

**ILLUSTRATIVE
DRAFT CODE OF PRACTICE**

**TO BE MADE BY THE HOUSE OF BISHOPS
UNDER SECTION 4 OF THE BISHOPS AND
PRIESTS (CONSECRATION AND
ORDINATION OF WOMEN)
MEASURE 20[--]**

Definitions and interpretation

In this Code the following expressions have the following meanings:

- ‘the Act of Synod’ means the Episcopal Ministry Act of Synod 1993;
- ‘the Measure’ means the Bishops and Priests (Consecration and Ordination of Women) Measure 20[--];
- ‘the 1986 Measure’ means the Patronage (Benefices) Measure 1986;
- ‘the 1993 Measure’ means the Priests (Ordination of Women) Measure 1993;
- ‘benefice meeting’ means a meeting of the kind referred to in paragraph 57 of this Code;
- ‘complementary bishop’ means a person exercising episcopal functions under section 4(6) of the Measure;
- ‘functions’ means any functions exercisable under any Measure of the Church of England or other enactment or any Canon or other instrument or otherwise, and includes powers and duties;
- ‘PCC’ means the parochial church council of a parish;
- ‘Petition 1’ means Petition 1 set out in paragraph 55 of this Code;
- ‘Petition 2’ means Petition 2 set out in paragraph 55 of this Code; and
- ‘petitioning parish’ means a parish the PCC of which has requested arrangements to be made for it under the Measure and this Code.

This Code applies to a guild church designated and established under section 4 of the City of London (Guild Churches) Act 1952 as it does to a parish, reading references to the PCC as references to the guild church council of the guild church and references to the incumbent as references to the vicar of the guild church.

Introduction

1. In deciding to admit women into the episcopate the Church of England has committed itself to opening all orders of ministry to men and women. It has done so out of a conviction that this is consonant with the faith of the Church as the Church of England has received it and a proper development in proclaiming afresh in this generation the grace and truth of Christ.
2. A number of other churches within the Anglican Communion have already admitted women to all orders of ministry. Some of the Church of England's ecumenical partners have also abolished any gender distinction in their own choice and selection of ministers. Nevertheless, there remain churches within the Anglican Communion where one or more orders of ministry is not open to women. In addition, two great Christian traditions – the Roman Catholic and the Orthodox – continue to ordain only men as bishops and priests.
3. Against that background, and in the light of the fact that the reception of this development remains an open question¹, the Church of England has committed itself to seeking to ensure that those who, as a matter of theological conviction, remain unable to receive the ordained ministry of women as priests and bishops should be able to receive pastoral and sacramental care in a way that is consistent with their convictions. Their convictions are within the spectrum of Anglican teaching and tradition and are deserving of respect.
4. The legislation enabling women to become bishops within the Church of England enshrines this principle. Equally, it imposes certain obligations on those who, on theological grounds, cannot receive the ministry of women as bishops and priests or those ordained by them. They are required, under the Canons, to accept that the Church of England has decided to admit men and women equally to holy orders and that those whom the Church has duly ordained and appointed to office are the lawful holders of their office and are to be accounted as such by all – with all that that implies in terms of due respect and lawful obedience.
5. Respect and graciousness will be necessary from everyone if the Church of England is successfully to be able to sustain a diversity of arrangements unique in Christian history. The Church of England has, for many centuries, had a tradition of encompassing, within the limits of its liturgies, formularies and order, an unusually wide range of convictions on matters of faith and order. Since the first women were ordained to the priesthood by it in 1994, the Church of England has drawn on this tradition in order to find practical solutions to problems which may, at first sight, have appeared insoluble. The admission of women to the episcopate creates a new set of challenges and opportunities which will, similarly, need to be worked through in a spirit of forbearance, Christian charity and mutual accountability.
6. The House of Bishops remains committed to maintaining the highest possible degree of communion within the Church, especially within its own collegial life. Collegial understandings of episcopacy will be key to the working out in relational

¹ On the issue of reception, see *Women Bishops in the Church of England?*, the report of the House of Bishops' Working Party on Women in the Episcopate (2004), pages 102 to 113.

terms of what is prescribed in this Code. The fact that the Code is collectively agreed by the House of Bishops is itself of ecclesiological significance, as will be bishops' continuing working relationships with each other within dioceses, in regional bishops' meetings and as members of the College of Bishops. This exercising of collegiality reflects the extent to which "*bishops exercise individually a ministry which is shared by the them as a body*"².

