

**DRAFT DIOCESES, PASTORAL AND MISSION MEASURE  
DRAFT AMENDING CANON NO. 27**

**Mission Initiatives and Bishops' Mission Orders –  
Draft Code of Practice under Part V of the Measure**

1. Part V of the draft Dioceses, Pastoral and Mission Measure (GS 1597B) gives the bishop power to make a Bishop's Mission Order to endorse and make provision for certain types of mission initiatives, and goes on to deal in detail with various aspects of such orders and the initiatives to which they relate. Some related provisions appear in draft Amending Canon No. 27 (GS 1598B).
2. Clause 51 of the draft Measure provides for the House of Bishops, subject to approval by the General Synod, to draw up and issue guidance in a Code of Practice as to the exercise of the functions conferred by Part V. The Code could not, of course, be finalised, approved and issued unless and until the Measure became law and the appropriate provisions were brought into force. However, the Steering Committee for the legislation has always made clear that it considers the Synod should be aware of what was envisaged in terms of a Code of Practice at the time when it was asked to give Final Approval to the legislation.
3. At the July 2006 Group of Sessions, the Synod had before it, for information, a provisional outline of the Code (GS 1597V), indicating the thinking of the Steering and Revision Committees at that stage, and Synod members were invited to send in comments and suggestions. Since then the work has been taken further by a group consisting of two members of the Steering Committee (Canon Simon Bessant, who is the Diocesan Director for Mission and Evangelism for Blackburn and who chaired the group, and the Bishop of Exeter) and two members of the former Revision Committee (the Very Revd Vivienne Faull, the Dean of Leicester, and Canon Linda Jones, who is a member the House of Laity for the diocese of Liverpool and is an officer of the diocesan Church Growth and Ecumenism Team), supported by Bishop Graham Cray (the Bishop of Maidstone), the Revd Dr Steven Croft (Archbishops' Missioner and Team Leader of *Fresh Expressions*) and the Revd John Cole from the staff of the Council for Christian Unity.
4. As explained in paragraph 10 of the Steering Committee report (GS 1597-9Z), the group has produced the attached draft of the Code, taking account of the comments received on the earlier outline. The draft has been prepared on the basis of the amendments set out in the Steering Committee report, and is provided to members of the General Synod for information, in order to assist them at the Final Drafting and Final Approval stages.
5. The House of Bishops has had an opportunity to consider a draft in substantially the same terms and was content to receive it in that form. However, there would of course be an opportunity to amend the draft if appropriate before the Code was finally approved and issued.

February 2007

# **Draft Dioceses, Pastoral and Mission Measure**

## **Part V: Mission Initiatives**

**1 FEBRUARY 2007**

**DRAFT**

**CODE OF PRACTICE**



## Contents

	<b>Introduction</b>
1.	The purpose and status of the Code of Practice
2.	Supporting the “mixed economy” church
<b>1</b>	<b>Setting the scene</b>
1.1	Outlining other available options for parochial and non-parochial legal structures
1.2	The purpose of a Bishop’s Mission Order
<b>2</b>	<b>Getting Started</b>
2.1	How and from whom a proposal for a Bishop’s Mission Order might originate in practice
2.2	Differing types of initiatives
2.3	Roles of the Bishop and the diocesan mission and pastoral committee
2.4	Initial Explorations
2.5	Consultation
2.6	Ecumenical Considerations
2.7	Procedure flowchart for making an Order
<b>3</b>	<b>Key roles in the initiative – ministry and leadership, the Visitor and mission accompaniment</b>
3.1	Ministry and leadership
3.2	The role of the Visitor and mission accompaniment
<b>4</b>	<b>Setting up an Order – the legal requirements and their implications</b>
4.1	The basic legal requirements for an Order
4.2	Orders extending to more than one diocese
4.3	The purpose and legal effect of the Order and some of the factors in deciding whether an Order is appropriate in the particular case
4.4	Consultation
4.5	Co-operation provisions
4.6	Signature, formal consent by leader(s) and acceptance of the terms of the Order
<b>5</b>	<b>The Order – documentation and operation</b>
5.1	The Order and Supplementary Instrument
5.2	Licensing of ministers and the terms on which they serve
5.3	The Visitor
5.4	Worship and the administration of the sacraments
5.5	Organisation, governance, finance and property
5.6	Protection of children, young persons and other vulnerable people
5.7	Health and safety and other civil legislation
5.8	Links with parishes
5.9	Relationships with other parts of the Church and synodical representation
<b>6</b>	<b>Support, Review and the Lifespan of a Mission Initiative under a Bishop’s Mission Order</b>
6.1	Regular reviews by the Visitor
6.2	The basic period of the Order
6.3	Review at the end of the basic period
6.4	Making a further Order for a second period
6.5	Review at the end of the lifespan of a further Order for a second period
6.6	Decision on future of initiative and Order after second period – possible indefinite Order
6.7	Variation or revocation of Order or Supplementary Instrument
6.8	Co-operation provisions
6.9	The continuing life of the mission initiative
<b>App.1</b>	<b>Other possible legal structures</b>
<b>App.2</b>	<b>Skeleton Proforma Letters [to be added]</b>
<b>App.3</b>	<b>Worship in mission initiatives</b>
<b>App.4</b>	<b>Priests (Ordination of Women) Measure 1993 - Schedule I</b>
	<b>Resolution A: Opinion</b>
<b>App.5</b>	<b>Bibliography and resources [to be added]</b>



## INTRODUCTION

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

This Code of Practice is a vital part of the range of new provisions for the Church centred around Part V of the Dioceses, Pastoral and Mission Measure (“the Measure”). It is part of a process of redrawing the legal landscape within which the Church operates in order for it 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. Expressed another way, the Code is a guide to approaching some of the areas where ecclesiological and missiological issues come together to enable the concerns and needs of both Church and God’s mission to be unified and mutually affirming.

The Code, like Part V of the Measure, to which it relates, is an ecclesiological response to the challenges and opportunities that arose from the reports *Mission-Shaped Church* (GS 1523) and *A Measure for Measures* (GS 1528). In particular it is a response to the primary challenge “to determine what legislative framework might best facilitate the Church’s response for the future; enabling speedy and flexible responsiveness yet ensuring reasonable good order and accountability”.<sup>1</sup> Parts of the Measure consist of a replacement for the Dioceses Measure 1978 and amendments to the Pastoral Measure 1983. The revision process of transforming these Measures was carried out very thoroughly and took note of a great many suggestions from members of General Synod and many other interested parties.

Part V contains something wholly new, in the form of the provisions for Bishops’ Mission Orders for mission initiatives. The Group which drafted the Measure decided and the Revision Committee accepted that much of the detail concerning these new Orders should be placed in a Code of Practice in order to keep the Measure as flexible as possible, to save it from excessive length and complexity, and to allow space for new insights and the growth of a body of good practice. However, the content of the Code is not to be understood as being an “optional extra” of lesser importance in practice. The Code is meant to supply the practical means by which Bishops’ Mission Orders are to operate within the terms of the Measure.

One obvious point to underline at the beginning of this Code is that not all mission initiatives require a Bishop’s Mission Order. 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 Bishop’s Mission Order may not be the way in which to achieve or reflect that. Many forms of mission do not necessitate a Bishop’s Mission Order and many will not satisfy the legal criteria laid down by the Measure for an Order. An example would be a mission initiative that is not intended to form a new Christian community. Hence, a traditional town-wide

---

<sup>1</sup> *A Measure for Measures* (GS1528) page ix

evangelistic mission which expected to link people who had made a response with an existing local church would not require or fall within the provisions of the Measure. Nevertheless, the Church needs to be open to the surprises that God often brings into being and recognise that what was planned to be a particular activity might unexpectedly lead to the creation of a new community of Christians which might begin to look like Church. Therefore a Bishop's Mission Order 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.

This Code of Practice has been drawn up by the House of Bishops to provide guidance on the exercise of the functions of Part V of the Measure, in fulfilment of s 51(1) of the Measure, and [is laid before the General Synod for approval under s 51(3)]. The Measure requires Bishops, leaders and Visitors of mission initiatives and diocesan mission and pastoral committees to have regard to the Code in exercising those 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 Code provides the details of what the Archbishop of Canterbury referred to as a "principled and careful loosening of structures" in his Presidential Address to the new General Synod in November 2005.<sup>2</sup> The House of Bishops hopes that it will prove to be an enabling gift to the Church of God for the mission of God.

## 2. Supporting the "mixed economy" church

Following on from *Mission-Shaped Church* (GS 1523), *A Measure for Measures* (GS 1528) (and *Resourcing Mission for a 21<sup>st</sup> Century Church* (GS Misc 810)), this Code addresses issues of mission and order, diversity and unity. There is an inevitable and healthy tension between these fundamental dimensions of the Church's life, especially at times of cultural change or innovative development. This creative tension needs to be expressed in regulations and guidelines which enable and sustain both healthy order and ongoing mission.

The Anglican Communion has identified five marks of mission:

- to proclaim the Good News of the Kingdom
- to teach, baptise and nurture new believers
- to respond to human need by loving service
- to seek to transform unjust structures of society
- to strive to safeguard the integrity of creation and sustain and renew the life of the earth.<sup>3</sup>

There is a substantial ecumenical consensus that the mission of the Church is to be understood as a participation in the *Missio Dei*. The five marks are integral dimensions of the mission of God. Mission initiatives and fresh expressions of church are intended to embody various combinations of these marks, as the local context requires. The *Missio Dei* is contextually rooted. It involved the Father's sending, the incarnation of the Son in a particular context, for the sake of all contexts, and the initiative of the Spirit. Likewise the Church's mission involves the crossing of cultural frontiers in response to the Father's commission, the inculturation of the Good News of his Son, and the direction of the Holy Spirit.

---

<sup>2</sup> Report of Proceedings, General Synod, November 2005 p 64

<sup>3</sup> Lambeth Conference 1988

*Mission-Shaped Church* identified the need for “a new inculturation of the gospel within our society.” Fresh expressions of church, and other mission initiatives, are part of the Church of England’s response to that challenge. Inculturation, rooted in the doctrine of the incarnation of Christ, is not a new concept to the Church of England. It underlies the parochial system. The current context of greater mobility, and of networks as well as neighbourhoods, requires a reapplication of this underlying incarnational value, not a departure from it. The Church’s historic parochial structures are still effective in mission but require supplementing by new mission initiatives. Properly integrated these enable a “‘mixed economy’ church.”

The Church’s identity is grounded in the person and mission of the Triune God. The Church is both the fruit of God’s mission and the agent of that mission. Proper order is the fruit of mission. Boundary crossing mission raises new questions for the application of order. By definition “fresh” expressions of church increase the diversity of the church in mission and raise new challenges for unity, both within the Church of England and with our ecumenical partners. The Code of Practice which follows aims to provide the Church with accessible tools for resolving these questions locally and creatively.



## **Part I: Setting the scene**

### **I.1 Outlining other available options for parochial and non-parochial legal structures**

- I.1.1 Dioceses continue to review their mission and ministry strategies to meet new challenges and respond to changing needs. In doing so there are a variety of options for organisational structures and deployment arrangements they will wish to consider. Some of these are briefly outlined in **Appendix I** and are worth bearing in mind when considering how best to provide for new initiatives, both at the outset and as the initiatives evolve. They include using the provisions of the Pastoral Measure 1983, whose flexibility and scope for enabling a variety of innovative scenarios is not always appreciated.
- I.1.2 However, it was in recognition of the limitations of existing arrangements, particularly in providing space for experiment and a means of accommodating non-territorial forms of church, that the new arrangements for Bishops' Mission Orders were developed.

### **I.2 The purpose of a Bishop's Mission Order**

- I.2.1 The purpose of a Bishop's Mission Order is to affirm, enable, encourage and support a new mission initiative within the overall ordering of the life of the Church.
- I.2.2 This enabling and affirmation is made effective through:
- effective legal recognition of a new Christian community within the life of the diocese or dioceses
  - appropriate and supportive oversight of plans and resources
  - assisting in the development of creative partnerships between parishes and deaneries and with other churches
  - ensuring proper provision is made for ministry (including the administration of the sacraments) throughout the life of the initiative
  - where necessary making lawful acts that would not otherwise be lawful
  - ensuring compliance with legal guidelines and best practice in (for example) employment legislation and the care of the vulnerable.
- I.2.3 The Church of England is committed to sharing in God's mission through developing a "mixed economy" of fresh expressions of church alongside traditional parish churches. The Bishop's Mission Order is designed as a flexible tool to support the development of this "mixed economy" in contexts where wider recognition is necessary and helpful.

#### ***When is a Bishop's Mission Order not required?***

- I.2.4 There are many ways to share in God's mission through new initiatives. Most will not require a Bishop's Mission Order. Many fresh expressions of church are developing wholly or largely within and by a single parish or benefice. Examples include:
- a new all age congregation meeting on Saturday evenings

- a community café outside church premises with occasional gatherings for prayer and worship
- an informal monthly Sunday evening service for those exploring faith.

I.2.5 Normally, there will be no need for a Bishop's Mission Order where the development is wholly or largely within and by a single parish. Support and oversight is offered by the Bishop and wider church family to the new initiative through the existing diocesan and parochial structures.

I.2.6 The Parochial Church Council may, however, find it helpful to consider some of the questions raised in this Code of Practice as part of its planning for fresh expressions of church. The House recommend the practice of accompaniment and support in the sometimes complex task of guiding and shaping fresh expressions of church and other initiatives even though this may not be within the formal framework provided by the Bishop's Visitor. As the whole Church learns new lessons in mission, the House also commends the habit of each parish sharing with others the wisdom gained through each new venture.

I.2.7 In addition there are many excellent mission initiatives (such as community development projects or city-wide evangelistic campaigns) which are not intended to lead to the development of an ongoing Christian community. A Bishop's Mission Order is not required for such initiatives.

***When might a Bishop's Mission Order become necessary or helpful for a local project?***

I.2.8 In some instances a project may begin locally and develop in such a way that recognition through a Bishop's Mission Order may be a helpful step in its journey to maturity.

I.2.9 This may be because its sphere of influence and mission expands beyond the area of the parish or benefice (or could helpfully so expand). Alternatively, it may be because it is appropriate for the fresh expression of church to determine its own direction and life in collaboration with the parish in which it is set.

I.2.10 Examples of this might include:

- A youth congregation which begins in one parish yet attracts young people from a much wider area and needs to be owned and supported by one or more deaneries in order (for example) to enable the support of ministry, appropriate representation in the life of the deanery or the establishing of new congregations.
- A network community which grows up within an existing multi-parish benefice which, as part of its own growth to maturity, requires a similar legal status and recognition as the individual parishes within that benefice.
- A group which begins for enquirers or new Christians within a factory or town centre beyond the originating parish and which then

begins to develop as an ongoing Christian community and holds services for public worship.

***When is a Bishop's Mission Order necessary and helpful from the outset?***

- 1.2.11 Where a fresh expression of church or mission initiative leading to the forming of new Christian community is envisaged which involves mission, collaboration and co-operation across a number of different parishes or deaneries, then a Bishop's Mission Order may be necessary or desirable in order to describe the scope of the project, define the necessary partnerships, ensure the oversight and support outlined above and assure continuity through changes in tenure.
- 1.2.12 Examples of this might include:
- the intentional establishing of a new network congregation for young adults across a town or city
  - the revitalisation of an existing congregation in a socially and economically deprived part of a city 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
  - collaborative work between three parishes and the Methodist Circuit to engender a missional Christian community in an area of new housing development.
- 1.2.13 In summary, the Bishop's Mission Order 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

### **This Part of the Code gives a broad practical overview of:-**

- how and from whom a proposal for a Bishop’s Mission Order may originate in practice;
- the types of initiative to which that proposal may relate;
- the role of the Bishop and the sharing of the task of discernment and consultation; and
- the role of the diocesan mission and pastoral committee.

It then goes on to outline a recommended process for an initial exploration of a proposal, leading to a decision by the Bishop as to whether to go forward to the more formal stages in the process laid down by the Measure.

### **2.1 How and from whom a proposal for a Bishop’s Mission Order might originate in practice**

2.1.1 A proposal for a Bishop’s Mission Order may originate with either:

- a) A person or group of persons exercising ecclesiastical functions within the diocese. This might be a single incumbent; a group of incumbents acting together; the standing committee of a deanery synod; one or more chaplains or a Bishop’s officer (such as a youth officer or missionary) or a Church Army Evangelist licensed in the diocese or a patron or group of patrons or other appropriate group.

The proposal may be raised initially through an informal consultation with the Bishop, Archdeacon, missionary or other nominated officer.

In order to be taken further, the proposal should be made through a letter to the Bishop. The letter should seek to answer briefly 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 Bishop’s Mission Order required?

- b) The Bishop or a member of the Bishop’s staff. In this case the Bishop or member of his staff should also prepare a short paper outlining the proposal, answering the same five questions, in order to facilitate the next part of the process.

