is held on charitable trusts, the trusts should deal with what happens to it in those events; the Bishop is not empowered to override or depart from them. Provision should be made for the custody and care of any records for the initiative while it operated under the Order.
- 6.5.6 In any event, the Bishop should make clear in his or her decision document what follow-up action is to be taken and by whom.
- 6.5.7 Finally, if an Order is not renewed or is revoked, and particularly if the mission initiative to which it relates also comes to an end, it may be important to arrange:
- for help and support for those who may need to find a new way of serving the Church;
  - for appropriate pastoral support for those facing the loss of other forms of support from the initiative; and
  - for a suitable thanksgiving and celebration of what the initiative has achieved, and for proper thanks to be conveyed to all those who have contributed to it.

## **6.6 Reviews affecting BMOs with Co-operation provisions**

- 6.6.1 Where an Order contains a Co-operation provision, the Bishop and the Visitor must discharge all their functions, including those relating to reviews, making further Orders or variation or revocation, in consultation with the appropriate authority of each other Church or religious organisation concerned (s.82(3)).



6.6.2 All concerned should from the outset understand and accept the review process for deciding on its future. As well as being consulted they should:

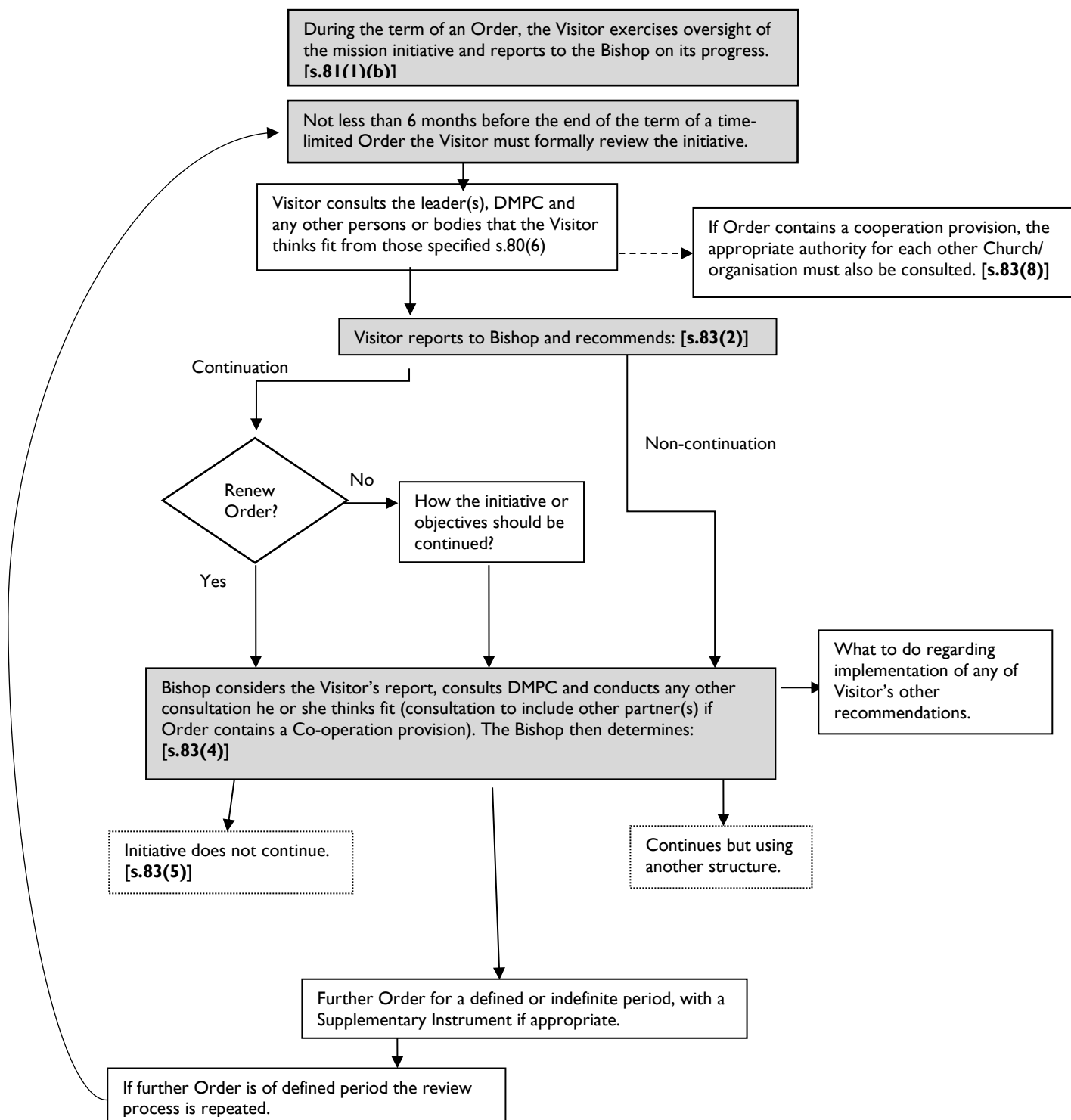
- receive copies of the review report;
- be fully consulted about the decisions to be taken as to the future of the initiative and the Order and should receive copies of the Bishop's decision; and
- be fully consulted as to whether, if there is to be a further Order, that Order calls for any changes in the nature or term of the co-operation. This is likely to be particularly important if no formal LEP is in existence.