7. This Code cannot attempt to cover every situation that may arise. In drawing it up, the House of Bishops has, however, sought to provide as much clarity and precision as possible, conscious as it is that both are important prerequisites for the creation of the trust and respect that are required.
8. There were many calls during the long series of Synod debates over women in the episcopate for there to be more trust and less prescription. An excess of regulation can, indeed, be inimical to creating a climate of trust.
9. Equally, too much uncertainty over rights, responsibilities and expectations can impoverish the soil in which trust is expected to grow. In this Code the House of Bishops has attempted to cover all those areas where it believes that the duty to 'have regard to' the provisions of the Code, imposed by section 5 of the Measure on all those discharging functions within the Church of England, should apply.
10. The expectation of the House is that bishops and others exercising functions within the Church of England will consistently act in accordance with the provisions of this Code. If in a particular instance and after careful consideration, they do not do so, they will need to be able to point to 'cogent reasons' (in the sense explained in paragraph 12 below) arising from the particular circumstances concerned.
11. This is because, although the contents of this Code are not binding in law in the same way as provisions contained in a Measure would be, a recent decision of the House of Lords³ suggests that a statutory code of practice represents guidance that has to be considered with "*great care*". It "*is much more than mere advice which an addressee is free to follow or not as he chooses*".⁴ The House of Lords also acknowledged it to remain the case that the content of a statutory code of practice does not have the binding effect which a statutory provision or a statutory instrument would have.
12. What this means is that where there is more than one reasonable view as to the right policy to be adopted, it remains lawful for a decision-maker to adopt a policy that is different from the policy contained in a statutory code, provided that he or she can give "*cogent reasons*" for doing so – that is to say, provided that he or she can provide reasons that are spelled out clearly, logically and convincingly. "*The requirement that cogent reasons must be shown for any departure from [a statutory code] sets a high standard that is not easily satisfied*".⁵ If a decision-maker cannot satisfy that standard, his or her decision is liable to be set aside by the High Court on an application for judicial review.

² *Bishops in Communion*, GS Misc 580, page 28.

³ *R (on the application of Munjaz) v Mersey Care NHS Trust* [2005] UKHL 58.

⁴ *Ibid*, per Lord Bingham at paragraph 21.

⁵ *Ibid*, per Lord Hope at paragraph 99.

Parity of esteem

13. The Church of England remains committed to Resolution III. 2 of the Lambeth Conference 1998 *“that those who dissent from, as well as those who assent to, the ordination of women to the priesthood and episcopate are both loyal Anglicans.”*
14. It follows that, other than where differences of treatment are a necessary consequence of the arrangements put in place under the legislation and this Code for those who, as a matter of theological conviction, cannot receive the ordained ministry of women, all office holders and others exercising functions within the Church of England should exercise their responsibilities even-handedly and without reference to a person’s gender or to their convictions in relation to the ordination or consecration of women.
15. In particular, except as is necessary to give effect to the provisions of the legislation and this Code, no candidate either for ordination or for appointment should be treated differently by any person or body in the Church of England on the grounds of their gender or their convictions concerning the ordination or consecration of women.

Consecrations and ordinations

16. Where a person to be consecrated bishop has indicated that he intends to make a declaration under section 2(1)(b) of the Measure, the archbishop of the province should respect his views by arranging, where he so requests, for the consecration to be conducted by bishops who are male. In addition, where a bishop is to be consecrated to one of the sees nominated under section 3 of the Measure the archbishop should arrange for him to be consecrated by bishops who have themselves made a declaration under section 2(1)(b) of the Measure.
17. Where the archbishop of the province appoints a bishop to act on his behalf in the consecration of a bishop, the form of service should include a metropolitanical commissioning of the new bishop’s ministry. Reflecting the commitment to maintaining the highest possible degree of communion, other bishops present who do not join in the act of consecration, but who will themselves be ministering alongside the new bishop, should participate in the other parts of the service.
18. A diocesan bishop who has made a declaration under section 2(1)(b) of the Measure should make arrangements for the ordination of women to the priesthood in his diocese by another bishop.