## 2.2 Differing types of initiatives

- 2.2.1 A Bishop's Mission Order may be made for an existing initiative or for a new project.
- 2.2.2 An Order may be appropriate for an existing initiative either because the initiative has reached a particular point in its development (for example, the emergence of a new Christian community or expansion beyond a particular parish). In the early years of the Measure, it is envisaged that a number of existing initiatives may seek a Bishop's Mission Order which previously was not available.
- 2.2.3 As envisaged in *Mission-Shaped Church*, an initiative may seek to serve a particular geographical community (such as an area of new housing which straddles two parishes). Alternatively, it may seek to serve a network meeting across a town or conurbation (such as young people aged 14-18 in a town covered by two existing deaneries).
- 2.2.4 Whether the initiative seeks to serve a neighbourhood or a network, some geographical boundary should normally be specified in the initial proposal in order to give a clear indication both of potential partners and of the appropriate parties to be consulted.
- 2.2.5 In some circumstances the geographical area envisaged may straddle boundaries between two or more dioceses. Where this is the case, the Bishops concerned should agree together either to act in concert or for one Bishop to take the lead in the initial stages of exploration. In due course, the Bishop's Mission Order may need to be made in both dioceses.
- 2.2.6 In certain limited circumstances, it may not be possible to specify a geographical boundary for the exact scope of an initiative requiring a Bishop's Mission Order. This may be the case, for example, for an internet community which might draw its members from anywhere in the world or an informal network of communities which might straddle a large number of dioceses. However, in such cases, the Bishop's Mission Order should specify the diocese or dioceses which license the ministers and exercise oversight of the initiative even though the initiative is not geographically limited in its scope. Where this is the case, as part of the development of the Bishop's Mission Order, attention should also be given at an appropriate time to the development of protocols and patterns of communication with other dioceses and provinces.

## 2.3 Roles of the Bishop and the diocesan mission and pastoral committee

### *The role of the Bishop*

- 2.3.1 The Measure puts in place structures and processes which are intended to enable the Bishop to be an effective **leader in mission**. This articulation of the episcopal role was implicit in the Toyne report *A Measure for Measures* (GS 1528), and explicit in *Mission-Shaped Church* (GS 1523):

“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>4</sup>

- 2.3.2 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>5</sup>
- 2.3.3 The Measure adopts “a principled and careful loosening of structures”<sup>6</sup> within which the role of the Bishop is crucial. In GS 1523 the Bishop is also described as a **broker**, enabling the exploration of the viability and appropriateness of a potential initiative, making the Mission Order, and then ensuring that unity is maintained through the provision of consultancy and a process of review. ***Much of the task of discernment and consultation can and should be shared, but only the Diocesan Bishop may make (or terminate) the Order.***
- 2.3.4 This sharing of responsibility for discernment of and leadership in mission increasingly influences the way all of us work. Though Bishops’ Mission Orders are not necessary except where parochial boundaries are crossed and a worshipping community is the intended outcome, the process created under the Measure has wider applications as those who have functions under it (or under the Pastoral Measure 1983) seek to have “due regard for the furtherance of the mission of the Church of England” (s 1).
- 2.3.5 Part of the role of the Bishop in mission is to have due regard to the ***ongoing shift of culture*** within the Church of England as we seek to grow, under God, as a church shaped by mission. This is a complex task embracing visionary leadership, opportunities for education and teaching, the development of policy, its implementation across a diocese and the focussing of appropriate resources.
- 2.3.6 Diocesan policies on cross boundary mission and mission initiatives, fresh expressions of church and church planting and training initiatives may all assist this process.
- 2.3.7 GS 1523 articulates and upholds the principle of ***contextual mission*** in regard to new mission initiatives. It is important to maintain this principle 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 not imitation but the careful attending to emerging good practice both in local initiatives and in dioceses.

---

<sup>4</sup> GS1523 p136

<sup>5</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

<sup>6</sup> Archbishop of Canterbury’s Presidential Address, General Synod, November 2005

- 2.3.8 It should be noted that s 13 of the Measure allows **the functions of the Diocesan Bishop to be delegated** to a Suffragan or Assistant Bishop. This includes the delegation of powers to make a Bishop’s Mission Order. The Bishop will normally need ongoing advice and assistance from his officers, particularly his Archdeacons, and also any Diocesan Missioner, Director of Ministry or Fresh Expressions Officer.

***The role of the diocesan mission and pastoral committee***

- 2.3.9 The *diocesan mission and pastoral committee to be established under the Measure* will, along with Diocesan Advisers, be key to the Bishop’s work in the area of mission initiatives. The committee is required to have regard to “worship, mission and community as central to the life and work of the Church of England” and also to the financial implications for the diocese and the Church of England as a whole; deployment; parochial needs, traditions and characteristics; and policies of the diocesan synod (s 53(1) and (2)). With this remit, holding together the central and the local, responsibility for people and for buildings, the committee is the gearing in the transmission of mission and will require a membership with skill, expertise and wisdom. The Bishop, who appoints the chair (if he is not himself the chair), will also need to work with his Synod on an appropriate constitution and working method for the committee.
- 2.3.10 Schedule 3 to the Measure gives dioceses freedom to establish a committee of an appropriate size and membership. It might well be appropriate to include the Diocesan Missioner, or local equivalent, in the membership. Paragraph 8 of Schedule 3 empowers it to appoint sub-committees. The Bishop might consider it helpful to support the creation of a **sub-committee with particular responsibility for the development and oversight of mission initiatives**. This would enable the mission and pastoral committee to assist the Bishop in ensuring that Bishops’ Mission Orders are used appropriately, that best practice in initiatives is developed, noted and shared, and that legality and equity is guaranteed.

**2.4 Initial explorations**

- 2.4.1 Once a Bishop has determined to explore the possibility of a Bishop’s Mission Order in a particular situation or has received a written request to do so as outlined above, the Bishop should initiate initial explorations to discover whether a Bishop’s Mission Order may be the right way forward.
- 2.4.2 The **written proposal** described above, giving an outline answer to the five questions set out in para 2.1.1, forms the basis for moving forward in these initial explorations.
- 2.4.3 The scope and extent of the initial explorations will to some extent be dependent on the nature of the project. In the case of a well developed project which has been established for some years it may be possible to proceed directly to the next stage of the process.

- 2.4.4 The Bishop will normally **appoint** an Archdeacon, Missioner, Officer for Fresh Expressions of Church or other **suitable person to carry out these initial explorations**. The person appointed (described in this section as the Bishop’s Officer<sup>7</sup>) should not be closely involved in ministries likely to be affected by the scheme.
- 2.4.5 The initial explorations will normally involve at least the following **consultations**:
- a) A meeting with the group initiating or most closely involved in the project to explore its viability and potential, existing and potential partners, the progress to date and any ministry or funding implications. At this meeting the reasons why a Bishop’s Mission Order is necessary and desirable in this instance should be carefully explored. Guidance should be given to those initiating the project on the process to be followed. The Bishop’s Officer may also be able to give supportive feedback to the initiating group on progress to date and any other preliminary work required;
  - b) A written consultation or meeting with the incumbents of any parishes not directly involved in the scheme but likely to be most affected;
  - c) A written consultation or meeting with any ecumenical partners involved in or affected by the scheme; and
  - d) The opportunity for the Bishop’s Staff meeting and the mission and pastoral committee to comment at this stage on the outline proposal. In certain cases where rights of presentation may be affected, it may also be appropriate to consult with patrons. Patrons may also be involved as providers or potential providers of resources or expertise.

2.4.6 The **key questions** to be answered in this initial exploration are as follows:

Questions 1-5 above will be explored in greater depth by developing the initial proposal further:

Deleted: ¶

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 Bishop’s Mission Order required?

2.4.7 In addition the following seven questions will need to be answered at this stage of the process:

---

<sup>7</sup> The title is used here as a convenient shorthand for the designated person and is not intended as a mandatory title, nor is it implied that the same person in a diocese should necessarily deal with each individual enquiry or possibility. Several individuals may take on this responsibility as the Bishop determines.



6. How will what is proposed complement existing mission initiatives? Particular attention should be paid to whether it may duplicate or conflict with other initiatives which have already begun or which other parties are currently considering.
  7. What resources are needed to begin and sustain the project? Are these resources already in place? Have Anglican and ecumenical partnerships been considered? Are there any wider implications for the diocese(s) if the initiative moves forward? Are there any opportunity costs which need to be considered?<sup>8</sup> Are there mission agencies or patronage groups with the potential to contribute to the development of this initiative?
  8. What parties may need to be consulted formally as part of the process of the granting of a Bishop's Mission Order?
  9. Is appropriate mission accompaniment in place or envisaged for the venture?<sup>9</sup>
  10. What provision will be made in the Order for the provision of ministry? This should involve an exploration of the envisaged provision for the sacraments of Baptism and the Eucharist at the point at which this becomes appropriate.
  11. What thought has been given to the long term future and possible sustainability of the venture? It is recognised throughout this Code that there may be value in initiatives which are for a short period of time in particular contexts. There are also new mission initiatives which have the capacity for fruitful ministry over many years. What is the vision for this particular project in this regard and what thinking and planning has been done to support that vision?
  12. Are there any special circumstances which will need to be explored further in the formal consideration of the Order?
- 2.4.8 The Bishop's Officer should make a concise **written report to the Bishop** answering Questions 1-12, incorporating any revised material from the earlier report and including any other relevant information. The report should contain a recommendation on whether or not to proceed to the next stage of the process. This report should be copied to the initiating group.

***Possible outcomes of the initial exploration stage***

- 2.4.9 One outcome of the preliminary explorations may be that the application for a Bishop's Mission Order is not taken further at this point by mutual agreement. Exploration may reveal that a Bishop's Mission Order is not necessary at this stage in what is an excellent and positive contribution to mission. In this case, no further action may be

---

<sup>8</sup> That is, is there anything which will not happen if this initiative moves forward.

<sup>9</sup> This term and what is intended are explained more fully in Part 3 below.

required other than a brief report to that effect to the Bishop and the diocesan mission and pastoral committee. It may also be appropriate to suggest other measures and support to enable the initiative to move forward.

- 2.4.10 Where the initiating group and Bishop's Officer are in agreement to take the process to the next stage, the Bishop's Officer will report this to the Bishop who will normally then initiate the process of drafting the Order and attendant formal consultations described below.
- 2.4.11 Where the Bishop's Officer concludes following the initial explorations that a Bishop's Mission Order is not the right way to proceed (but the initiating group wish to move forward) he or she will report this to the Bishop in writing with a statement of reasons and suggestions as to the most appropriate course of action. This should be copied to the initiating group who should have the right at this point to put the case for taking the exploration to the next stage in writing to the Bishop or supply any additional information.
- 2.4.12 On the basis of the two submissions and in consultation with colleagues the Bishop will determine whether or not to proceed to the next stage of exploration and consultation and will provide all parties with a short statement with the reasons for his decision, which will be final.
- 2.4.13 It should be emphasised that in normal circumstances the development of the mission initiative or fresh expression of church should continue during this initial process of exploration. Any process of reflection on mission will benefit from appropriate and supportive scrutiny and it may well be that the vision and proposals will develop and change during this exploratory stage.
- 2.4.14 A reasonable time frame for this initial period of exploration is up to three months from the receipt of the letter initiating the process to the decision to proceed (or not) to the next stage.
- 2.4.15 At the end of this exploratory stage of the process, if the decision is taken to proceed to the stage of formal consultation:
- the Bishop will have assembled the information required to draw up a draft Order and initiate the formal process of consultation; and
  - the initiating group will have completed preliminary research and moved forward in the initiative itself and in exploring partnerships.

## **2.5 Consultation**

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

- 2.5.1 In the preparatory work for an initial Bishop's Mission Order, the Measure requires the Bishop to undertake a range of consultations. In practice, these requirements form a natural part the process by which the Bishop ensures that the proposed initiative is embraced within the

catholicity of the Church while still having its freedom to develop a pioneering ministry and mission.

2.5.2 As indicated above, the Code envisages widening consultation at each stage of the process:

- in the drawing up of the proposal;
- during the initial explorations;
- on the text of a draft Order; and
- during the review of a Order.

2.5.3 The Code specifies the range of persons and interests normally to be consulted at each point.<sup>10</sup> Subject to the provisions of the Measure, there will, of course need to be flexibility in interpreting these suggestions in relation to each phase.

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

2.5.4 A series of decisions by the courts have made the following principles clear in respect 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.

2.5.5 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 which apply where there is a legal duty to consult.

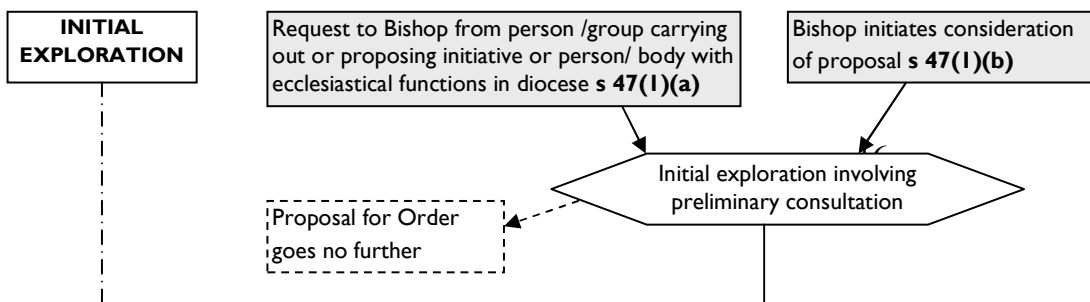
## **2.6 Ecumenical considerations**

---

<sup>10</sup> See in particular paras 4.4.1 – 11, 4.5.2, 6.3.1 and 6.8.1 – 2 below.

- 2.6.1 The existence and potential involvement of partner Churches from other Christian traditions has already been noted as part of the “initial exploration” described in paras 2.4.5-7 above. An underlying presumption is that under God the gifts and insights of other traditions will always enrich any faithful initiative and may in some circumstances be integral to its life. For this reason the Measure specifically offers provision for co-operation with other Christian Churches and religious organisations (s 47(5)).
- 2.6.2 As soon as the Bishop is clear about how proposals for mission initiatives are to be handled in his diocese in the context of the Measure, he should arrange for the subject to be introduced at relevant meetings of Church leaders, where the Church of England’s approach can be introduced and discussed informally.
- 2.6.3 The Bishop can then explain that, as part of the initial process of discernment when a new mission initiative is proposed, he will routinely contact his colleagues in the other Churches and informally invite their response.
- 2.6.4 The Bishop can also explain the potential for collaboration through the Co-operation provisions under the Measure (see para 2.6.6 below).
- 2.6.5 There will be a particular presumption that the Bishop will explore the potential of all initiatives with appropriate colleagues within the Methodist Church, with whom the Church of England lives in Covenant. The Archbishops’ “Fresh Expressions” project, giving support to all mission initiatives, already functions as a partnership with the Methodist Church in the context of the Covenant.
- 2.6.6 The Measure provides for co-operation through:
- a) “participation in a local ecumenical project (commonly known as a local ecumenical partnership)” (s 47(5)(a));
  - b) “other ecumenical co-operation with other Churches” (s 47(5)(b)); and
  - c) “collaboration with any religious organisations” (s 47(5)(c))
- 2.6.7 The formal requirements attached to each of these models of co-operation are outlined in detail in Part 4.5 below. It is recognised that as experience grows of how fresh expressions develop in future, so new patterns for ecumenical cooperation will emerge.
- 2.6.8 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 for any Church to pursue mission initiatives as though other Christians do not exist. The twin callings are inseparable – both seek to reconcile the brokenness of Christ’s Body on earth and to bear faithful witness to the Gospel of healing and reconciliation in ways that enable new disciples.

**2.7 Procedure flowchart for making an Order**



**CONSULTATION**

Consider results of all consultations – is Bishop satisfied as to matters in ❖❖❖ above?

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

**This Part of the Code gives a broad overview of two key roles in mission initiatives operating under Bishops' Mission Orders**

- Ministry and leadership – the emerging general principles and the selection and appointment of leaders for mission initiatives;
- The role of the Visitor under the Measure; and
- Mission accompaniment.

### **3.1 Ministry and leadership**

#### ***Selection and appointment of leaders***

- 3.1.1 *Mission-Shaped Church* outlines a number of recommendations on ministry and leadership in fresh expressions of church<sup>11</sup>. These have been and are being taken forward by the Ministry Division and the Mission and Public Affairs Division supported by, the Archbishops' Fresh Expressions project.
- 3.1.2 The term pioneer ministry has been adopted in the ongoing discussion of ministry as the preferred term for ministry in fresh expressions of church and new mission initiatives. The term can helpfully be applied to a range of ministries from informal to recognised lay ministry to a focus of ordained ministry. It can embrace those who are self-supporting as well as those who are stipendiary.
- 3.1.3 The guidelines contained within this Code of Practice are consistent with the *House of Bishops' Guidelines for Ordained Pioneer Ministry* (January 2006) [and the *Guidelines for lay pioneer ministry* (January 2007)]. These guidelines contain much that is helpful on the selection and appointment of pioneer ministers.
- 3.1.4 The Church is in the midst of a period of discernment and development in regard to these ministries with different patterns emerging within different dioceses at present. Bishops and their colleagues will need to be alert to a range of models and to good practice throughout the Church in making provision for ministry to new communities.

#### ***Models of ministry and leadership***

---

<sup>11</sup> Recommendations 10-15, pp. 147f

- 3.1.5 Different models are emerging for developing the new Christian communities which it is envisaged will be recognised through a Bishop's Mission Order. These include (but are not restricted to):
- a team of lay volunteers beginning a new venture which develops into a Christian community. Several of these volunteers may over time be appropriately recognised or authorised by the Bishop to the exercise of particular ministries.;
  - a paid lay worker (most commonly a youth worker) seeing a new congregation grow as part of his or her ministry and developing a leadership and ministry team within that 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, or ordained minister [or pioneer lay minister] being appointed to begin a new community (such as a network church for young adults across a town) and drawing together a team of volunteers.

### ***The emerging principles***

- 3.1.6 A number of principles are emerging in the healthy development and support of ministry in new Christian communities which are owned across the denominations.

#### ***1. Contextual Mission***

The early development of new Christian communities and particularly fresh expressions of church is about contextual mission: using the gifts which are available in the people of God in the most appropriate and helpful ways to further God's mission. The development of ministry in these communities must also be therefore to a large degree contextual and will develop over time.