6.6.3 Where an Order provides for LEP participation in a LEP, it or the SI may with the agreement of each participating Church provide:

- for the Visitor's review reports to be made to a body of persons which includes the Bishop and representatives of the other participating Churches (including possibly other persons representing the Church of England); and
- for the Visitor's functions to be performed on behalf of that body, and for the Bishop's functions under s.83 (relating to reviews and decision on the future of the initiative and BMO) to be performed by or on behalf of that body.

This ensures that reviews for an LEP operating in the context of a mission initiative under an Order can function in essentially the same way as those for other LEPs.

## 6.7 Procedure flowchart for Support, Review and Lifespan of a Mission Initiative under a BMO of defined duration



Where the Order provides for the initiative to participate in an LEP, the Order or SI may provide for the Visitor to report to and act on behalf of an ecumenical body, including the Bishop and representatives of the other Churches involved, and that body will be responsible for what would normally be the Bishop's functions under s.83 (s.83(9)).

**Relevant provisions in the Mission and Pastoral Measure 2011 (as amended)**

**PART 1**  
**GENERAL PRINCIPLE**

**1 General duty**

It shall be the duty of any person or body carrying out functions under this Measure to have due regard to the furtherance of the mission of the Church of England

[**Note:** Throughout the Measure:

“**mission**” means the whole mission of the Church of England, pastoral, evangelistic social and ecumenical;

“**functions**” includes powers and duties.

(s.106(1))]

**PART 7**  
**MISSION**  
*Mission initiatives*

**80 Mission initiatives**

- (1) Where a person or group of persons is carrying out or is proposing or wishes to carry out an initiative in any diocese or any part of a diocese (in this Part referred to as a “mission initiative”) and—
- (a) that person or group or any other person or body exercising ecclesiastical functions in the diocese requests the bishop of the diocese to make an order under this section, or
- (b) the bishop, without any such request being made, considers that it would be appropriate to make an order under this section,
- then if the bishop is satisfied that the initiative would be likely, through fostering or developing a form of Christian community, to promote or further the mission of the Church or any aspect of it, he may make such an order.
- (2) An order under this section shall endorse the initiative and make provision for it in accordance with this section and sections 81 to 84 and shall be known as a bishop’s mission order.