Support for women’s ministry

19. A diocesan bishop who has made a declaration under section 2(1)(b) of the Measure should also arrange for there to be an adviser on women’s ministry in his diocese, who should be invited to report from time to time to the bishop’s council. The adviser will, in addition to providing support to ordained women and those seeking ordination, be responsible for drawing the diocesan bishop’s attention to matters of concern affecting female clergy and making such recommendations as he or she thinks fit. The adviser should also, as necessary, consult the bishop

whom the diocesan bishop has invited to conduct ordinations of women to the priesthood in the diocese.

Role of the complementary bishop

20. A bishop invited by the diocesan bishop under section 4 of the Measure to exercise episcopal functions in relation to a parish that has petitioned under this Code (see below) is described in the Measure and this Code as a ‘complementary bishop’.
21. The nature of the working relationship between the diocesan bishop and the complementary bishop will, in the nature of things, vary according both to local circumstances and to whether the complementary bishop is an occupant of one of the suffragan sees nominated by the archbishop of the province under section 3 of the Measure, another diocesan bishop, a suffragan bishop from another diocese or a suffragan or stipendiary assistant bishop from within the diocese.
22. Where the complementary bishop holds a see which is not within the diocese, the diocesan bishop should consider whether there would be advantage in inviting him to become an assistant bishop in the diocese. The complementary bishop should also, where practicable, be invited to attend the diocesan bishop’s senior staff meetings, in which it would be desirable for him to play as full a part as possible.
23. The diocesan bishop and the complementary bishop share the responsibility for ensuring that the needs and interests of petitioning parishes are fully taken into account in the formulation and implementation of diocesan policies.
24. Decisions on matters of pastoral reorganisation should, in relation to all parishes within the diocese, be taken by the diocesan bishop (except to the extent that he or she has delegated them to another bishop under the powers of delegation available to him or her). In any case where proposals may affect a petitioning parish, the relevant complementary bishop should be consulted and any views that he expresses should be taken into account before a decision is taken.
25. It will be the responsibility of the complementary bishop to encourage parishes in relation to which they exercise episcopal functions to continue to play as full a part as possible in the normal life of the deanery and diocese and to co-operate fully with the archdeacons and diocesan officers.
26. The holders of the suffragan sees nominated by the archbishops under section 3 of the Measure should from time to time advise the archbishops on the operation of episcopal functions in parishes that have petitioned and may draw attention to such general issues arising from the relationship between diocesan bishops and complementary bishops generally as seem to them to raise issues of principle.

Delegation of episcopal functions to a complementary bishop

27. The authority of the complementary bishop to act in relation to petitioning parishes will be received by delegation from the diocesan bishop. That delegation will be effected by an instrument of delegation made by the diocesan bishop under the power conferred by the Measure. When a diocesan bishop executes an instrument

of delegation under the Measure, he or she should send a copy of it to the Church Commissioners, the Dioceses Commission and the diocesan registrar (who should file a copy in the diocesan registry).

28. Once made, an instrument of delegation can be revoked or varied by the diocesan bishop at any time; but he or she should not revoke its application to a petitioning parish unless the parish rescinds its petition. Nor, whilst an instrument of delegation remains in force in relation to a petitioning parish, should the diocesan bishop seek to exercise any delegated functions him- or herself in relation to that parish.
29. An *illustrative* draft instrument of delegation is set out in the Annex to this Code. It is designed to show the entire range of functions that a diocesan bishop may delegate in suitable cases. The expectation is that delegation on this scale may well be necessary in many cases where parishes in the diocese have passed Petition 1, whereas in the case of parishes that have passed Petition 2 it may be acceptable to delegate a less extensive range of functions.