#### ***2. Every Member Ministry and Diaconal Ministry***

This contextual development takes place in fruitful dialogue with the Church of England's understanding of the ministry of the whole people of God and of recognised lay and ordained ministries. Two elements in this tradition are particularly vital. The first is the recovery in recent generations of the ministry of all God's people. The establishing of ministry in fresh expressions of church must be such as to enable this flourishing of lay discipleship and ministry. The C of E has an honourable and historic tradition of affirming lay participation in leading and serving the Church, most particularly in the ancient office of churchwarden and through the role of Licensed Readers and Accredited Lay Workers. These roles continue to develop along with an emergence and recognition of other lay ministries. In this context it is important carefully to assess ministerial needs and to be aware of the dangers of overprovision as well as underprovision of



ordained ministry and/or stipendiary support. The second is the rediscovery in the worldwide church of the ministry of *diakonia* focussed in (but not restricted to) the ministry of ordained deacons. Within the Christian tradition, diaconal ministry represents and focuses the ministry of the whole church in incarnational mission, going beyond the boundaries of the existing community and the formation of new communities.<sup>12</sup>

### **3. Individual Qualities**

A variety of gifts are needed in new mission initiatives and they will not all reside in a particular individual. However, in the key pioneer ministers (ordained or lay) in any venture, those responsible for selection need to ensure:

- a balanced and mature faith which is able to be sustained in demanding circumstances; and
- a willingness and aptitude for the formation of new communities and drawing others to faith.

The Guidelines referred to in para 3.1.3 above contain more extensive lists of criteria for selection.

### **4. Teams and Collaboration**

In establishing a new Christian community, the quality of relationships developed in and demonstrated by Christians working together is particularly vital. Significant attention needs to be paid therefore to the development of a ministry team or community at the heart of a fresh expression of church or other mission venture. Recent insights developed within (for example) diocesan ministry schemes on the nature of collaborative ministry are vital for these new ventures.

### **5. Authorisation**

Pioneer ministers in mission initiatives may well be working beyond the congregation but on behalf of the Christian community. It is vital therefore that they have appropriate and public recognition and support in some form from the “sending” community and the wider Body of Christ. There are a variety of ways in which this can be provided. However, for communities which are authorised through a Bishop’s Mission Order, the appropriate authorisation will normally be by the Bishop.

Deleted: ill

### **6. 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

---

<sup>12</sup> This vision of the deacon’s role which draws on the work of John Collins and others is caught well in the Common Worship Ordinal. See also Steven Croft, *Serving, Sustaining, Connection: patterns of ministry in a ‘mixed economy’ Church in The Future of the Parish System* (CHP, 2006)

and the making of disciples), missiology and ecclesiology, listening and contextual mission, beginning new Christian communities and enabling these communities to grow to maturity.<sup>13</sup>

### **7. 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.

### **8. 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 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.

### **9. 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**

*(see also Part 6 below for the role of the Visitor in reviews)*

### **The Visitor**

- 3.2.1 Each mission initiative supported and authorised by a Bishop's Mission Order is required to have a designated Visitor.
- 3.2.2 The Visitor will share in the function of mission accompaniment (see paras 3.2.8 – 12 below) (though normally providing one element in a portfolio of support). The Visitor also has the responsibility under the Measure of exercising oversight on behalf of the Bishop and of reporting back to the Bishop.. In addition, the Visitor has a responsibility both to the community and to the minister(s) in respect of overnight.

---

<sup>13</sup> New resources are being developed by Fresh Expressions in partnership with dioceses and districts in the form of a flexible one year part time course for individuals and teams. There is increasing diocesan and ecumenical cooperation to resourcing training in this area. Training for these ministries should normally be in context with opportunities for reflection on experience as it unfolds.

- 3.2.3 The House envisages that a number of individuals may be appointed as Visitors within a diocese so as to ensure that adequate time and energy is available for the task. The Visitor may be ordained or lay and should be appointed by the Bishop following consultation with the mission initiative. Where there are a number of Visitors in a diocese, it will be appropriate that they should meet together and with the Bishop from time to time to review their role and responsibilities.
- 3.2.4 The detailed provisions of the Measure regarding the Visitor's role are set out in Parts 5.3 and 6.1 below. The Visitor should in any event have substantive contact with the initiative and its leader(s) at least twice a year and should report formally to the Bishop at least every eighteen months or more frequently if circumstances require this.
- 3.2.5 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.
- 3.2.6 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.
- 3.2.7 As indicated in Part 6 below, the Visitor will have a key role in determining the course of the initiative at the time at which the Bishop's Mission Order is reviewed.

***Mission accompaniment***

- 3.2.8 The development of a mission initiative or fresh expression of church is a demanding enterprise. Those called to be pioneers on behalf of the whole church must operate often within cultures which are unfamiliar, reviewing and reflecting upon the development of a new and often fragile Christian community being shaped both by its context and by the gospel and dialogue with the Christian tradition.
- 3.2.9 This role demands therefore a range of measures of support in order to watch over both the well being and development of the minister and the healthy growth and development of the initiative.
- 3.2.10 A range of possibilities for such support exists including spiritual direction, peer review, coaching and mentoring and mission accompaniment. All of these support measures can be and often are made available for those called to the equally demanding ministry of sustaining traditional churches through times of rapid change.
- 3.2.11 The term ***mission accompaniment*** has emerged in recent years as a useful generic description of a companion and reflector primarily to the developing community. The concept has been developed by the Building Bridges of Hope project of CTBI. ***New communities have a particular need for those who will walk with them as supportive and critical friends, both encouraging and challenging their development.***

- 3.2.12 In the establishing of a mission initiative, the Bishop and those who share in his 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.

### **Overview of Parts 4, 5 and 6**

Parts 1 to 3 of this Code have given a broad overview of the provisions regarding Bishops' Mission Orders, and a general

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

This Part of the Code begins (paras 4.1.1 - 5) with the formal legal requirements which must be satisfied under the Measure if the Bishop is to make an Order for a mission initiative:

- a person or group of persons is carrying out or is proposing or wishes to carry out an initiative in the diocese(s);
- 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 considers it would be appropriate to make an Order;
- the Bishop is satisfied that the initiative would be likely to promote or further the mission of the Church of any aspect of it; and
- the Bishop is satisfied that it would be likely to do this through fostering or developing a form of Christian community.

Paras 4.2.1 - 2 then deal with Orders extending to more than one diocese.

Paras 4.3.1 - 9 go on to deal with the purpose and legal effect of an Order and the Bishop's discretion as to whether to make one, and cover the following key elements:

- the effect of the Order in endorsing the initiative;
- the effect of the Order in accepting that the initiative is to operate within the Church of England and recognising the Bishop's authority;
- whether an Order is appropriate:-
  - because the initiative needs freedom from some of the Church's legal rules as they stood before the Measure; and/or
  - because of other advantages;
- the "mixed economy" principle; and
- the legal framework which the Order provides for the initiative.

Next, paras 4.4.1 - 11 deal with the consultation requirements which are an essential feature of the Measure. The three main categories of those who must be consulted are:

- such other Churches or religious organisations as the Bishop thinks fit. There are additional requirements if the Order is to contain a Co-operation provision – see below;
- those who appear to the Bishop to have significant interest in the Order or to be likely to be significantly affected by it – the Measure contains specific provisions about those who have or share the cure of souls, PCCs and patrons. There are also additional requirements if the Order is to allow a minister to operate in an area without the consent of the person with the cure of souls there; and
- the diocesan mission and pastoral committee.

Paras 4.5.1 - 14 deal with Co-operation provisions – where the Order provides for:-

- participation in an LEP; or
- other ecumenical co-operation with other Churches; or
- collaboration with any religious organisation.

Finally, paras 4.6.1 - 3 deal with signature of the Order, formal consent of the leader(s) and the leader(s)' acceptance of the terms of the Order.

4.1.1 S 47(1) of the Measure lays down the formal legal routes by which a request or proposal for an Order may reach the Bishop and also sets out a number of basic criteria regarding the initiative itself; only if these requirements are satisfied will the Bishop have a discretionary power to make an Order for the initiative.

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)***

As regards this:

- “Initiative” is not given any statutory definition. Taking its normal meaning, it is clearly intended to refer to beginning something that has not been there previously;
- However, “initiative” does not necessarily mean something of a wholly novel character. It may be an initiative of that kind, or it may be something tried and tested elsewhere, or of a “traditional” character, which has not been in place in the particular parochial or geographical or other context previously, or it may have a mixture of elements, some new and some which are or have already been in use elsewhere;
- The Measure makes it clear that an Order may be made for an initiative which is already being carried out. In this case, the Bishop may be willing to proceed without the “initial exploration” process explained in Part 2 above, or may decide that a modified version of it is sufficient. However, that process, so far as it takes place, the necessary consultations and the process of drawing up the Order and any Supplementary Instrument (see Part 5 below) may identify some changes which should be made in the initiative’s present structure and practice;
- If the initiative has not already started, the extent to which it has been thought through at the time when the first approach or suggestion is made to the Bishop may vary from a very basic idea that something would be a “good thing”, to a fully worked out and detailed proposal on which some or all of the “key players” are already agreed and /or initial consultation has already taken place with some of those interested or likely to be affected. However, even if the original proposal is in very broad general terms, the initial exploration process, the necessary consultations and the process of drawing up the Order and any Supplementary Instrument will necessarily involve agreeing clear provisions on a number of matters identified by the Measure.

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***

- The first option covers the case where the Bishop has received a specific request for an Order from either of two sources. One is the person or group carrying out or proposing or wishing to carry out the initiative. The second is a person or body exercising “ecclesiastical functions” in the diocese; although “ecclesiastical functions” is not defined, this provision contemplates someone who has functions within the Church of England which have been conferred by or under the Church’s legal structures. (For examples see para 2.1.1(a) above.)
- The fact that the Bishop receives such a request does not mean that he is required to make an Order, or even that he is required to take the matter beyond the “initial exploration” stage if he reaches the view that it would be impossible as a matter of law or inappropriate to make an Order.
- However, if he receives a formal request, he should ask the person or body making it to put it in writing, in order to assist with giving it proper consideration; and then (subject to what is said in para 4.1.2 above as regards established initiatives) to arrange for the initial exploration process described in Part 2 of this Code to be put in hand.
- The second of the two options provides the Bishop with number of different possibilities:
  - he may himself identify a need, or have one suggested to him, and set about finding or asking others to find a means of meeting it; or
  - he may receive a suggestion, proposal or request for a mission initiative or endorsement of a mission initiative, or for an Order for a mission initiative, from a variety of sources.
- However, in all cases, the Bishop cannot take the proposal for an Order forward to the stage of making an Order unless and until para 4.1.2 above is satisfied – i.e. there is an identifiable person or group of persons who is 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***

As regards this:

- “mission” is defined in s 62(1) of the Measure as meaning the “whole mission of the Church of England, pastoral, evangelistic, social and ecumenical”. (This mirrors legal definitions already found in the legislation relating to PCCs and in other contexts.) That definition gives a very wide scope to the concept of a mission initiative under the Measure, covering all kinds of ways of “being church” and all kinds of outreach – as to these, see Part 2 of this



Code. However, the scope for making an Order for the initiative is limited by the requirements explained in paragraph 4.1.5 below.

- The Bishop is not required to see success in promoting or furthering the mission of the Church as a certainty. However, he needs to evaluate the prospects of the initiative achieving that goal at least to some extent, and to come to the conclusion that it is at least likely 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 by the Measure, and 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 both have and 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.
- The current definition of a fresh expression of church draws attention to the sense of journey and development present in many new ways of being church. The final part of the definition also describes the dialogue inherent in developing a new Christian community between the Christian tradition and the context for mission:-

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 new community which has the potential to develop into a mature church.

- *Mission-Shaped Church* (GS 1523) reflects helpfully on four dimensions of this journey to maturity which are connected with the four classical marks of the church in the Nicene Creed:
  - “All expressions of church are drawn into a journey with an UP dimension – the journey towards God in worship, which must equally be about seeking God and becoming like God in holiness.....
  - The Church is led into a journey containing an IN dimension. It is a dimension of relationships, in order to express in practice the oneness of the Trinity and of the body of Christ.....
  - The nature of the Church includes being sent onto the journey OUT. The sending in mission embraces the breadth of the five marks of mission. This journey on and out is fulfilment of our apostolic call.....
  - To be church we are called to walk on a journey which has an OF dimension. No one exists of themselves or by themselves....Both the Church militant and the Church triumphant are expressions of interdependence in the OF dimension as the Church seeks signs of being Catholic.”<sup>14</sup>

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

4.2.1 S 47(3) of the Measure specifically recognises the possibility that a mission initiative is being or is to be carried out in more than one diocese. In that event, the Order must be made jointly by the Bishops of each of the dioceses affected by the Order, and the basic legal requirements have to be read as referring to all those Bishops and their dioceses.

4.2.2 Similarly, the remaining provisions in the Measure relating to these Orders are drafted so that, where more than one diocese is involved, they apply to all the Bishops and all the dioceses concerned.

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

4.3.1 Under s 47(2) of the Measure, an Order will “endorse the initiative” to which it relates. The Bishop and those who are carrying on or wish to carry on the initiative therefore need to take the implications of this into account in deciding whether an Order would be appropriate.

4.3.2 The Bishop’s endorsement involves giving public recognition and support to the initiative, and should be given only if the Bishop has made reasonable enquiries about it beforehand, is willing to exercise reasonable oversight of it in the way provided for in the Measure while the Order remains in force, and also accepts the need to revoke the

---

<sup>14</sup> GS 1523 p.99 (abbreviated)

Order if he considers it is no longer appropriate to endorse the Order.

- 4.3.3 The Bishop’s endorsement also involves accepting that the initiative is to operate “within the Church of England” (or, in the case of certain ecumenical initiatives, accepting it as operating within a partnership of churches including the Church of England). This involves the initiative and those concerned with it accepting that it is subject to the Church’s legal controls and, coupled with the leader(s)’ acceptance of the Order (see paras 4.6.1 – 2 below), involves recognising and accepting the Bishop’s authority. Thus where an initiative has its origins outside the Church of England, both the Bishop and those involved with the initiative need to consider whether making an Order is the best way forward for the initiative, both in the immediate and at least in the medium term future, or whether it could flourish better on a non-Anglican basis or at least with less formal links to the Church of England.
- 4.3.4 In considering whether the distinctive Christian community which develops will itself appropriately be part of the wider Church of England, and in seeking signs of this appropriate belonging, **the values and tenets of the Anglican Communion summarised from the Chicago-Lambeth Quadrilateral** are commended to Bishops:
1. The Holy Scripture of the Old and New Testaments as “containing all thing necessary to salvation” and as being the rule and ultimate standard of faith.
  2. The Apostles’ Creed as the baptismal symbol; and the Nicene Creed as the sufficient statement of the Christian faith.
  3. The two Sacraments ordained by Christ Himself – Baptism and the Supper of the Lord – ministered with unfailing use of Christ’s words of institution and the elements ordained by Him.
  4. The Historic Episcopate, locally adapted in the methods of its administration to the varying needs of the nations and peoples called of God into the unity of His Church.
- 4.3.5 In recommending that the new legislation which it proposed should make provision for what have become the Orders, the report *A Measure for Measures* (GS 1528) recognised that some mission initiatives which would further the mission of the Church could not operate at all, or would lack the space they needed for experiment, or could not achieve their full potential, unless they were permitted to do things which have not hithero been lawful under the Church’s legal rules:
- In particular, s 47(11) of the Measure permits the Bishop to include in the Order, after special statutory consultation, a provision authorising a minister to exercise his or her ministry in a place, for the purpose of the initiative or in connection with it, without the consent of the person who has the cure of souls there – see paras 4.4.4 and 4.4.9 below. This was intended:

- not only (and indeed not primarily) for cases 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;

but also

- for those cases where 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
  - for cases where the initiative will cover a large geographical area, and the task of identifying which of the incumbents or priests in charge in that area need to consent under the normal provisions of Canon law (especially as this may change with changes in the way in which the initiative operates) and/or securing the consent of each of those individual incumbents or priests in charge would be impracticable or substantially impair the initiative's ability to achieve its objective. For example, an initiative across two dioceses, or a youth congregation being established in the catchment area of a Further Education college.
- The Measure and the accompanying amendments to the Canons also make special provision for mission initiatives operating ecumenically – see paras 4.5.1 - 13 below.

4.3.6 In deciding whether an Order is appropriate, both the Bishop and those involved with the initiative should consider whether the particular initiative requires this special freedom from the Church's legal rules as they stood before the Measure. If not, they will need to be satisfied that there are other sound reasons for bringing the initiative within the controls involved in an Order, and that the advantages of doing so could not be achieved by some other more suitable means (see Appendix I).

4.3.7 At the same time, the Bishop and those advising him will need to keep in mind the general principle of supporting the "mixed economy" church explained in section 2 of the Introduction to this Code, and the importance of encouraging and supporting "new ways of being church" without undermining the tried and tested ways in which the Church is already living and working. Part of the underlying philosophy of the new provisions regarding Orders has been that of nurturing new and developing Christian communities within the overall life and mission of the Church so as to complement the life and work of mature and established communities. This can be a very sensitive area in particular cases, and it is one of the reasons why the Measure provides for consultation by the Bishop with the diocesan mission and pastoral committee, with its overview of the Church's ministry and mission in the diocese as whole (see paras 2.3.9 - 10 above).

4.3.8 A further broad purpose of the Order is to set up a clear legal framework for the mission initiative and to set in place arrangements which will enable it to operate and develop successfully within the context set out and to achieve its objectives.