- (3) Where any mission initiative is being or is to be carried out in more than one diocese the bishop's mission order shall be made jointly by the bishop of each diocese affected by the order and subsection (1) shall have effect accordingly.
- (4) Any bishop's mission order shall specify the objectives of the mission initiative and the areas in which it is being or is to be carried out and specify a person or persons or a group of persons who or which is or are to lead the mission initiative and be responsible to the bishop or bishops, as the case may be, for the conduct of it (in this section and sections 81 to 84 referred to as the "leader" or "leaders") and the role of the leader or leaders and the bishop or bishops shall make such provision in the order as he thinks fit or they think fit for the administration of the Sacraments in accordance with the enactments and other laws relating thereto.
- (5) Any bishop's mission order may include provision—
- (a) for participation in a local ecumenical project (commonly known as a "local ecumenical partnership"),
  - (b) for other ecumenical co-operation with other Churches, and
  - (c) for collaboration with any religious organisations,
- and in this section and sections 81 to 83 any provision mentioned in this subsection is referred to as a "co-operation provision".
- (6) Before making any bishop's mission order the bishop or bishops, as the case may be, shall—
- (a) consult such other Churches and religious organisations as he thinks fit or they think fit,
  - (b) consult any person or group of persons who or which appears to him or them to have a significant interest in or to be likely to be significantly affected by the order, including any body which he or they consider would adequately represent the interests of any such person or group,
  - (c) consult the mission and pastoral committee in the diocese or each diocese affected by the order, and
  - (d) obtain the consent of the proposed leader or leaders.
- (7) For the purposes of subsection (6)(b), the following shall be deemed to have an interest in the order—
- (a) any person having or sharing the cure of souls in the area of any benefice affected by the order, and
  - (b) any other person or body, including a parochial church council or registered patron, who may have an interest in the cure of souls in any such area,

and in considering whether a person or body has a significant interest in or would be likely to be significantly affected by the order, the bishop or bishops shall have regard to the objectives of the initiative endorsed by the order and any other circumstances which he or they think relevant.

- (8) Without prejudice to subsection (6), where it is proposed to include a co-operation provision in a bishop's mission order, the bishop or bishops, as the case may be, shall, as well as carrying out such consultation as is referred to in that subsection, consult the appropriate authority of each Church or religious organisation which is to participate in the local ecumenical project, or which is otherwise concerned.
- (9) The bishop or bishops, as the case may be, may authorise a person or body to carry out the consultation referred to in subsections (6) and (8) on his or their behalf.
- (10) No person may officiate in any place in accordance with a bishop's mission order unless—
  - (a) if that person is ordained as a priest or deacon, he or she has received authority from the bishop by virtue of being instituted to a benefice or licensed by the bishop to serve or having written permission to officiate in any diocese affected by the order or may, otherwise, under any Canon of the Church of England, officiate in that place without the authority of the bishop, or
  - (b) if that person is a deaconess, reader or lay worker, he or she is authorised, under any Canon, to do so.
- (11) Subject to subsection (10), any bishop's mission order may include provision authorising a minister to exercise his or her ministry in any place for the purposes of or in connection with the mission initiative in any manner specified in the order and, where he or she is not the minister who has the cure of souls in that place, without obtaining the permission of the minister who has that cure but, before including any such provision, the bishop or bishops shall consult—
  - (a) if the order affects one parish only, the incumbent or priest in charge of that parish,
  - (b) subject to paragraphs (c) to (e) below, if the order affects more than one parish in a diocese, either the incumbents or priests in charge of those parishes or the House of Clergy of the deanery synod of the deanery in which the parishes are situated, as the bishop or bishops thinks or think fit,
  - (c) if the order affects all the parishes situated in a deanery, the House of Clergy of the deanery synod of that deanery,
  - (d) if the order affects parishes situated in more than one deanery, the House of Clergy of the deanery synod of each deanery affected or the House of Clergy of the

diocesan synod of the diocese in which the parishes are situated, as the bishop or bishops thinks fit or think fit, and

- (e) if the order affects parishes situated in more than one diocese, the House of Clergy of the deanery synod of each deanery affected or the House of Clergy of the diocesan synod of each diocese affected, as the bishop or bishops thinks fit or think fit.
- (12) Any alms collected in the course of or in connection with an office or service performed in accordance with the order shall be disposed of in such manner as the minister performing the office or service may, subject to the direction of the bishop or bishops of the dioceses affected, determine.
- (13) Subject to subsection (10), any bishop's mission order may include provision authorising the performance of divine service, including Holy Communion, if so specified, in any building other than a parish church, parish centre of worship or place licensed for public worship in accordance with section 43(1) or a guild church, with the consent of the person who has the general management and control of the building.
- (14) Subject to subsection (10), any bishop's mission order may include provision authorising the performance of any divine service, including Holy Communion, in any parish church or place excluded from subsection (13) above with the consent of any minister having the cure of souls in that place.