General principles governing delegation

30. It will be for the diocesan bishop to decide who should exercise episcopal functions in relation to a particular petitioning parish and, where episcopal functions are to be delegated to a complementary bishop, precisely which functions to entrust to him, taking account of the form in which the petition was passed and such other information concerning the theological convictions of the parish as the diocesan bishop considers relevant. To inform himself of those convictions, after receiving a petition from a petitioning parish and before making any arrangements in relation to it, the diocesan bishop should (personally or through a representative) consult the incumbent/priest-in-charge and the PCC of the petitioning parish.
31. It is open to a petitioning parish to inform a male diocesan bishop that, even though it has passed a petition, it would be content for him to continue to exercise episcopal functions in relation to the parish himself. (It may, for example, have passed a petition simply with a view to being able to decline the priestly ministry of women in the parish, and be content to continue to receive the ministry of the diocesan bishop so long as that office continues to be held by a man.) In that event, the diocesan bishop can continue to exercise episcopal functions in relation to the petitioning parish himself.
32. In other cases it will be for the diocesan bishop, after consulting the incumbent/priest-in-charge and the PCC, to decide whether the complementary bishop selected to exercise episcopal functions in relation to a petitioning parish should be the holder of one of the suffragan sees nominated by the archbishop of the province under section 3 of the Measure, some other male suffragan bishop (whether from the same or another diocese), a male stipendiary assistant bishop from within the diocese or another male diocesan bishop, and whether the complementary bishop should have made a declaration under section 2 of the Measure (and, if so, in which form). But where the PCC of a petitioning parish informs the diocesan bishop that it wishes the complementary bishop exercising episcopal functions in relation to the parish to be the holder of one of the suffragan

sees nominated by the archbishop of the province under section 3 of the Measure, the expectation is that the bishop should give effect to that request.

33. As to the range of functions to be delegated to the complementary bishop, subject to the provisions of the Measure and of the relevant Canons, the guiding principle should be for the diocesan bishop to put in place arrangements which reflect the theological convictions expressed on behalf of the petitioning parish, neither entrusting to the complementary bishop functions which the parish is content for the diocesan bishop to exercise, nor refusing to entrust those which need to be exercised by the complementary bishop given the convictions which have been expressed.
34. Thus, for example, where a parish has passed Petition 2 there may be no difficulty over a female diocesan bishop presiding at Holy Communion when she visits the parish. In the case of a parish that has passed Petition 1, this would clearly not be possible and any such responsibility would need to be entrusted to the complementary bishop.
35. Furthermore, in the latter case it may be necessary, in order properly to reflect the theological convictions expressed on behalf of the parish, to delegate a wider range of episcopal functions, along the lines indicated in the illustrative draft instrument of delegation in the Annex, whereas in the case of a parish which has passed Petition 2, it may suffice to transfer only those functions which involve the exercise of authority in relation to the parish and its clergy and other licensed ministers.

Delegation of particular episcopal functions

36. Section 4 of the Measure identifies six particular functions about which there will need to be clarity. The first concerns the celebration of the sacraments and other divine service. The instrument of delegation will, in particular, need to specify the responsibilities of the complementary bishop in relation to celebrating Holy Communion and conducting confirmations and baptisms within the petitioning parish. The instrument will also specify the responsibility of the complementary bishop in relation to authorising services in the parish and conducting services for the consecration of new church buildings.
37. The second area concerns pastoral care. Under Canon C 18.1 the diocesan bishop is "*the chief pastor of all that are within his diocese, as well laity as clergy*". Where a parish has petitioned under this Code the diocesan bishop will, however, entrust to the complementary bishop such of his or her pastoral responsibilities in relation to that parish as need to be exercised by the complementary bishop having regard to the theological convictions which have been expressed on behalf of the parish.
38. The third area concerns disciplinary functions. In relation to petitioning parishes the diocesan bishop should entrust to the complementary bishop responsibility for such powers as he or she would normally exercise under the Clergy Discipline Measure 2003 or the Ecclesiastical Jurisdiction Measure 1963. The complementary bishop should be supported in his responsibilities in that respect by the archdeacons, the diocesan registrar and other diocesan officers.