4.3.9 Thus the purposes of the Order include the following:

- to make clear the object, nature and scope of the initiative, to provide for its leadership and responsibility to the Bishop for its conduct; and to make such provision as the Bishop thinks fit for the administration of the sacraments in accordance with the legal requirements which apply in the Church of England as a whole;
- to provide how it is to operate;
- to ensure adequate nurture, support and oversight and protection from factors which would prevent the initiative achieving its objectives, or otherwise cause harm to it or those involved with it or through it to the Church;
- to make provision for relationships with others within the Church of England, and (as and so far as appropriate) with other Churches, institutions and religious organisations;
- to provide for review; and
- to allow for the development and growth of the initiative, including wherever possible moving it on to some more permanent form of legal structure within the Church within a reasonable period, but also to take account of the possibility that at some stage the best way of achieving the initiative's objective of furthering and promoting the mission of the Church may be to move forward to other means of doing so.

#### **4.4 Consultation**

4.4.1 One of the essential features of the process laid down by the Measure for setting up and operating an Order is that of wide consultation. The philosophy underlying this, namely that of ensuring that the proposed initiative is embraced within the life of the Church as a whole while having the freedom to develop its ministry and mission, is explained in Part 2 of this Code. That philosophy and giving expression to it in practice are undergirded by the principles which the courts have laid down as to the meaning in law of 'consultation' explained at paras 2.5.4 - 5 above. The Measure entrusts the decisions on this process to the Bishop. He will be able to reach a judgment on what consultation is appropriate, practicable and proportional in the light of the nature and scale of the initiative, and 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.

4.4.2 S 47(6) lists three specific categories of persons, groups and bodies whom the Bishop must consult before making an Order, while of course leaving it open to the Bishop to consult anyone else he thinks fit. The three categories are:

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

- 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. Here again the Measure entrusts the judgment on what is significant in the individual case to the Bishop;
- the diocesan mission and pastoral committee.

4.4.3 Each of the three categories in para 4.4.2 above has its own distinctive character, but they are also interlinking aspects of the wider whole. Each of them needs to be involved in the process, as part of that wider whole, from the initial exploration described in Part 2 of this Code to the stages of preparing a draft Order and other documentation and formal consultation. How that is achieved in practice will vary both with the different phases in the process and with the circumstances of the particular case, and this underlines the need for a flexible approach to the consultation process, recognising that the formal requirements exist as a vehicle for achieving the optimum result in practice.

4.4.4 There are three particular features of the consultation provisions which should be explained at the outset:

- The first relates to ecumenical consultation. This is one of the three basic requirements which applies in all cases under s 47(6), and is dealt with in para 4.4.6 below. However, over and above that, there are additional provisions on consultation where there is a proposal to include a Co-operation provision – see paras 4.5.1 - 13 below – in the Order, and these are explained more fully in that context in para 4.5.2;
- The second relates to cases where there is a proposal to include a provision under s 47(11) in the Order. As explained in para 4.3.5 above, such a provision allows a minister to exercise his or her ministry in a particular place for the purposes of or in connection with the mission initiative concerned, in whatever manner is specified in the Order, without the permission of the minister having the cure of souls in the place in question. Before including such a provision, the Bishop must satisfy additional consultation requirements which are explained in para 4.4.9 below; and
- Thirdly, in connection with the requirement to consult those who appear to the Bishop to have a significant interest in the Order, or a body representing them, s47(7) refers specifically to the interest of those who have or share in the cure of souls in a benefice affected by the order, and to others who also may have an interest in the cure of souls there, including the parochial church council and the registered patron. For example, in the case of an initiative which is to operate within a single benefice or a small group of adjoining benefices, the Bishop will clearly need to take account of the interests of the registered patron or patrons. In some cases the registered patron will also be willing and able to offer practical help of various kinds to initiatives which further the Church's mission in the area of the benefice. Because of these factors, it is

important for the patron to be fully involved in the consultation process in appropriate cases.

4.4.5 Beginning with some general points on s 47(6) and the three categories of consultees which it lists:

- It is important to ensure that those who are carrying on or seeking to set up the initiative, and any other person or group who have made a formal request to the Bishop for an Order, are kept informed throughout the consultation process;
- Part 2 of this Code (see para 2.4.5 above) has explained how consultation forms a part of the initial exploration stage. This means that even before the stages of preparing the Order and the other formal documentation and formal consultation on the full proposals are reached, some of the consultees will already have a reasonably clear general idea of what is proposed. However, at the formal consultation stage it will be necessary to ensure that the consultees have sufficiently detailed information about the proposals and the reasons for them to be able to respond effectively to the consultation; in some cases at least it may well be desirable for this to include supplying them with a draft of the proposed Order;
- It is important at the same time for the Bishop to make clear that the proposals are still at a formative stage, and that he will not take any decisions until he has considered the responses to the consultation; and
- Under s 47(9), the Bishop may authorise some other body or person to carry out the consultation on his behalf. If he does, it is important that all concerned should be aware of the position and of the fact that the person or body concerned is acting for the Bishop and will be reporting the results of the consultation to the Bishop, who remains responsible for deciding whether to make an Order and, if so, in what terms.

4.4.6 The first category of consultees under s 47(6) consists of **“such other Churches and religious organisations as [the Bishop] thinks fit”**. As regards these:

- The initial exploration stage should normally have identified which are the appropriate bodies to consult, in the light of:-
  - established ecumenical relations in the area; and also
  - the nature and scope of the initiative and the other Churches and organisations which are active in the same fields of mission and ministry and/or in the same geographical area.

However, it will now be for the Bishop to reach a formal decision on which Churches and organisations to consult under s 47(6) in the particular case.

- In addition, as explained in para 4.4.4 above, there will be further consultation requirements if it is proposed to include a Co-operation provision in the Order.
- “Churches” in the Measure refers to Christian Churches, although “religious organisation” is a deliberately broad expression and is not confined by the terms of the Measure to Christian bodies. It may be appropriate for non-Christian religious organisations to be consulted as a matter of good practice, and Bishops will want to be sensitive to the local context. Further advice on dealings with other faith communities may be sought from the Inter Faith Consultative Group (IFCG) of the Mission and Public Affairs Division of the Archbishops’ Council.

4.4.7 The second category of consultees under s 47(6) 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 has to be read together with s 47(7), which provides that the following are to be deemed to have an interest in the Order:

- a) any person having or sharing in 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.

s47(7) goes on to provide that 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 thinks relevant.

4.4.8 Thus in principle there is a three stage process in deciding whom the Bishop is required to consult:

- First it is necessary to identify who **has an “interest”** in the Order or **is likely to be affected** by it. This automatically includes those in categories a) and b) above – i.e. incumbents, priests in charge and team vicars, PCCs, patrons and others having an interest in the cure of souls in the area to be covered by the initiative. However, the initial exploration stage may have revealed others, and the Bishop should also bear in mind, for example, those who may have an interest at deanery level, those who may wish to provide some form of assistance or support – patrons may again figure here as may those who own or are responsible for premises which the initiative hopes to use and any particular group of people whom the initiative is intended to serve;
- It is then necessary to consider which of the persons and bodies under the previous bullet-point **have a “significant” interest**, and whether there are any other persons or bodies who are likely to



**be “significantly affected”** by the Order. In doing so, the Bishop must have regard to the statutory criteria set out above – he is required to take the objective of the initiative into account, but subject to that the statutory criteria allow him a wide measure of discretion in deciding what factors to take into account; and

- Consideration should also be given to whether there is any body which should be consulted on the basis that it would adequately represent the interests of any of those who have a significant interest in the Order or are likely to be significantly affected.

However, in practice, it can be expected that the initial exploration will already have looked at these matters, and will thus provide the Bishop with a basis for deciding who to consult under this head in the particular case.

- 4.4.9 This aspect of the consultation should also cover any consultation required by s 47(11) of the Measure, where it applies. As explained in para 4.4.4 above, 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, the Measure lays down specific consultation requirements in relation to that particular provision, which apply in addition to the normal consultation requirements as regards the Order as a whole. The persons or bodies whom the Bishop must consult under s 47(11), if and where it applies, are as follows:-

<b>Area affected by the Order</b>	<b>Bishop is required to consult:-</b>
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
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.

These people and bodies should have a right to hear at first hand the proposals and views of the initiating group. They do not have a right of

veto over the inclusion of a provision under s 47(11), but the Bishop will of course wish to give very careful consideration to any concerns which they express.

- 4.4.10 Finally, the **diocesan mission and pastoral committee** (see paras 2.3.9 - 10 above) is a mandatory consultee in all cases. The committee should be fully involved throughout the process, from the initial exploration (see para 2.4.5 above) to the drawing up of the Order and other documentation and the formal consultation, not least because it is able to provide the Bishop with particular insights into how the initiative would “fit “within the Church’s work of mission and ministry in the diocese as a whole, and into any particular pressures (including financial pressures) needing to be taken into account. The committee does not have a right to veto the setting up of an initiative or any subsequent action by the Bishop in relation to it, but the Bishop should of course give proper weight to any serious concerns expressed by the committee in any particular case.
- 4.4.11 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.

#### **4.5 Co-operation provisions**

- 4.5.1 S 47(5) of the Measure gives the Bishop power to provide in an Order for co-operation in any of three possible ways:
- “participation in a local ecumenical project (commonly known as a “local ecumenical partnership”)” (s 47(5)(a));
  - “other ecumenical co-operation with other Churches” (s 47(5)(b)); and
  - “collaboration with any religious organisations” (s 47(5)(c)).
- 4.5.2 The Measure describes a provision of this kind as a “co-operation provision”, and the three categories are described more fully in paras 4.5.3 - 13 below. The Measure contains further special provisions in relation to them, to ensure full consultation between the Churches and bodies involved – they too are dealt with more fully below, but in summary they are as follows:
- Where it is proposed to include a Co-operation provision in an Order, then in addition to the normal ecumenical consultation referred to in para 4.4.6 above, the Bishop must consult the appropriate authority of each of the other Churches or religious organisations which are to be involved in the co-operation (s 47(8)). The Bishop may authorise some other person or body to carry out that consultation on his behalf (s 47(9)); and
  - Where a Co-operation provision is included or to be included in an Order, the Bishop and the Visitor (see Part 5.3 below) must discharge all their functions under the provisions on mission initiatives in the Measure in consultation with the appropriate

authority of each Church or religious organisation involved (s 49(3)).

### ***Participation in a Local Ecumenical Partnership***

- 4.5.3 A provision of this kind envisages that a Local Ecumenical Partnership (“LEP”) will be set up under Canon B44, made under the Church of England (Ecumenical Relations) Measure 1988, and that the provisions of the Order will then “link in” with that partnership. The provisions of the Ecumenical Relations Measure and the Canon, and the agreement of the Bishop with partner Churches for the formation of the LEP, will unlock the possibility that the Bishop will be able to authorise a minister from a partner Church in the LEP to be “engaged in the cure of souls” and to function as leader within the initiative. Canons B43 and B44 have been amended expressly to provide for cases where an Order has been made.
- 4.5.4 In most cases, by the time an Order including a provision of this kind becomes necessary, the mission initiative will clearly 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 as regards the terms of an Order in relation to the performance of divine service, including Holy Communion, and are governed by s 47(13) and (14) of the Measure - see para 5.1.4 below. In the context of an LEP, a minister of a partner Church can be authorised to baptise and to preside at a Eucharist (Canon B44) although under paragraph 4(3)(b) of that Canon, such a Eucharist 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.”
- 4.5.5. Local Ecumenical Partnerships are, however, only possible with Churches designated by the Archbishops under the Ecumenical Relations Measure. A full list appears as an appendix to the Canons of the Church of England.
- 4.5.6 Where the Order is to provide for participation in an LEP, the special consultation provisions referred to in para 4.5.2 above will apply. In addition, all consultations leading to the formation of the LEP should involve the executive officer of the Sponsoring Body – usually the County Ecumenical Officer for the area as recognised by Churches Together in England – and that officer also needs to be involved in the consultations which relate specifically to the Order.
- 4.5.7 Where an Order provides for participation in an LEP, the Order will also need to specify what arrangements are to be made – and these will need to be agreed with the partner Churches – as regards the provision of a Visitor (see Part 3 above and Part 5.3 below) and the form of the various reviews at different stages in the lifespan of the Order under the Measure (see Part 6 below). However, s 50(8) of that Measure also permits the Bishop to include a special optional set of provisions in an Order (or an accompanying Supplementary Instrument - see para 5.1.2 below) where the Order provides or is to provide for participation in an LEP. This set of provisions requires the agreement of the appropriate authority for each other participating

Church, and relates to the special provisions about reviews in s 50 of the Measure (see Part 6 below) and the role of the Visitor under s 48 and 50 (see paras 5.3.3 – 5 and Part 6 below). Under it:

- there will be a body of persons, which is to include the Bishop (and possibly other Church of England representatives) and one or more representatives of each of the other participating Churches;
- the Bishop’s functions under s 50 in relation to reviews and decisions as to the future of the mission initiative and the Order are to be carried out by or on behalf of that body and the reports on reviews under s 50 are to be made to that body; and
- all the Visitor’s functions, both under the general provisions relating to Visitors in s 48 of the Measure and under the provisions on reviews and the future of the initiative and Order in s 50, are to be carried on behalf of that body.

This in effect permits the Bishop to agree with partner Churches to follow the normal review procedures for LEPs through the Sponsoring Body (cf the Code of Practice for the Ecumenical Relations Measure) and for the Visitor to act on behalf of all the partners.

- 4.5.8 The provisions in section 47(5) relating to **other ecumenical co-operation with other Churches** and **collaboration with any religious organisations** recognise the potential for co-operation in the support of an initiative which falls short of the formal partnership expressed through an LEP.
- 4.5.9 Outside the provision of ordained ministry and the conduct of public worship, there is almost limitless scope for sharing personnel, finance and property in the development of mission initiatives. The simplest way of organising collaboration, especially where issues of ordained ministry and conduct of worship are not involved, is by designating one partner as the ‘lead partner’ in the venture. All matters of discipline, legal liability etc, are then carried by that lead partner as if the venture was entirely within its own structures. For many mission initiatives, although probably not normally those that will require an Order, such an arrangement may prove to be sufficient even when the partners are Churches designated under the Church of England (Ecumenical Relations) Measure 1988. The Church of England’s disciplines regarding the involvement in joint worship of partner Churches which are so designated will be as set out in Canon B43.
- 4.5.10 The term “Church” in the Measure means a Christian Church but is not confined to Churches designated by the Archbishops under the Ecumenical Relations Measure. The Measure thus allows for practical co-operation to be agreed with Churches which, for whatever reason, are not within the provisions of that Measure and Canons B43 and B44. The Measure also allows for collaboration with religious organisations which are not themselves Churches. This could include, for example, religious orders. The Church of England’s Council for Christian Unity is preparing guidelines to help a Bishop to judge whether a particular Church or community is an appropriate body

with whom the Church of England can co-operate even though it is not designated under the Ecumenical Relations Measure. The Bishop is advised to consult the Council for Christian Unity whenever formal co-operation is proposed with a non-designated Church.

- 4.5.11 It will need to be made clear to all partners that where co-operation takes place on the basis of an Order, Church of England disciplines will apply regarding ordained ministry and the conduct of worship under the Order. There will therefore be limits to what a Bishop may authorise as part of a co-operation provision with a Church or community not designated under the Ecumenical Relations Measure – especially in relation to shared worship and ministry, and above all in relation to the dominical sacraments, given that the provisions of Canon B43 will not apply. Further advice is available from the Council for Christian Unity. The Order or the Supplementary Instrument associated with it will need to make clear exactly what is permitted.
- 4.5.12 The Bishop will also need to be satisfied that there are adequate avenues of accountability and oversight for the conduct of the venture and any resources supplied to it which come under the discipline of one of the other partner Churches or religious organisations.
- 4.5.13 A number of **general considerations** need to be borne in mind for all cases, although in the case of initiatives participating in LEPs some of them are covered by the specific provisions relating to LEPs referred to in paras 4.5.3 - 7 above:
- Whenever there is a “co-operation provision”, irrespective of whether it is agreed that the Church of England will be the lead partner, it is most important that full consultation takes place in accordance with the provisions s 47(8) and 49(3) of the Measure referred to in para 4.5.2 above. The existence of the partnership needs to be acknowledged at every stage in the compilation of the initial Order and its associated Instrument, in the appointment of the Visitor and in the way the Visitor conducts his or her responsibilities;
  - Likewise, the appointment of the Visitor should be undertaken by the Bishop in consultation with those with whom he agreed the partnership. It is important that that they are satisfied that they can work with the person appointed. The Visitor should then provide feedback to the other partners under the consultation provisions as well as reporting to the Bishop;
  - The arrangements for the reviews required under the Measure should be put in place after consultation with the authorities of the partner Churches and organisations, so that the Bishop can ensure that they assent to the arrangements and to the process by which the future of the initiative will be determined;
  - S 50(3) gives the Bishop power to direct that the report of a review under s 50 should be sent to other specified persons or bodies as well as to the Bishop himself. The Bishop should use this power so as to ensure that in all cases where there is a Co-

operation provision, those who receive the report at the end of the review procedure include those who are the partners in the co-operation;

- Similarly, where there is a Co-operation provision in an Order, the same patterns of consultation will be required when, in the light of the review report, the Bishop has to consider whether to make a further Order for a “second period” of up to five years (see para 6.4.1 below); and
- Further work will almost certainly 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 after the “second period” has come to an end (see para 6.6.1 below).

4.5.14 As regards the term “**religious organisation**” in s 47(5)(c) see para 4.4.6 above.

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

4.6.1 Under s 49(9) and s 50(12) of the Measure, any Order, whether it is the first one made for an initiative or a second or subsequent Order, must:-

- be signed by the Bishop (or a person authorised by him) and
- be signed by the leader(s) and contain a declaration by the leader(s) of acceptance of its terms.