## **81 Visitors**

- (1) A bishop's mission order shall designate a person, to be known as "the Visitor", who shall—
  - (a) on behalf of the bishop or bishops exercise oversight of the mission initiative and advise and encourage and, so far as practicable, provide support for it;
  - ~~(b)~~
  - (c) report regularly to the bishop or bishops on the discharge of his or her duties and the progress of the mission initiative and send copies of the reports to the leader or leaders.
  - ~~(d)-(f)~~
- (1A) The Visitor may take such other steps as the Visitor thinks fit for ensuring the proper governance of the mission initiative.
- (2) The leader or leaders shall—
  - (a) consult the Visitor regularly about the general direction and development of the mission initiative, and

- (b) supply the Visitor with a copy of the annual accounts and any other information which the Visitor requires in order to carry out his or her functions.

(3)

## **82 Supplementary provisions**

- (1) A bishop's mission order may contain such supplementary provisions as the bishop or bishops, as the case may be, thinks or think fit and, if he or they thinks or think fit, he or they may include any such provisions in a supplementary instrument being provisions which, in his or their opinion, would further the objectives of the mission initiative.
- (2) Without prejudice to the generality of subsection (1) the bishop's mission order or supplementary instrument may make provision—
  - (a) for the stipends, remuneration, pensions or housing and other expenses of any persons exercising functions under the bishop's mission order;
  - (b) for any other offices or functions which such persons may hold or perform in conjunction with their functions under the order;
  - (c) for the replacement, where necessary, of any persons or bodies exercising functions under the order by other persons or bodies;
  - (d) for the organisation, governance and financing of the mission initiative including the management and control of any property used by those exercising functions under the order;
  - (e) for any measures required for the protection of children, young persons and other vulnerable persons and for health and safety and insurance;
  - (f) for relationships between persons involved with the mission initiative and persons who have the cure of souls within any area to which the bishop's mission order relates and with other churches, institutions and religious organisations; and
  - (g) after consulting the Visitor and such other persons or body as the bishop or bishops thinks or think fit, for representation of persons to whom the order relates on such deanery synod as he thinks or they think fit in accordance with a scheme made by the diocesan synod of the diocese in which the deanery is situated.
- (3) Where a co-operation provision is included or is to be included in a bishop's mission order, and without prejudice to section 80(6) above, the bishop or bishops, as the case may be, and the Visitor shall discharge all their functions under this Part after consultation with the appropriate authority of each Church or religious organisation which is to participate in the local ecumenical project, or which is otherwise concerned.
- (4) The bishop or bishops may vary any bishop's mission order or any supplementary instrument by a further order or instrument but, in the case of an order, shall not do so except

after consulting the mission and pastoral committee or committees of the diocese or dioceses concerned and the leader or leaders, the Visitor, any relevant person having the cure of souls and any other person or body which he thinks or they think fit and section 80(8) or (11) or subsection (3) shall apply if any variation relates to any such provision as is referred to in any of those subsections.

- (5) The bishop or bishops may revoke any bishop's mission order and any supplementary instrument by a further order or instrument but, in the case of an order, shall not do so without carrying out the like consultation as is referred to in subsection (4).
- (6) Any leader shall have the right to make written or oral representations (or both) to the mission and pastoral committee or committees in respect of any order varying or revoking a bishop's mission order and any such order may include provision in respect of the management or disposal of property and of any other matters for which it is, in the opinion of the bishop or bishops, expedient to make provision.
- (7) Any bishop's mission order or supplementary instrument shall specify its duration (which may be defined or indefinite).
- (8) Any order under section 80 or this section and any instrument under this section shall be signed by the bishop or bishops, as the case may be, or by a person authorised by him or them and shall also (except in the case of an order or instrument varying or revoking an order or instrument) be signed by the leader or leaders and contain a declaration by the leader or leaders of acceptance of the terms of the order or instrument.
- (8A) The bishop or bishops shall send a copy of each of the following to the Commissioners –
  - (a) any bishop's mission order;
  - (b) any order varying or revoking a supplementary instrument;
  - (c) any supplementary instrument;
  - (d) any instrument varying or revoking a supplementary instrument.
- (9) In section 80 "ecumenical co-operation" means co-operation in matters affecting the ministry, congregational life or buildings of the Churches concerned and "local ecumenical project" has the same meaning as in the Church of England (Ecumenical Relations) Measure 1988.