4.6.2 The same applies in relation to a Supplementary Instrument. The leader(s) must sign the Instrument and thus consent to it and must expressly accept its terms.

4.6.3 However, the requirement for signature and acceptance by the leader(s) does not apply to an Order or Instrument revoking a previous Order or Instrument, as 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.)

## Part 5 – The Order – documentation and operation

This Part of the Code deals with the documentation needed for the Order and related legal requirements, leading on to the way in which the Order will operate in practice.

Paras 5.1.1 – 5 deal with the provisions in the Measure regarding the formal Order and the optional additional document which the Measure terms the “Supplementary Instrument”.

Paras 5.2.1 – 4 cover the licensing of ministers and the terms on which they serve.

The remainder of this Part goes on to deal, in some cases fairly briefly, with the following specific topics:-

- 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 [This paragraph will introduce the “skeletons” for the Order and Supplementary Instrument which are to be provided in order to assist those involved in framing the formal documentation.]

5.1.2 In framing these documents, a few general points need to be borne in mind:-

- Every Bishop’s Mission Order needs a formal Order in writing. The Measure lays down certain provisions which must be included in the Order, and others which may be included. It also provides that the Order may contain such supplementary provisions as the Bishop thinks fit, or that the Bishop may include all or any supplementary provisions which would further the mission initiative’s objectives in a separate Supplementary Instrument. One of the main objects of placing some or all of these provisions in a separate instrument is to ensure that the core provisions of the Order stand out clearly and do not need to be disentangled by those using it from provisions which, although necessary, deal with more detailed or secondary matters;
- The Measure itself contains a number of mandatory provisions which apply irrespective of whether they are incorporated in or referred to in the Order or Instrument. In addition, mission initiatives will need to operate within both the Church’s legal rules

and civil legislation. The Order and Supplementary Instrument should not attempt to provide a restatement or summary of this legal framework – to do so is unnecessary and there will always be a risk that however carefully the task is done the result may not be completely accurate. Instead, those involved with the mission initiative should be guided to suitable sources of information and advice on these matters - see paras 5.5.1-8 below.

- The Order does not operate as the Bishop’s authority under Canon law for a leader or other ministers involved to exercise their ministry in the diocese. For this, a separate licence is needed – see para 5.2.2 below; and
- A number of specific provisions which the documentation for the Order must or may contain are dealt with in detail elsewhere in this Code. However, to assist those who have to draw up or consider the documentation, the following paragraphs contain a summary of the provisions on this in the Measure, with cross-references to other relevant paragraphs.

### 5.1.3 The Order **must**:

- identify the mission initiative to which it relates – normally this is best done by ensuring that the initiative is known by a suitable name and using that in the Order;
- specify the initiative’s objectives;
- specify the areas in which it is being or is to be carried out. Even if the initiative has been conceived in terms of places or areas which are not defined by ecclesiastical boundaries, or by reference to other criteria, the Order should also specify the area within which it is to operate in terms of specific parishes/benefices or deaneries, or if appropriate make clear that it can extend to the whole of particular archdeaconries or even the whole diocese. Where an initiative crosses or is to cross diocesan boundaries, the Order must make clear which are 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 leader(s)). The Order or Supplementary Instrument may provide for the replacement of the leader(s) as and when necessary, and should normally do so, stating both who has the authority to appoint a new leader (subject to licensing by the Bishop where necessary – see paras 5.2.1 – 4 below) and what process is to be followed;
- specify the role of the leader(s). This may vary depending on how far the leader(s) are also responsible for exercising priestly (or diaconal) ministry (or ministry as a licensed lay worker or reader) for the initiative, or how far that role is shared with or given to others. It may also vary depending on the arrangements for the governance of the initiative, the use and ownership of its property and other financial arrangements - see paras 5.5.1 – 8 below;



- make such provision as the Bishop thinks fit for the administration of the sacraments in accordance with the relevant legal requirements. It is essential for the life of the initiative, as with that of any Christian community within the Church of England, to be set in a framework of worship and the sacraments. The Measure (s 47(4)) also confirms that the initiative will be subject to the legal rules relating to the administration of the sacraments which apply in the Church of England as a whole;
- designate the Visitor for the initiative – see paras 5.3.1 – 5 below; and
- specify the duration of the Order – see paras 6.2.1, 6.4.1 and 6.6.2 below.

5.1.4 In addition to the mandatory provision for the general framework of the Community’s sacramental life (see para 5.1.3 above), the Order **may:**

- authorise a minister to exercise his or her ministry in a specified place and in any specified manner, for the purposes of or in connection with the initiative, without the permission of the minister who has the cure of souls there - see para 4.4.4 above, and as regards the specific consultation requirements in this case see para 4.4.9;
- 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. The Order should either identify one or more particular buildings or set out what category or categories of buildings are covered - see paras 5.4.3 – 4 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. 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 - see paras 5.4.3 – 4 below.

5.1.5 As indicated in para 5.1.2 above, the Measure provides that the Order or Supplementary Instrument may contain any supplementary provisions the Bishop thinks fit. However, without limiting the scope of that provision, the Measure sets out a number of specific matters, all or any of which **may be dealt with in the Order or Supplementary Instrument:-**

- the stipends, remuneration, pension or housing and other expenses of any persons exercising functions under the Order – see para 5.2.4 below;
- 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 below;
- the replacement, where necessary, of any persons or bodies exercising functions under the Order by other persons or bodies. Any replacement of the Visitor should be a matter for the Bishop; in general, if the Order designates any other person as performing a specific function, it should deal with how and by whom he or she may be replaced where necessary;
- the organisation, governance and financing of the initiative including the management and control of property used by those exercising functions under the Order – see paras 5.5.1 – 8;
- any measures required for the protection of children, young persons and other vulnerable people and for health and safety and insurance – see paras 5.6.1 and 5.7.1;
- relationships between persons involved with the mission 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 5.8.1 below; and
- representation on the deanery synod - see para 5.9.2 below.

**Any future development in the law and practice relating to clergy conditions of service can be expected to have an significant effect on some of the above, and on matters dealt with in paras 5.2-4 below.**

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

- 5.2.1 The Measure requires the Order to designate one or more persons as the leader or leaders and their role, and the Order or Supplementary Instrument may provide for their replacement – see paras 5.1.4 – 5 above. The work of the mission initiative may involve other ministers, clerical or lay. The choice of suitable and suitably trained leaders and other ministers for mission initiatives is clearly a crucial factor in the success of the initiative. For guidelines on the identification, training and deployment of ordained and lay pioneer ministers, see para 3.1.3 above.
- 5.2.2 Under Canon C8, an ordained minister normally requires authority from the Bishop before officiating at any place in the diocese. There are equivalent provisions for those who have been admitted as evangelists or other accredited “lay workers” within the terms of Canon Law (Canon E8), readers (Canon E6) or deaconesses. The Measure makes it clear that the Order does not confer that authority, and the person concerned will therefore need a separate licence or

permission to officiate from the Bishop. (The usual exceptions under Canon Law also apply – in particular those relating to incumbents, who receive their authority from the Bishop to officiate within the area of a benefice by virtue of their institution, and to an ordained minister whom the person with the cure of souls or the sequestrators permit to minister in a place for not more than 7 days in any three months.) However, it is important to keep the need for authority from the Bishop separate from the need for consent from the person with the cure of souls in the place under paragraph 4 of Canon C8 – as explained in para 4.3.5 above, it is possible, subject to statutory consultation, for the Order to dispense with the need for the second of those consents.

5.2.3 Similarly, the revocation of the Order will 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. The Bishop will need to take advice on any situation of this kind in the light of future legislation on clergy conditions of service.

5.2.4 The Bishop will also need to consider and take advice on:-

- the terms of the separate licence or permission. These will again need to take account of any legislation on clergy conditions of service;
- whether and in what terms the Order or Supplementary Instrument is to deal with matters such as stipends or remuneration, pension provision and housing for ministers working for the initiative and their expenses. Here again legislation on clergy conditions of service will be relevant; and

any other functions which any of them are to carry out in conjunction with those they carry out for the initiative. Where any ministers are to have dual or concurrent functions of this kind it is important to make clear, either in the Order or Supplementary Instrument or in some other way, how they are to divide their time.

### **5.3 The Visitor**

5.3.1 Under s 48 of the Measure the Order must designate a person, who is to be known as “the Visitor”, to carry out a number of mandatory functions. That section also contains some mandatory provisions relating to those functions. The functions are carried out on behalf of the Bishop (except where special provisions apply to the review of initiatives participating in LEPs – see para 6.8.3 below). There is no need to set out these functions and other provisions in the Order or the Supplementary Instrument, but those documents may need to refer to some of them or include additional detailed provisions which relate to them.

5.3.2 A broad overview of the functions and appointment of the Visitor has already been provided in Part 3 above. Some of the detailed provisions regarding the Visitor's functions have been or will be examined separately in other Parts of this Code, but to assist those

who have to draw up, consider and operate Orders they are listed in the following paragraphs.

5.3.3 Under s 48(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;
- conduct the regular reviews at intervals of not more than 18 months, report to the Bishop on the outcome of the review and send copies of the report to the leader(s). These regular reviews, which are required during the “basic” period of the Order, lasting for up to 5 years, are explained in detail in paras 6.1.1-10 below;
- 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);
- report to the Bishop, with copies to the leader(s) and the diocesan mission and pastoral committee, at the end of the period of the Order;
- ensure that proper accounting records are kept for the initiative, and that annual accounts are prepared “which show a true and fair view of all activities carried out in accordance with professional practice and standards” – see para 5.5.5 below; and
- advise the Bishop and the leader on initiating and developing appropriate methods of governance for the initiative.

5.3.4 In addition, under s 48(2), the leader(s) are under a duty:

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

5.3.5 Finally, under s 48(3), any person may draw the Visitor’s attention to any matter relating to the initiative of which he or she thinks the Visitor should be aware. The Measure does not prescribe what action the Visitor must take in respect of any such matters – it is for the Visitor’s discretion to do whatever he or she thinks appropriate in order to follow them up.

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

5.4.1 The provisions which the Order must or may contain on the subject of worship and the administration of the sacraments have already been set out in paras 5.1.3 - 4 above. As explained there, the Measure serves to confirm that the administration of the sacraments in the context of an initiative under a Bishop’s Mission Order is subject to the legal rules which apply on this in the Church of England as a whole. Worship and administration of the sacraments are among those matters which need particularly 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 also be a sensitive area in the relationships between the initiative and the minister, PCC

and congregation of any parish within whose boundaries the initiative is functioning – see paras 5.8.1 - 2 below.

- 5.4.2 The rights of a PCC which has passed Resolution A under the Priests (Ordination of Women) Measure 1993 need careful attention. An opinion (reproduced in Appendix 4 to this Code) given to the Revision Committee by the legal officers concluded that the Resolution would not apply to a woman priest “exercising her ministry for the purpose of or in connection with a mission initiative endorsed by a Bishop’s mission order” unless she is conducting worship in the parish church or other place of worship for which the PCC is responsible.
- 5.4.3 The Bishop and his advisers (including the diocesan mission and pastoral committee) will want to consider what provision should be made in the Order for the provision or use of buildings (including the possible use of secular buildings) and the use of the parish church and/or other parochial places of worship, the performance of divine service (particularly the dominical sacraments), occasional offices, and the provision of symbols and artefacts (such as a font and altar).
- 5.4.4 Careful attention needs to be paid to how sacraments of Holy Communion and Christian initiation will be administered within an initiative. The Church is clear that baptism is into the whole Church of God, not simply its local expression. In the case of adults, baptism and confirmation are normally administered together. In making provision for the administration of the sacraments in a mission initiative careful thought will need to be given to how to affirm this understanding and at the same time respond to the pastoral and mission needs of the local context. (This will include giving proper regard to the existing initiation policies of the parish or parishes in which the initiative operates.)
- 5.4.5 If a mission initiative is to conduct any worship in a place which has its own register of services, the initiative’s services should be entered in that register. If the initiative is to conduct public worship in any other place, it is recommended that it should be required to keep such a register recording each service, wherever it takes place, including Baptism and Confirmation. It should comply with the same requirements as under Canon F12, i.e. it should record each service, with:
- the name of the officiating minister and of the preacher if that is someone other than the officiating minister;
  - in the case of Holy Communion, the number of communicants;
  - the amount of any alms – see para 5.4.8 below; and
  - if desired, notes of significant events.
- 5.4.6 The initiative also needs to observe the requirements of the Parochial Registers and Records Measure 1978 as regards registration of baptisms. Under that Measure, parish churches, extra-parochial churches and chapels, and institutions which have their own chaplains under the Extra-Parochial Ministry Measure 1967, should have their own registers of baptisms for any baptisms performed there. Under section 2 of the 1978 Measure, if a minister of a parish performs a

baptism elsewhere, he or she must register it in the parish register. However, if a baptism is performed by someone else in a place within a parish other than the parish church or an institution which has its own register, the person performing it must send the details as soon as possible to the incumbent or priest in charge in a prescribed form for entry in the parish register. Details of those confirmed should be recorded in the parochial register of Confirmation under Canon F11.3. The 1978 Measure also contains specific provisions as regards the registration of burials.

- 5.4.7 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.
- 5.4.8 The Dioceses, Pastoral and Mission Measure deals specifically with alms. Under s 47(12), the minister performing an office or service in accordance with an Order is to determine how any alms collected in the course of or in connection the office or service are to be dealt with, but subject to any direction by the Bishop.
- 5.4.9 In the case of an initiative participating in an LEP issues regarding worship will be subject to Canon B44 – see paras 4.5.3 – 4 above. Canon B43 may be relevant where the Order provides for ecumenical co-operation with another Church- see para 4.5.9 above.
- 5.4.10 Appendix 3 contains further guidance on worship in mission initiatives operating under the Measure.

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

- 5.5.1 Under s 49(2)(d) of the Measure, the Order or Supplementary Instrument 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 of this is how the initiative’s activities are to be financed. It is obviously important that all concerned should be clear about how this is to take place, at least at the stage when an Order is first made, although if the initiative grows substantially thought may need to be given to fresh sources of funding. Provisions for this in the Order or Supplementary Instrument are likely to be connected to those under s 49(2)(a), dealing with stipends, remuneration, pensions, housing and expenses of those exercising functions under the Order.
- 5.5.3 One of the matters for which the Order or Instrument may provide under s 49(2)(e) is insurance. This again needs to be put on a proper footing at the outset, bearing in mind that insurance relates not only to the initiative’s property but also, for example, to the possibility of personal injury or other claims against those responsible for the initiative, as well as statutory insurance requirements, for example if a motor vehicle is used.

- 5.5.4 For legal reasons, the way in which issues of how the managing and controlling of an initiative's money and other property are to be dealt with will be linked to the way in which an initiative approaches issues regarding its own governance. For both, it is important to obtain professional legal advice from a person who has knowledge of the Church's legal rules and structures as well as of law relating to the governance, finances and property of voluntary bodies generally.
- 5.5.5 In all cases it is essential for the initiative to have in place from the outset proper rules and procedures regarding the handling and use of money and any other property held for the initiative, including appropriate supervision, proper accounting and the preparation of accounts. The Visitor's duties include ensuring that proper accounts are kept, and the leader(s) are responsible for supplying the Visitor with copies – see paras 5.3.3 – 4 above.
- 5.5.6 In some cases an initiative may begin life as an outreach by an existing charitable body, so that that body can serve to hold any funds and other property held for the initiative for the opening phase of its existence if its objects enables it to do so. It is also possible that a very new initiative may have minimal funds and other property to deal with. However, an initiative which begins to grow and flourish will almost invariably need to establish a legal structure for the ownership and use of its property, and this will almost invariably be some form of charitable body.
- 5.5.7 It is intended that some general further guidance will be produced on the types of charitable body available and their possible use in this context, and much useful literature (some of which is referred to in the bibliography in Appendix 5) is available for charity trustees and others involved with charitable bodies. However, here again, it is important to obtain proper professional advice to ensure that the objects of the new body are legally charitable, and that the structure which is set up is appropriate for the particular initiative at the particular stage of its development, but that it leaves open the potential for some measure of properly agreed and controlled change if that become necessary in the future. In many cases, it will also be important from the point of view of those who have 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 well play a part in setting up a structure for the organisation and governance of the initiative. 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. Again, it is intended that further separate guidance will be produced. It is one of the duties of the Visitor to advise the Bishop and the leader on initiating and developing appropriate methods of governance for the institution (see para 5.3.3 above).

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

- 5.6.1 Under s 49(2)(e) the Order or Supplementary Instrument may make provision for any measures needed for this purpose. Where this is relevant, the Order or Instrument should include a requirement that the initiative complies with the Church of England's policy and guidelines on child protection and safeguarding vulnerable adults.

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

- 5.7.1 Whether or not it is specifically mentioned in the Order or Supplementary Instrument, those responsible for an initiative will need to familiarise themselves with any applicable civil legislation, such as that on health and safety, disability discrimination and data protection. Some suitable guidance material is listed in Appendix 5 [to be added], although in some cases those responsible for the initiative 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 mission initiatives operating under Bishops' Mission Orders are by definition boundary-crossing, the utmost care needs to be taken in the initial stages to avoid creating frameworks which may lead to dissent and disunity. The Measure provides (s 47(6)) for a general consultation with interested parties. This would normally include consultation with the Churchwardens and Church Councils of parishes affected. The Measure also requires the Bishop to consult specifically with clergy on any proposal to include a provision under s 47(11) (see para 4.4.9 above). These consultations require careful thought and detailed planning to ensure that arrangements made under an order will stand the test of time and a change of ministers. S 49(2)(f) allows for the inclusion of a provision in the Order for processes and structures to enable such relationships to flourish.
- 5.8.2 The patron or patrons of a benefice covered by an Order may also wish not only to be consulted about the setting up of the Order but to be kept in touch with the initiative's work under it, and may be able to contribute practical help and support. The Measure deals with their position as regards formal consultation – see paras 4.4.4 and 4.4.8 above – but an initiative will also need to bear in mind a continuing interest in the initiative from the patron or anyone else connected in the parish.
- 5.8.3 As regards worship and services, see paras 5.4.1 – 10 above.

## **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 (e.g. the Visitor, the Diocesan Missioner, the Archdeacons). It would be expected that the Initiative would be put in touch with the Fresh Expressions or other appropriate network and that the initiative's clergy, if any, would join the Deanery Chapter.
- 5.9.2 As the initiative develops, the Bishop will want to consider representation on Deanery Synod under s 49 (2) (g) and (4) of the Measure. Under these provisions, which add a new 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 an Order relates; they therefore allow 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 is given a clear understanding of his expectations about its financial planning, its financial viability, and its contribution to diocesan finances.

## Part 6: Support, Review and the Lifespan of a Mission Initiative under a Bishop’s Mission Order

The provisions in the Measure for Bishops’ Mission Orders are primarily intended for the original “experimental” period in the life of an initiative which cannot at that stage fit readily within the Church’s existing legal structures. Their object is to help the initiative grow and flourish and achieve its full potential. This involves:

- giving it continuing support, in particular through mission accompaniment and the role of the Visitor – see Part 3 of this Code. One important aspect of the Visitor’s role is the “review process”. To enable the initiative to achieve its objectives, it is important to see this process as a positive one, although one aspect should be that any problems can be discussed openly and in a constructive spirit, and a solution found for them;
- where appropriate, helping the initiative to develop or modify its objectives or the way it works to achieve them; and
- ensuring that, wherever possible, it is “moved on” at an appropriate stage to a more permanent structure within the life of the Church.

This Part of the Code deals with the review process, the provisions on the lifespan of an Order and the Bishop’s power to revoke or vary an Order. Page 17 contains a flowchart for the main features of the process. Where the initiative extends to more than one diocese and the Order has been made by the Bishops of two or more dioceses, all the dioceses and their Bishops will be involved.

1. When an Order is first made for a mission initiative, it will specify the **basic period** of not more than 5 years for which it is to continue. During that period, the Visitor will conduct **regular “reviews”** at intervals of not more than 18 months and report to the Bishop on them – see paras 6.1.1 – 6.2.2 below.
2. The Order can be revoked at any time, but subject to that, the Visitor will conduct a **full review** near the end of the basic period – see paras 6.3.1 – 5. This will lead to a decision by the Bishop, taking account of the review, on the future of the initiative. The Bishop has three options:-
  - to decide that the initiative should not continue, or not within the framework of an Order;
  - to provide for the initiative to continue under an Order for a temporary period of up to 18 months, so that other arrangements can be made for it; or
  - to make an order for a **second period** of up to five years, see paras 6.4.1 – 4.
3. If the Bishop makes an Order for a second period of five years, the Order can again be revoked during that period, but subject to that there will be a further review near the end of the second period, leading to a further decision by the Bishop on the future of the initiative - see paras 6.5.1 – 6.6.5. The normal expectation is that an initiative will not continue to operate under the Bishop’s Mission Order after the second period, but if the Bishop considers the initiative should continue, and there are no other suitable means for securing this, he has a discretion to make an **indefinite** Bishop’s Mission Order, to continue unless and until revoked or varied.
4. Where an Order includes a **co-operation provision** – see paras 4.5.1 – 14 above – providing for co-operation with other Churches or religious organisations, the Measure ensures that the entire process of review is to be conducted in consultation with the other partners – see paras 6.8.1 – 2 below. This consultation will then affect the way in which the Bishop and the Visitor discharge their functions under the process described in this Part of the Code. Special provisions apply in the case of an Order which provides for participation in a Local Ecumenical Partnership– see para 6.8.3 below.
5. Paras 6.7.1 – 7 below deal with **revoking or varying** an Order or accompanying Instrument.

## 6.1 Regular reviews by the Visitor

- 6.1.1 During the basic period of an Order, the Visitor must review the mission initiative at least every 18 months (subject to the Bishop's power to lay down more frequent intervals in the Order itself). The Visitor must report on the outcome of each review to the Bishop, and must send copies of the report to the leader(s) (s 48(1)(b)). (Where the Order contains a co-operation provision, it is recommended that copies of the report are also sent to the other partners in the co-operation.)
- 6.1.2 This review process is intended as an integral part of the Visitor's role in:
- exercising oversight on the Bishop's behalf and reporting to the Bishop;
  - providing advice, encouragement and support for the initiative;
  - ensuring that proper accounts are kept;
  - advising the Bishop and leader(s) on setting up and developing appropriate forms of governance for the initiative;
  - being a person whom the leader(s) can and should consult regularly about the general direction and development of the initiative ; and
  - being available as the person to whom anyone can communicate anything regarding the initiative to which he or she wishes to draw attention and of which he or she thinks the Visitor should be aware (see paras 5.3.3 – 5 above).
- 6.1.3 The regular review is not intended as an occasion for “digging up the mission initiative by the roots”, much less as a reason for diverting the time and energies of those involved from the task of furthering the initiative. It should be seen as a type of regular, “light touch” and relatively informal appraisal, or indeed where possible self-appraisal with the help of the Visitor, which is intended to help the initiative to develop and further its objectives, rather than an “evaluating and grading” process, much less a process to “pass judgment” on the initiative or its leader(s). However, the leader(s) should be encouraged to be open about any problems, so that help and support can be given in finding a solution, and about any other help, support or resources which the initiative needs, so that the Visitor can assist with this or suggest where help might be available. Likewise, except so far as any major problems come to light, the report need not be lengthy or over-formal and should be positive in its approach. The review should not be used as, or as a substitute for, appraisal of a leader or other individual working for the mission initiative – this should be dealt with separately (see para 5.2.4 above).
- 6.1.4 The following aspects should normally be covered (subject to the Visitor's discretion to decide in how much depth this should be done – see para 6.1.7 below):
- the original reasons/motivation for setting up the initiative, its core objectives and core values, how far the initiative has fulfilled and is

fulfilling these, whether there is any case for modifying/enlarging them, and the unfolding of the nature of the mission;

- whether there have been any significant changes/developments in the conditions/circumstances in which the initiative is operating;
- in the light of the above, the progress and development of the initiative up to the time of the review, and the prospects for the future; and
- any help, support or resources which can usefully be provided for the initiative at this stage.

6.1.5 In addition, the Visitor may use the opportunity to look at any of the following:-

- relationships within the initiative;
- relationships between those involved in the initiative and the parish(es) in which it operates (including in particular those who have the cure of souls there, any new persons on the scene with whom the initiative could or should build up relationships, and any persons who were expected to provide support or help for the initiative), the wider Church within the diocese and other churches, institutions and religious organisations;
- the finances, administration and governance of the initiative;
- any other problems over compliance with the terms of the Order or the Supplementary Instrument or other legal requirements;
- generally, whether any adjustments are needed to the terms and provisions of the Order or the Supplementary Instrument (e.g. regards objectives, area covered, organisation, governance or financing) or any other aspects of the initiative's operation; and
- whether there are any problems.

6.1.6 A written outline of a process for regular reviews should be drawn up for use in the diocese and should itself be reviewed and developed in the light of experience. This should:

- explicitly recognise the need for flexibility in conducting reviews to take account of the particular circumstances, but also the overriding importance of furthering the mission of the Church, subject to the oversight of the Bishop, and ensuring fair treatment for anyone who may be subject to any form of criticism;
- deal with how far and in what circumstances the report on the review or part of it should be treated as confidential by those to whom it is sent under the terms of the Measure;
- make provision (following consultation with neighbouring dioceses) for cases where an Order covers more than one diocese;
- ensure that appropriate consultative procedures are in place to enable effective cooperation with other Churches and religious organisations where the Order contains a Co-operation provision; and
- be made available to all leaders under a Bishop's Mission Order and to those who have a legitimate interest in wishing to see it.

6.1.7 Subject to this, it will be for the Visitor to decide:

- in how much depth and detail to conduct the review on a particular occasion for a particular initiative; and
- the timing of the review in any given case – the 18 month period specified in s 48(1)(b) of the Measure, or any shorter period laid down by the Order, is a maximum period and it is open to the Visitor to initiate a review after less than 18 months.

6.1.8 However, the decisions under the preceding paragraph should be influenced by:

- any views expressed on the subject by the Bishop, the leader(s) or anyone else with a significant interest in the Order or who is significantly affected by it (see para 4.4.8 above);
- anything formally drawn to the Visitor’s attention under s 48(3) which the Visitor considers relevant in this regard; and
- anything which gives the Visitor cause for concern.

6.1.9 The Visitor must send his or her report on the review to the Bishop (or, if the Order covers more than one diocese, the Bishops) and send copies to the leader(s) (s 48(1)(b)). As regards confidentiality, see paras 3.2.5 – 6 above.

6.1.10 It will be for the Visitor to discuss with the leader(s) and others concerned how best to follow up any recommendations in the report and particular issues arising from it.

6.1.11 If the Bishop makes any further Order(s) – see Parts 6.4 and 6.6 below – the Visitor will continue to keep the initiative and its progress under review as appropriate in the course of fulfilling his or her other duties under s 48(1) – see para 5.3.3 above.

## **6.2 The basic period of the Order**

6.2.1 When the Bishop first makes an Order for a mission initiative and issues any Supplementary Instrument to accompany it, they will specify the period for which they are to continue, which may not exceed 5 years (s 49(8)). The Bishop will need to consider whether, in the circumstances, the basic period for the Order should be the full 5 years, with a thorough review near the end of that time, or whether it is likely that the initiative and the Order will need to be fully assessed in order to take a decision on their future after less than 5 years.

6.2.2 The period set by the Order (like other terms of the Order) may be varied during that period, but not so as to continue the lifespan of the initial Order beyond the maximum of 5 years (s 49(8)). As regards variation and revocation, see paras 6.7.1 – 7 below.

## **6.3 Review at the end of the basic period**

6.3.1 Toward the end of the basic period, and not less than 6 months before it is due to come to an end, s 50(1) requires the Visitor to conduct a formal review of the initiative, in consultation with:

- the leader(s);

- the mission and pastoral committee(s) of the diocese(s);
- if the Order contains a cooperation provision (see Part 4.5 above), the appropriate authority of each other Church or religious organisation involved; and
- such other persons or organisations as the Visitor thinks fit from those specified in s 47(6), including any person or group who or which has a significant interest or is likely to be significantly affected. S 47(6), and s 47(7) which explains part of it, are complex and important provisions which are dealt with in paras 4.4.7 – 8 above, and reference should be made to those paragraphs. Where a Visitor is applying those provisions to those who have or share in the cure of souls, in the context of a review of an initiative covering an area wider than a single parish, and particularly in a case where the Order allows a minister to exercise his or her ministry in a place without the permission of the person with the cure of souls, the Visitor should bear in mind the bodies with which s 47(11) of the Measure requires consultation before the Order is made (see para 4.4.9 above). Those who are likely to be significantly affected will include anyone working for the initiative who, depending on the outcome of the review, may no longer be able to do so.

6.3.2 The purpose of this review is, as indicated above, to provide a full assessment of the initiative, its operation under the Order and how far it is fulfilling its objectives, and to identify and consider options for the future, in particular in order to provide the Bishop with the material he needs to take a decision on the matters set out in paras 6.4.1 – 2 below. This will involve considering whether a further Order is the best way of enabling the initiative to further those objectives or whether some other legal structure is more suitable. Its object is not to provide an occasion for apportioning praise or blame as such, or evaluating the work of individual ministers or others. Subject to that, the same factors as in paras 6.1.4 – 5 above are likely to be relevant.

6.3.3 A written outline of the process should be agreed for use within the diocese, as in para 6.1.6 above. It should, again, explicitly acknowledge the need for flexibility and the overriding need for the review to serve its purpose and for fairness, in this case not only for those who may be subject to criticism, but also for those who may be at risk of no longer being able to continue their present work. The outline should take these considerations into account in dealing with who should receive copies of the report (see para 6.3.5 below).

6.3.4 The Visitor must report to the Bishop(s) on the review, and the report must contain:

- the Visitor's recommendations on whether the initiative should continue;
- if so, the Visitor's recommendations on whether the Order should be renewed and, if so, for how long, or if not how the initiative or its objectives should be continued; and
- any other recommendations or comments the Visitor thinks fit – for example, as to changes to the terms of the Order, or other

aspects of the initiative's achievements or operation, and any further help or support to be provided for it.  
(See s 50(2) and (3)).

- 6.3.5 Copies must be sent to the persons or bodies whom the Bishop directs is to receive them (s 50(3)) - see also para 6.3.3 above. Where the Order contains a Co-operation provision, this should include the other partners in the co-operation.

#### **6.4 Making a further Order for a second period**

- 6.4.1 On receiving the Visitor's report, the Bishop must consider it, consult the diocesan mission and pastoral committee, carry out such other consultation as he thinks fit (including consultation with co-operation partners from other Churches or religious organisations where the Order contains a Co-operation provision), and then determine:

- whether the mission initiative should continue;
- if so, whether it should continue under an Order or under some other structure;
- if it is to continue under an Order, whether that should be:-
  - a "temporary" Order for not more than 18 months so that arrangements can be made for the initiative or its objectives to be continued by other means; or
  - a further Order for a second period of up to 5 years, with a Supplementary Instrument if appropriate. In this case, it is again important to decide on the period for which the Order is to continue before there is a further thorough review, and also whether any of the terms of the Order or Supplementary Instrument need to be adjusted in any way to take account of comments or recommendations in the Visitor's report, or ones the Bishop has received during his consultation or raised of his own initiative; and
- what, if anything, is to be done to implement any other recommendations or comments in the Visitor's report.

(See s 50(3)-(5)).

- 6.4.2 The diocesan outline process for review referred to in para 6.3.3 above should also deal with the process to be followed by the Bishop in reaching his decision. If the Bishop is considering a decision that the initiative should not to continue, or not in its present form, and that no further Order should be made or that a further Order should be only a "temporary" one for not more than 18 months, it is important that the Bishop affords the leader(s) and anyone else he considers has an interest in the continuance of the initiative and Order (for example, those working for it in addition to the leader(s)) an adequate opportunity to make representations to him, as in the case of revocation under paras 6.7.2 – 3 below. Where the Order contains a Co-operation provision, so that the Bishop needs to consult with the partners in the cooperation, it is obviously important for him to ensure that they have confidence in whatever decision he proposes to take.

6.4.3 The Bishop’s decision should be communicated in writing, with reasons, to the leader(s) and the Visitor. The diocesan outline review process should identify any other people, bodies or categories of people or bodies to whom the Bishop’s decision should be sent in all cases, but the Bishop should also consider whether there is anyone else who ought to receive a copy in the particular circumstances of the individual case. The decision document should make clear who is to be responsible for following up the Bishop’s decisions, including any decision that the mission initiative should be disbanded or should continue in a different form – see paras 6.9.1 – 6 below.

6.4.4 Any further Order or Supplementary Instrument, whether temporary or for a longer second period, must be signed by the Bishop(s) (or a person authorised by him or them) and by the leader(s), and must contain a declaration by the leader(s) of acceptance of the terms of the Order or instrument (s 50(12)).

## **6.5 Review at the end of the lifespan of a further Order for a second period**

6.5.1 If the Bishop makes a further Order, the provisions for regular review by the Visitor (see paras 6.1.1 – 10 above) cease to apply (s 50(6)) (although the Visitor will continue to keep the initiative and its progress under review under s 48(1)). However, the Order can, again, be altered or revoked – see paras 6.7.1 – 7 below.

6.5.2 Even where a further Order is a “temporary” one, the Visitor will need to conduct a final review and make a brief final report (see para 5.3.3 above). This should explain what arrangements have been made for the initiative or its objectives to be continued, and how they have been implemented.

6.5.3 However, if a further Order is for a “full” second period of up to 5 years, the Visitor must conduct a further formal review not less than 6 months before the end of the period (s 50(6)). Most of what has been said under paras 6.3.1 – 5 above again applies. However, in this case, the object of the review is to provide the Bishop with the materials he needs in order to take a decision on the future of the initiative and the Order under paras 6.6.1 – 5 below. Thus it is essential that the Visitor consider in detail whether the initiative should continue and, if so, in what form it should do so, and examines the various other possible legal structures under which it could continue to operate. Where the Order has hitherto contained a Co-operation provision – see paras 6.8.1 – 3 below – the expectation would be that if the initiative is to continue it would need some form of LEP framework.

## **6.6 Decision on future of initiative and Order after second period – possible indefinite Order**

6.6.1 On receiving the Visitor’s report, the Bishop must consider:

- if the mission initiative should continue; and
- if so, under what legal structures other than an Order it could continue and which is the most appropriate, or whether it should continue under an Order; and



- what if anything is to be done to implement any other recommendations or comments in the Visitor’s report.

6.6.2 If, but only if, the Bishop considers that the initiative should continue, but that there are no suitable means other than an Order by which the initiative or its objectives can be achieved, he may then, and after consulting the diocesan mission and pastoral committee, make an “indefinite” Order for the initiative, with a Supplementary Instrument if appropriate, which will continue unless and until revoked or varied (s 50(7) and (9)).

6.6.3 Again, it is important to consider whether any of the terms of the Order or the Supplementary Instrument need to be adjusted in any way to take account of:

- comments or recommendations in the Visitor’s report;
- anything which has been raised with the Bishop by the diocesan mission and pastoral committee or which the Bishop has raised of his own initiative; or
- the fact that the Order will now continue on an indefinite rather than a time-limited basis.