### **83 Review of duration of mission initiatives and further provisions**

- (1) In the case of a bishop's mission order of defined duration, the Visitor shall conduct a review of the mission initiative not less than six months before the expiry of the order, in consultation with the leader or leaders, the mission and pastoral committee of each diocese affected by the order and such other persons or organisations referred to in section 80(6) as the Visitor thinks fit and, where relevant, any such authority as is referred to in section 82(3).



- (2) The Visitor shall report to the bishop or bishops on the outcome of the review conducted under subsection (1) and the report shall contain the Visitor's recommendations on whether the mission initiative should continue and, if so, whether the bishop's mission order should be renewed and, if it should, on the duration of the renewal (which may be defined or indefinite) or, if not, how the mission initiative or its objectives should be continued.
- (3) The Visitor's report may contain such other recommendations or comments as the Visitor may think fit and copies of the report shall be sent to such other persons or bodies as the bishop or bishops may direct.
- (4) The bishop or bishops, after considering the report, may, if he or they consider that the mission initiative should continue, after consulting the mission and pastoral committee or committees and after carrying out such further consultation as he thinks or they think fit make a further bishop's mission order continuing the mission initiative and, if he thinks or they think fit, a further supplementary instrument.
- (5) The further order and supplementary instrument if any, shall specify the duration of the order and instrument (which may be defined or indefinite) and the order shall continue in force accordingly.
- (6) If the bishop or bishops make a further order under subsection (4) that is of defined duration, the Visitor shall be under the like duty to review and report on the mission initiative as is conferred on the Visitor by subsections (1), (2) and (3).
- (7) The bishop or bishops, after considering the report referred to in subsection (6), may, if he or they consider—
  - (a) that the mission initiative should continue, and
  - (b) that there are no other suitable means by which the mission initiative or its objectives can be achieved,after consulting the mission and pastoral committee or committees, make a further mission order and, if he thinks or they think fit, a further supplementary instrument.
- (8) Where a bishop's mission order of defined duration contains or is to contain a provision for participation in a local ecumenical project the order or supplementary instrument may, with the agreement of the appropriate authority of each Church which is to participate in the ecumenical project, provide that the reports referred to in subsections (2) and (6) and the functions of the bishop or bishops under subsections (3), (4), (5), (7), (9), (10), (11) and (12) shall, in the case of the reports, be made to and, in the case of the functions, be performed by, or on behalf of, a body of persons which shall include the bishop or bishops and one or more representatives of the appropriate authorities mentioned above and may include persons otherwise representing the Church of England and any functions of the Visitor

which, under section 81 or this section, are performed on behalf of the bishop or bishops shall be performed, instead, on behalf of that body.

- (9) Any order or supplementary instrument made under subsection (7) shall continue without limit of time, unless revoked or varied by a further order or instrument.
- (10) Any order or supplementary instrument made under this section shall, so far as appropriate, make provision for any of the matters mentioned in sections 80 to 82 and those sections shall apply accordingly.
- (11) Any order or supplementary instrument may be varied or revoked by a further order or instrument and section 82(4), (5), (6) and (8A) shall apply in relation to any such order or instrument as it applies to orders and instruments made under that section.
- (12) Any order or instrument made under this section shall be signed in like manner as is provided by section 82(8) and shall include the like requirement to contain a declaration of acceptance by the leader or leaders.

#### **84 Code of Practice**

- (1) The House of Bishops shall draw up and promulgate guidance in a Code of Practice as to the exercise of the functions conferred under this Part.
- (2) The House of Bishops may amend or replace any Code issued under subsection (1) by a further Code of Practice issued in accordance with this section.
- (3) A Code of Practice shall be laid before the General Synod and shall not come into force until approved by the General Synod, whether with or without amendment.
- (4) Where the Business Committee of the General Synod determines that a Code of Practice does not need to be debated by the General Synod then, unless—
  - (a) notice is given by a member of the General Synod in accordance with its Standing Orders that he or she wishes the Code to be debated, or
  - (b) notice is so given by any such member that he or she wishes to move an amendment to the Code,the Code shall, for the purposes of subsection (3), be deemed to have been approved by the General Synod without amendment.
- (5) The bishop or bishops who make any order or instrument under this Part and any leader, any Visitor and any mission and pastoral committee shall be under a duty to have regard to any Code of Practice issued under this section.

(as revised by the Mission and Pastoral etc (Amendment) Measure 2018)