6.6.4 The further Order and any Supplementary Instrument will need to be signed by the leader(s) and contain a declaration of acceptance by them of the terms (s 50(12)).

6.6.5 As regards the process the Bishop should follow and who should receive copies of his decision, see paras 6.4.2 - 3 above. He should afford the leader(s) and anyone else he considers has an interest in the continuance of the mission initiative or the Order or both (for example, those working for it in addition to the leader(s)) an adequate opportunity to make representations to him if they wish, as in the case of revocation under paras 6.7.2 – 3 below. The decision document should make clear who is to be responsible for following up the Bishop’s decisions, including any decision that the initiative should be disbanded or should continue in a different form - see paras 6.9.1 – 6 below.

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

6.7.1 S 49(5) and (6) and 50(11) of the Measure give the Bishop power to revoke or vary an Order or a Supplementary Instrument at any time. In the case of the Order itself, the Bishop must first consult:-

- the diocesan mission and pastoral committee;
- the leader(s);
- 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 4.4.9 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 diocesan mission and pastoral committee about any proposed variation or revocation (s 49(7)).

- 6.7.2 As pointed out in para 5.2.3 above, the revocation or variation will not in themselves affect the licence or permission to officiate of any minister, and the same is true of a person ceasing to act as leader or to have other functions under an Order. However, any of these may have an impact on the continuance or terms of a licence or permission granted to a minister, or to provisions in the Order or Supplementary Instrument which confer some benefit on a minister or some other individual (for example, housing provision). In addition, although it is not necessary for the leader(s) to sign any variation in the Order or Supplementary Instrument, any action by the Bishop in making an important change which the leader(s) cannot accept may result in the leader(s) deciding that they should cease to hold that position.
- 6.7.3 It is thus important that 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.
- 6.7.4 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. If the Bishop decides to vary the Order or the Supplementary Instrument, the same people should also receive copies of the amended instrument.
- 6.7.5 Under s 49(7), when the Bishop varies or revokes an Order, he may make provision for the management and disposal of property and any other matters which in his opinion are expedient. This will obviously be of particular importance if the Order is revoked in circumstances where the initiative is to come to an end or is to continue on the basis of a new legal structure. However, as pointed out in para 5.5.7 above, if any valuable property – for example land and buildings - is to be used by the initiative, it is essential that the question of who is to own it, on what terms and what is to happen to it, if the initiative ceases to operate, or ceases to need the property, is carefully thought through and provided for before the initiative is set up. For example, if the property is held on charitable trusts the trusts should deal with what is to happen to the property in those events, and s 49(7) of the Measure does not give the Bishop power to override or depart from them. On the other hand, if the Order is not to be renewed, then whether or not the initiative is to continue in some other form, provision may well need to be made for the custody and care of any records (relating to the Order and the initiative while it operated under the Order).
- 6.7.6 In any event, the Bishop should make clear in his decision document what follow-up action is to be taken and by whom.

- 6.7.7 Finally, if an Order comes to an end, whether by expiration of time or revocation, and particularly if the mission initiative to which it relates is also to come 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, or to enter into retirement from active ministry;
  - for appropriate pastoral support for those who may need a new focus for their life within the Church or face the loss of other forms of support from the initiative; and
  - for a suitable thanksgiving and celebration of what the mission initiative has achieved, possibly involving a liturgical event, and for proper thanks to be conveyed to all those who have contributed to it.

## **6.8 Co-operation provisions**

- 6.8.1 In any case where an Order contains a Co-operation provision, the Bishop and the Visitor must discharge all their functions, including those in relation to reviews, making further Orders or variation or revocation, in consultation with the appropriate authority of each other Church or religious organisation concerned (s 49(3)). Thus this must be read into whichever are relevant of the previous sections of this Part of the Code.
- 6.8.2 As explained in para 4.5.13 above, it is important when the Order is first under consideration, to ensure that the authorities of the other Churches or religious organisations understand and accept the process for reviewing the initiative and deciding on its future and that of the Order. However, when a review itself actually takes place at the end of the basic period or a second period in the lifespan of an Order, in addition to being fully consulted:
- they should receive copies of the report on the review;
  - they should be fully consulted about the decisions to be taken as to the future of the initiative and the Order; and
  - they should also be fully consulted as to whether, if there is to be a further Order for a second period, or an indefinite Order, that calls for any changes in the nature or term of the co-operation. This is likely to be particularly important if no formal Local Ecumenical Partnership is in existence.
- 6.8.3 In addition where an Order provides or is to provide for participation in a Local Ecumenical Partnership, the Order or Supplementary Instrument may provide for the following under s 50(8) of the Measure, provided the appropriate authority of each participating Church agrees:
- for the Visitor’s reports on reviews 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 the Bishop’s functions under s 50 of the Measure to be performed by or on behalf of that body.

This ensures that reviews and the action flowing from them can be taken in conjunction with reviews by or on behalf of the appropriate authorities of the participating churches, and thus that reviews for a local ecumenical partnership operating in the context of a mission initiative under an Order can function in essentially the same way as those for other local ecumenical partnerships.

## **6.9 The continuing life of the Mission Initiative**

- 6.9.1 As indicated above (see para 1.2.1), the purpose of an Order is to affirm, enable and support a new mission initiative within the overall ordering of the life of the Church.

Also as indicated above, some mission initiatives will necessarily be short term in their planning and development. Others may not flourish in the way envisaged, despite the commitment and gifts of those involved.

However, a normal part of the process of guiding a mission initiative in the majority of cases will be discerning the stages and means by which a mission initiative is recognised as a new Christian community and, in the long term, as a mature Christian church in a relationship to the Bishop comparable to that of a “traditional” parish and with an established and continuing place in the life of the diocese(s).

- 6.9.2 At the present time it is possible to discern a number of ways by which this permanent maturity might be formally recognised. These ways fall into three groups. The Bishop, Visitor and leader(s) of the initiative should keep them in mind particularly during a second period of up to five years of an Order.
- 6.9.3 The first would be to grant this recognition and place within the legal structures of the Church of England (which include its Ecumenical Structures) through one of the routes set out in Appendix I.

It is reasonable to ask in what circumstances this might be deemed appropriate after say, ten years given that all of these options were in principle available at the beginning of the initiative.

The first reason would be that there had been substantive changes or developments in the life of the initiative which meant it seemed after a period of time appropriate to create, for example, a new parish or extra-parochial place. The second would be that there had been substantive changes in the context in which the initiative was operating (such as the possibility of extensive pastoral reorganisation across a deanery which made one of these options more suitable). The third would be a change in the initiative itself from an embryonic beginning to a substantive and viable Christian community.

- 6.9.4 The second alternative would be to grant recognition and place within the legal structures of the Church of England (including its Ecumenical Structures) through the making of an indefinite Order as described in para 6.6.2 above.

Again it is reasonable to ask in what circumstances this might be appropriate.

By the logic followed above, it is possible to envisage a situation in which the initiative has grown and is sustainable but remains a network focussed community rather than one which is geographically centred and has a “base” in some fixed location. The indefinite Order remains the only and best way to order the life of the new congregation. Similarly it is possible to envisage a thriving fresh expression of church where, because of local factors, pastoral reorganisation of the surrounding parishes may not be possible to accommodate the new community.

- 6.9.5 Third, recognising that the Measure together with this Code of Practice will not be the final word in the ordering of the life of the Church of England for mission, it can be envisaged that new possibilities will continue to be developed as the Church’s mission context unfolds.<sup>15</sup>
- 6.9.6 Finally, all those charged with guiding and shaping mission initiatives will need pay careful attention as these communities grow to maturity to the ongoing mission in which they are called to share. This is particularly important in the Church of England’s polity for new communities which may not have a geographical parish. Churches with a geographical responsibility will always share in the mission of the diocese within a particular local context. There is a danger that a church without a parish may become over time simply a gathered community with particular preferences in terms of liturgical style or common life and drift away from the desire of those who established it to serve and communicate faith to those in a particular network or culture. In the way in which new mission initiatives begin, continue and reach maturity and interdependence it is essential to continue to strive to become a church shaped by mission.

---

<sup>15</sup> On present predictions a bishop would be unlikely to be in a position to have to decide whether to make an indefinite Order until about 2018.

## Appendix I

### Other possible legal structures

It is important for all concerned to keep in mind that Bishops' Mission Orders are far from being the only legal structure available for new initiatives to further the Church's mission, even where they are very much "new ways of being church" that do not fit into traditional patterns of ministry. The Church's existing legal structures, both parochial and non-parochial, provide a number of other options which can be used for new mission models of this kind, and a very brief outline of the main possibilities is set out below. (For more detailed information and illustrative examples of how some of the various options can be used see [www.cofe.anglican.org/about/churchcommissioners/pastoral/pastadmin/missionscenarios/](http://www.cofe.anglican.org/about/churchcommissioners/pastoral/pastadmin/missionscenarios/)). Indeed, where a new initiative for a particular area originates with those who are already working there within the existing legal structures, they may well be able to set it up and take it forward within those structures.

Which, if any, of the options set out below are appropriate in a particular case will depend not only on the nature of the initiative and the stage it has reached but also, for example, on how far the initiative involves or has the goodwill of the incumbent(s) or priest(s) in charge of the area where it is to operate and how far it is likely to retain the goodwill of future incumbents and priests in charge. So far as the legal aspects of selecting appropriate legal structures are concerned, the Bishop, the diocesan mission and pastoral committee and others responsible for dealing with mission initiatives in the diocese will need to take advice from the diocesan registrar.

If any of the options under the Church's existing legal structures are suitable in a particular case, they may be preferable from the point of view both of the initiative itself and those leading it, and of the Bishop and the diocese. One factor which all concerned will need to take into account is whether the arrangements for oversight and review under one of those options would make fewer demands on the time and energies of those involved at diocesan level and within the initiative itself than a Bishop's Mission Order. Another factor which should be borne in mind in appropriate cases, and particularly where the initiative is being developed with Christians of other traditions, but where formal co-operation with partner Churches or religious organisations is either unnecessary or inappropriate, is that those proposing or running the initiative may find it preferable not to seek or accept a Bishop's Mission Order but to operate or continue operating in a non-Anglican context, outside the Church of England's legal structures and legal controls.

#### A. Options within the parochial system

The possibilities here, including those under the Pastoral Measure 1983 for reorganisation within the context of the traditional parochial structures, offer more scope for innovation and unusual types of mission activity than has always been fully understood in the past. The following is no more than a very brief set of summaries.

##### *The parish*

The basic and long-established legal structure of the parish is sufficiently simple and flexible to allow parishes to take many forms. In particular:

- there is no upper or lower limit on the size of a parish, either geographically or in terms of population or electoral roll;
- a parish can be created for an area which has no resident population and extends only to e.g. a church or licensed place of worship and its curtilage; and
- it is possible for both parishes and benefices to contain "detached parts" which are not geographically contiguous with one another and which are separated by areas belonging to another parish/benefice.

The possibilities for flexible patterns of ministry within a parish are increased by s 61(5) of the Dioceses, Pastoral and Mission Measure, under which an assistant curate's licence may assign to him or her:

- a special cure of souls in a part of the area of a benefice (with or without responsibility for a particular church); or
- a special responsibility for a particular pastoral function.

The first of these can be used in combination with the provisions in the Pastoral Measure 1983 or the Church Representation Rules for district church councils.

### ***Team ministries***

Teams, particularly those which represent the coming together of a number of previously non-team parishes/benefices, provide scope for extensive reorganisation and culture changes to take place in the delivery of ministry. The nature and extent of the responsibilities given to each of the team vicars is determined in part by the Pastoral Measure 1983 but in part by the terms of the pastoral scheme which sets up the team ministry and, subject to that, by the Bishop's licence. While a team rector will always have a general responsibility for the cure of souls within the area of the benefice, and the team vicars will always share in the cure of souls, team vicars may be assigned a variety of functions by the scheme itself or, subject to the terms of the scheme, by the Bishop's licence. Where the scheme itself is not prescriptive about the details of the team vicars' functions, the Bishop thus has considerable flexibility in how he allocates those functions in licensing the team vicars.

The scheme or, subject to the scheme, the Bishop's licence to a team vicar may:

- assign to the vicar a special cure of souls for part of the area of the wider benefice (and, if appropriate, provide for the vicar to be known as the vicar of a particular church in that part of the benefice);
- assign to the vicar special responsibility for a particular pastoral function;
- where it assigns such a special cure or responsibility, provide for this to be independent of the team rector's general responsibility; or
- assign to the vicar a general responsibility to be shared with the team rector for a cure of souls in the area as a whole.

Some of these possibilities may again be used in combination with the provisions in the Pastoral Measure 1983 or the Church Representation Rules for different types of synodical structure within the benefice and/or parish.

### ***Group ministries***

The creation of a group ministry makes it possible for any incumbent (or priest in charge) of a benefice in the group to minister throughout the area of the group, although where he or she does so in the area of a benefice other than his or her own, this is subject to any directions by the incumbent or priest in charge of that benefice. Thus a group structure can be used to support arrangements for interchangeable ministry, including ministry to a particular mission initiative, within a fairly large area; there are also special provisions in the Pastoral Measure 1983 and the Church Representation Rules for the creation of a group council.

## **Deaneries**

In many dioceses the deanery is regarded as a crucial unit for the delivery of mission and ministry, because it can comprise a geographical area which is small enough to be identifiable to parishioners and congregations, but large enough to have “critical mass” for the deployment of e.g. youth workers or those undertaking other specialised forms of ministry in cases where parishes cannot support them individually.

## **B. Options outside the parochial system or outside the “mainstream” of that system**

### ***Conventional districts***

A conventional district is an area comprising part of one or more parishes which has been placed under the care of a “curate in charge” by agreement between the Bishop and the incumbent(s) of the parish(es) concerned. The curate in charge has the cure of souls in that area, and the conventional district functions as a quasi-parish with its own PCC; it is also treated as a separate parish for the purposes of deanery synod representation.

Conventional districts are relatively simple to create and do not require any action under the Pastoral Measure 1983. They are often regarded as “experimental parishes” which, if they are successful, may then be made into separate parishes in their own right under the Pastoral Measure 1983 (although, where they meet a particular continuing pastoral need, they may remain in existence for a considerable period). On the other hand, because they require and rest on the consent of the incumbent(s) of the benefice(s) within whose area they fall, they can be frustrated at the outset by the refusal of one of the incumbent(s) concerned to give that consent. Similarly, they lack security in that they are at risk of being brought to an end (or, in the case of a district comprising parts of two or more benefices, coming to an end in their original form) on any new appointment of an incumbent. Under the Pastoral Measure 1983, the diocesan mission and pastoral committee must also review the arrangements for pastoral oversight of a conventional district at least every five years.

### ***Proprietary chapels***

A proprietary chapel is a building provided and maintained for the purpose of Anglican worship by one or more “proprietors” – those persons who own the chapel, and who may be a body of trustees. The owners generally admit members of the public to the worship, although they are not bound in law to do so. Thus it would be possible for those carrying on a mission initiative to acquire a place for worship and use it on that basis.

The minister of the chapel is appointed by the owners of the chapel or the persons who have the right of appointment under the terms of any trust under which the chapel is held. However, the minister must also be licensed by the Bishop with the consent of the incumbent of the parish in which the chapel stands. The Bishop may at any time revoke the licence, and any new incumbent may refuse consent for the minister to continue officiating in the parish. Likewise, any member of the clergy officiating in the chapel must comply with the provisions of Canon C8, which require both authorisation from the Bishop and the incumbent’s consent.

### ***General licences***

A diocesan Bishop may grant a licence to a member of the clergy to preach or otherwise to exercise his or her ministry throughout the diocese, rather than in any specific parish etc or any other part of the diocese. However, the member of the clergy also needs the consent of the person with the cure of souls in any place within the diocese where he or she is to operate.



### ***“Institutions” with chaplains licensed under s 2 of the Extra-Parochial Ministry Measure 1967***

S 2 of the 1967 Measure applies to any university, college, school, hospital or public or charitable institution, whether or not it has a chapel. “Public or charitable institution” could cover any kind of charitable organisation, including one set up for a particular mission initiative, but it is clear from the section as a whole that it is confined to institutions which have some premises of their own, even if these are small and are held on a lease rather than freehold. In spite of the short title of the Measure, s 2 is not intended for extra-parochial places in the strict sense – see below; it applies to institutions whose premises do form part of a parish.

Under the 1967 Measure the Bishop may license a member of the clergy to perform the offices or services specified in the licence on the premises in question (and may revoke the licence). The Bishop does not require the consent of the incumbent of the benefice in whose area the institution stands before granting the licence, and the chaplain etc to whom he grants the licence does not require the incumbent’s consent and is not subject to the incumbent’s control in acting under the licence.

### ***Extra-parochial places***

An extra-parochial place (EPP) is a geographical area which is not within the boundaries of any parish. A new EPP can be created only by the full pastoral scheme procedure under the 1983 Measure.

An EPP may be very small, with no resident population – for example, it may cover only the area of a building used for worship, such as a secular building which a mission initiative has rented or which it has an agreement with the owners to use on a part-time basis. Thus creating an EPP can be used to provide for a congregation outside the normal parish system drawn from a wide area by a common factor. The minister needs the Bishop’s licence, but does not require the consent and is not subject to the control of any incumbent or priest in charge. This makes for flexibility, but also means that separate ad hoc arrangements have to be made for the Bishop to exercise oversight over the EPP and its minister and congregation.

## **C. Ecumenical structures**

There are three sets of statutory or Canonical provisions which can be used together with the options set out above to allow for ecumenical collaboration. These are the Sharing of Church Buildings Act 1969 and Canons B43 and B44; a very brief explanation of each is given in the following paragraphs.

### ***The Sharing of Church Buildings Act 1969***

This makes it possible for two or more congregations from different denominations to share the same buildings(s) (without affecting the arrangements under which the congregations continue to worship separately).

### ***Canon B43***

This Canon, made under the Church of England (Ecumenical Relations) Measure 1988, lays down parameters and procedures for a minister or other member of a Church which has been designated under the 1988 Measure to be invited to take part in Church of England worship, and for Church of England clergy and lay ministers to take part in non-Anglican worship in a designated Church. It also allows for members of a designated Church to be invited to hold their

own services in a Church of England church or to share in joint worship with the Church of England.

### **Canon B44**

This Canon, again made under the 1988 Measure, provides a framework under which a Bishop may agree with other partners Churches designated under the 1988 Measure for the formation of a Local Ecumenical Partnership (described in the Canon and Measure as a “local ecumenical project”). In the context of such a partnership exemptions may be made from the Church of England’s normal rules on the conduct of worship. The most obvious types of Local Ecumenical Partnerships under Canon B44 are those where a single congregation shares ministry from more than one denominational source, and ecumenical chaplaincies for institutions such as colleges and prisons, but other types of Local Ecumenical Partnership are also possible. The Dioceses, Pastoral and Mission Measure also allows for a Bishop’s Mission Order to make provision for a participation in a Local Ecumenical Partnership (see Part 4.5 of this Code).

### ***Ecumenical collaboration generally***

The simplest way of organising collaboration, especially where issues of ordained ministry and the conduct of worship are not involved, is to set up the collaborative venture and designate one of the partner Churches the “lead partner”. All matters of discipline, legal liability etc are then carried by the lead partner, as if the venture was entirely within its own structures. However, even where the Church of England is not the lead partner, the Bishop will need to be satisfied that there are adequate lines of accountability for any resources supplied for the venture.

If the lead partner in an initiative is not the Church of England, and the point is reached where an initiative wishes to deploy an ordained minister or conduct public worship, including the dominical sacraments, it will need to be made clear that this is all taking place within the disciplines and corporate life of the lead Church and *not* in partnership with the Church of England. The framework of the Ecumenical Relations Measure and Canons B43 and B44 remains available if there is a strong desire for formal partnership with the Church of England, and if the other partner Church or Churches are or can be designated under the Measure.

## **Appendix 2**

### **Skeleton Proforma Letters**

[To be added]

## Appendix 3

### The ordering of worship in fresh expressions of church under Bishops' Mission Orders

#### Code of Practice for the Dioceses, Pastoral and Mission Measure

*“In the worship of God the full meaning and beauty of our humanity is consummated and our lives are opened to the promise God makes for all creation – to transform and renew it in love and goodness”<sup>16</sup>*

The ordering of common worship is a vital part of the life of any Christian community. The worship of God is central to the life of his Church. Worship is a means by which the Christian community is enabled to respond to God's grace, is sustained in a life of discipleship and is connected to the wider Body of Christ.

There is a need for the whole church to continue to reflect on its patterns of worship particularly in respect of fresh expressions of church and mission initiatives as these develop and grow. This work is currently being taken forward in a dialogue between the Liturgical Commission and the Archbishops' initiative, Fresh Expressions who will together develop more comprehensive guidance in due course. This appendix consciously builds on the section on worship in fresh expressions of church in the report *Mission Shaped Church*.<sup>17</sup>

#### I. Two Principles

##### I.1 The creative dialogue between context and tradition

The working definition of a fresh expression of church quoted in para 4.1.5 of this Code indicates that a fresh expression of church will be shaped in its growth to maturity on the one hand by the gospel and the enduring marks of the church and on the other by its cultural context.

This creative dialogue between context and tradition is likely to be seen most clearly in the ordering of worship. On the one hand the context may call for different approaches to worship in (for example) a community of parents and young children; a group of teenagers; a small house fellowship or a group of older people meeting midweek. On the other hand, the common Christian tradition calls for some common elements in that shaping in order to preserve connection and unity within the Body of Christ.

##### I.2 The journey and formation of the Christian community in worship

Many fresh expressions of church take as their starting point in worship points of familiarity to those they are seeking to serve. A new midweek congregation serving the elderly may begin with the

---

<sup>16</sup> *Common Worship*, Preface, ix

<sup>17</sup> *Patterns of Worship*, MSC p.117

Book of Common Prayer. An all age after school gathering may begin with a “shape” which is more like a school assembly. A deanery youth congregation may adopt the styles and patterns of a larger Christian festival within a particular tradition.

However each fresh expression of church will find itself in the early years of its life on a journey to growth and maturity. These years are therefore likely to be a period of formation and change and will therefore entail experiment and reflection as a new community engages with its context, finds faith together and engages creatively with different parts of the Christian tradition.

## **2. Public Prayer and the Administration of the Sacraments**

Christian worship has, from the beginning, had a dimension which is public and one which is domestic and centred on the homes of Christian people (Acts 2.46; 20.20).

Although some principles for the ordering of Christian worship apply to every context, the Church of England’s Declaration of Assent makes it clear that there is a particular need for good order and accountability in public prayer and in the administration of the sacraments.<sup>18</sup> S 47(4) of the Measure, which deals with the provision to be made in a Bishop’s Mission Order for the administration of the sacraments, serves to confirm that this must be in accordance with the legal rules applying in the Church of England as a whole. (See also paras 5.4.1 – 10 of this Code.)

In some cases, the life of a fresh expression of church begins in a home or another private context and does not involve the administration of the sacraments. An example might include a network of cells meeting across a benefice, with each member also attending a eucharist regularly in one of the parish churches. The ordering of non-sacramental worship in such a context is not prescribed or limited by the Canons of the Church of England, and the use of authorized liturgy is not required.

When worship is conducted in public, or when it involves the administration of the sacraments (whether in public or in private), however, attention needs to be paid to the relevant legal requirements (including Measures and Canons) and to the authorized liturgy.

## **3. The Relevant Canons**

The attention of those responsible for worship in mission initiatives governed by a Bishop’s Mission Order is drawn to Canons B1 to B5A, of the Canons of the Church of England, which deal with the forms of service authorised or allowed by Canon law (including the *Common Worship* services referred to in paragraphs 4.1-3 below), and also the “ecumenical canons”, Canons B43 and B44. (The first of these has

---

<sup>18</sup> This is prescribed by Canon law and made by all ordained ministers. In the context of affirming the faith professed by the Church of England, the minister declares that “in public prayer and the administration of the sacraments I will use only the forms of service which are authorized or allowed by Canon”.

been amended by Amending Canon No 2 - which accompanied the Measure, to deal specifically with Bishops' Mission Orders, while the second deals with local ecumenical partnerships- see paras 4.5.3 – 13 of this Code).

Canon B 5 permits the minister conducting a service to 'make and use variations which are not of substantial importance' in authorised forms of service. In addition, Canon B4 permits the Archbishops or the bishop to approve forms of service for use on occasions for which no other provision is made, while Canon B5 allows a minister having the cure of souls<sup>19</sup> to use or permit the use of forms of service which he or she considers suitable on such occasions. In all these cases, the variations or form of service must be 'reverent and seemly' and 'neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter'. If any question is raised concerning the observance of Canon B 5, it may be referred to the bishop 'in order that he may give such pastoral guidance, advice or directions as he may think fit'.

Canon B 3 deals with decisions as to which of the authorized services are to be used. Where the decision relates to a service (other than the occasional offices) in a church or building licensed for public worship, it is to be taken jointly by the incumbent and the parochial church council. Where an initiative under a Bishop's Mission Order holds services elsewhere, these will be subject to the provisions of Order itself; it is good practice for decisions about the ordering of worship to be taken collaboratively by those authorized to lead the initiative together with a representative group from the community, and the forms of worship should be kept under regular review.

#### **4. Provision in Common Worship**

##### **4.1 A Service of the Word**

A Service of the Word (*Common Worship*, pages 19-27) provides a minimal outline structure for developing worship in a fresh expression of church. *New Patterns for Worship* (Church House Publishing, 2002) offers an abundance of particular resources and texts for use within that structure. Texts for use at most points in the service may also be devised locally.

##### **4.2 A Service of the Word with Holy Communion**

In the administration of the sacraments, the orders of service authorised and allowed by Canon are of necessity somewhat more restricted than for the Service of the Word, but A Service of the Word with Holy Communion (*Common Worship*, page 25) provides a framework which none the less offers considerable flexibility)

##### **4.3 Services of Initiation**

---

<sup>19</sup> An incumbent or priest in charge will fall within this category, as will some team vicars and assistant curates.

The authorized liturgies for baptism, confirmation and affirmation of baptismal faith are published in *Common Worship: Christian Initiation* (2006), together with 'Rites on the Way' for use with those preparing for Christian initiation. Particular attention should be paid to the notes and rubrics in the Baptism service – not least to identify those parts of the service that may be either omitted or paraphrased.

**5. The authorisation and training of ministers**

Where there is appropriately such variety in forms of worship and an expectation of continuous reflection, development and journey, it is vital that careful attention is paid to initial and continuing training and formation in liturgy for those called to lead worship in fresh expressions of church.

**6. The role of the Visitor in the development of worship**

As with every part of the Visitor's work, this dialogue about the development of worship within the framework set by the canons and Common Worship should be conducted in a context of mutual trust and respect and a desire to strike the most helpful balance between the needs of the mission context and the riches of the tradition at this particular point in the journey of the community.

## Appendix 4

### **Priests (Ordination of Measure 1993 - Schedule I Resolution A**

#### **Opinion**

1. We have been asked by the Revision Committee for the draft Dioceses, Pastoral and Mission Measure (“the DPMM”) to advise on the effect of Resolution A in Schedule I to the Priests (Ordination of Women) Measure 1993 (“the 1993 Measure”), where it has been passed by the parochial church council (“PCC”) of a parish, in relation to:
  - (a) the acts of a woman priest exercising her ministry within the geographical area of the parish but for the purpose of or in connection with a mission initiative endorsed by a Bishop’s mission order under Part V of the DPMM; and
  - (b) the acts of a woman minister of a Church other than the Church of England conducting a service of Holy Communion or some other service otherwise than accordance with the rites of the Church of England. We understand it is thought that this situation may also arise in connection with a mission initiative under Part V of the DPMM in cases where the Bishop’s mission order makes provision for some form of ecumenical co-operation with the other Church concerned.

#### **The relevant provisions of the 1993 Measure**

2. Section 3(1) of the 1993 Measure gives power to the PCC, subject to certain conditions and restrictions, to pass either or both of Resolutions A and B in Schedule I to that Measure. Resolution A in Schedule is in the following terms:

“That this parochial church council would not accept a woman as the minister who presides at or celebrates the Holy Communion or pronounces the Absolution in the parish”.
3. When such a resolution is in force, section 3(6) provides that “a person discharging any function in relation to the parish or benefice concerned shall not act in contravention of the resolution”. (This is subject to an exception for parish church cathedrals, and there are other special provisions in the 1993 Measure relating to cathedrals, but we have assumed that the questions raised by the Revision Committee are not intended to apply to cathedral parishes.) Special provision is made for guild churches in section 3(8), and section 3(10) goes on to define “parish” for the purposes of section 3 as meaning an ecclesiastical parish or a conventional district.
4. Under section 5(b) it is an offence against the laws ecclesiastical “for any Bishop, priest or deacon to act in contravention of a resolution under section 3(1) above or to permit any act in contravention of such a resolution to be committed in any church or any building licensed for public worship according to the rites so and ceremonies of the Church of England”.

#### **The scope of Resolution A**



5. Leaving aside the question in paragraph 1(b) above, and dealing solely with Anglican ministers, it seems to us that, the words of Resolution A, taken alone, are ambiguous as to whether any and every service of Holy Communion within the geographical area of the parish at which a woman presides or which a women celebrates, and any and every instance where a woman pronounces the Absolution within that geographical area, amounts to a contravention of the resolution.
6. However, we consider that the better view, taking the 1993 Measure as a whole, is that Resolution A does not apply to acts which are not the concern of the PCC and in relation to which the PCC has no specific responsibilities. Resolution A itself is not expressed in terms of a blanket prohibition on women celebrating the Holy Communion or pronouncing the Absolution within the parish, but begins with the words:

“This parochial church council would not accept a women as the minister who ...”

and in our view this itself indicates that the resolution is not intended to extend beyond the ambit of the PCC’s control and specific responsibilities to areas (whether geographical or otherwise) which are not the concern of the PCC and where it is thus not for the PCC to “accept” or “decline to accept” the priestly ministry of a woman.

7. Section 2(2) of the Parochial Church Councils (Powers) Measure 1956 (“the 1956 Measure”) as amended gives the PCC a number of general functions, including:

“co-operation with the minister in promoting in the parish the whole mission of the church, pastoral, evangelistic, social and ecumenical”.

The PCC also has specific functions under the 1956 Measure, including functions in relation to the financial affairs of the church and the care of the church and churchyard which were vested in the churchwardens before July 1921 (when the predecessor to the 1956 Measure was passed). However, it seems to us that none of these functions relate to the activities of a priest who is ministering lawfully in the parish but independently of the “minister” for the purposes of the 1956 Measure, nor do we think that the PCC’s general functions give it any specific responsibility in relation to the acts of such a priest, except in so far as the priest carries out her ministry in the parish church or some other place for which the PCC has responsibility. Even if the PCC could exercise its general duty under section 2(1) of the 1956 Measure to consult with the minister on matters of general concern and importance to the parish, and its power under section 7(v) to make representations to the Bishop with regard to any matter affecting the welfare of the church in the parish, in relation to those activities, that would not give the PCC any real control over or responsibility in relation to them. Thus, on the construction suggested in paragraph 6 above, they would also lie outside the scope of Resolution A if the PCC had passed that Resolution.

8. In our view that construction is supported by other relevant provisions of the 1993 Measure. In particular:
  - (a) It is clear from section 3(10) of the 1993 Measure that the PCC of a conventional district can pass resolutions A and/or B. The implication of this must we think be that although a conventional district is in law part of the parish, it is to be treated as distinct from that parish so far as the resolutions under section 3(1) are concerned. Thus the position as regards the ministry of a women priest in the conventional district is to be governed by whether and if so which resolutions had

been passed by the PCC of the conventional district and not by anything done by the PCC of the “main” parish.

- (b) The same would also seem to be true of a guild church, by virtue of section 3(8).
  - (c) Section 3(6) provides that where a resolution under section 3(1) is in force, “a person discharging any function in relation the parish or benefice concerned shall not act in contravention of the resolution” (our underlining). We consider that “in relation to the parish or benefice” should be construed as referring to functions relating to the ecclesiastical institution of the parish or benefice, and not as covering anyone who has any functions at all, whether ecclesiastical or secular, in relation to the whole or part of the geographical area.
9. Any other construction would also give rise to obvious problems under section 1 of the Extra-Parochial Ministry Measure 1967 (“the 1967 Measure”) and its associated exception to Canon C8, paragraph 4. Under section 1, if a person is on the church electoral roll of a parish other than that in which he or she resides, the minister of the parish where he or she is on the roll may perform offices and services in his or her home without the consent of the minister of the place where they are performed “to the like extent and the like circumstances as he performs offices and services at the homes of his parishioners resident in the parish”. Particularly in view of the final words quoted, we do not think it can have been intended that the parish priest of the parish where the person concerned was on the electoral roll could not, for example, pronounce the absolution for that person if he or she was at home and suffering from a life-threatening illness.

## **Section 2 of the Extra-Parochial Ministry Measure 1967**

10. This issue raised by the Revision Committee is somewhat similar to that which has already arisen in relation to women priests licensed to minister on the premises of institutions such as hospitals, schools or colleges under section 2 of the Extra-Parochial Ministry Measure 1967. It has been suggested that paragraph 25 of the Code of Practice on the 1993 Measure issued by the authority of the House of Bishops in January 1994 supports the view that, where the institution is within the geographical area of a parish whose PCC has passed Resolution A, that Resolution prohibits the woman priest from celebrating the Holy Communion or pronouncing the Absolution. However, in our view, even on the assumption that paragraph 25 could be taken into account in arriving at the proper interpretation of the 1993 Measure, it is too ambiguous to provide any real support for such a construction.
11. The reasoning set out in paragraphs 5-9 above leads us to the conclusion that where a PCC has passed Resolution A, it does not apply to the acts of a woman priest who is licensed to an institution under section 2 of the 1967 Measure, and holds no parochial appointment, except to the extent that she is conducting worship in the parish church or some other place licensed for public worship for which the PCC is responsible, with the consent or at the invitation of, say, the incumbent or the sequestrators during a vacancy in the benefice.

## **Part V of the DPMM**

12. Applying the same reasoning, our view is that where a PCC has passed Resolution A, it would not extend to a woman priest in the position described in paragraph 1(a) above, who was exercising her ministry within the geographical area of the parish but for the purpose of or in connection with a mission initiative endorsed by a Bishop’s mission order under Part V of the DPMM, and who held no parochial appointment, unless again she was

conducting worship in the parish church or some other parochial place of worship for which the PCC was responsible (for example by virtue of a provision included in the order under clause 47(14) of the DPMM).

### **Non-Anglican Ministers**

13. Finally, as to the question posed in paragraph 1(b) above, we are in no doubt that Resolution A does not affect a woman minister of a Church other than the Church of England conducting worship according to rites other than those of the Church of England. Without attempting to set out exhaustively all the provisions in the 1993 Measure itself that make this clear, we would point out that such a woman minister would not fall within the scope of section 5(b) and that there would be no obvious way of seeking to enforce the 1993 Measure against her or her Church.

Stephen Slack  
Sir Anthony Hammond  
Ingrid Slaughter

31st March 2006