39. Fourthly the instrument of delegation should specify the respective responsibilities of the diocesan bishop and the complementary bishop in relation to the appointment of clergy in petitioning parishes and to working with the archdeacons in relation to appointments and institutions. In particular it should specify responsibilities for institutions to all vacant benefices, whether of the bishop's own collation or on the presentation of others, and of admitting by licence to all other vacant ecclesiastical offices.
40. The instrument would also need to specify the responsibility of the complementary bishop in relation to the exercise of patronage, both where the right to present rests with the diocesan bishop and where the bishop has powers to exercise in relation to patronage decisions taken by others.
41. Fifthly, the instrument should make clear what responsibilities the complementary bishop has in relation to the holding of visitations within the parish and the conducting of ministerial reviews.
42. It is important that clergy and readers in petitioning parishes are subject to the same systems of review as licensed ministers in other parishes in the diocese. In many cases it will be desirable for ministerial reviews to be conducted by the same person in petitioning and non-petitioning parishes (just as, for example, there have previously been examples where female archdeacons have conducted ministerial reviews in parishes which have petitioned under the Act of Synod.)
43. Nevertheless, responsibility for overseeing the ministerial review process and also, where necessary, engaging with any capability issues, may be matters for the complementary bishop under the instrument of delegation.
44. Sixthly, the instrument of delegation should specify the responsibilities of the complementary bishop in relation to conducting ordinations and in taking decisions on candidates seeking ordination. The complementary bishop should be supported in the exercise of these responsibilities by the diocesan director of ordinands.

Parish petitions

45. With the coming into force of the Measure, PCCs can no longer pass Resolutions A or B under the 1993 Measure. However, any resolutions already passed will remain in force until:
 - (a) the PCC rescinds them (which it may do at any time);
 - (b) in the case of a resolution passed by the PCC of a parish in a multi-parish benefice, the PCC of any other parish in that benefice passes a resolution stating that it wishes the resolution to cease to have effect; or
 - (c) five years after the coming into force of the Measure (i.e. [*insert date*]).

whichever first occurs. In addition, the General Synod has now rescinded the Act of Synod, so that parishes can no longer petition for extended episcopal oversight under the arrangements that it put in place.

46. Parishes which, on grounds of theological conviction, are unable to receive the priestly or episcopal ministry of women will therefore need, in future, to petition for arrangements in accordance with this Code.
47. Although the Act of Synod has been rescinded, transitional arrangements made at the time it was rescinded mean that the extended episcopal oversight provided under it for those parishes which had already petitioned will, so far as possible and unless parishes request otherwise, continue until 12 months after the rescission of the Act of Synod so that parishes have time to consider whether to petition under this Code. Parishes which had petitioned under the Act of Synod and which wish to consider petitioning under this Code are therefore encouraged to set the necessary process in motion as soon as this Code comes into force.
48. A petition to a diocesan bishop under this Code should be made by the relevant PCC. A petition may not be made by the chapter of a cathedral church.
49. Where a PCC makes a petition under this Code, the diocesan bishop should (subject to paragraphs 52 and 53 below) make arrangements, in accordance with this Code, for episcopal functions to be exercised in relation to the parish in accordance with this Code.
50. Where a PCC has presented a petition it may at any time rescind it. Subject to paragraph 53 below, the diocesan bishop should in that event bring to an end any arrangements made in relation to the parish in accordance with this Code.
51. Where a PCC has presented a petition, it should review its decision before its fifth anniversary and before each subsequent fifth anniversary.
52. The diocesan bishop should not act on a petition if:
 - (a) the incumbent or priest-in-charge of the benefice concerned is a woman; or
 - (b) there is a vacancy in a benefice and the PCC has decided to petition at any time after a meeting held under section 12 of the 1986 Measure.
53. The diocesan bishop would not be expected to act upon a petition, or a decision to rescind a petition, unless satisfied that:
 - (a) before considering the resolution in question the PCC had sought views on it from an annual or special parochial church meeting, duly convened and held in accordance with the Church Representation Rules;
 - (b) (except where notice of a vacancy had been sent to the secretary of the PCC under section 7(4) of the 1986 Measure) the secretary of the PCC had given members of the PCC at least four weeks notice both of the time and place of the meeting at which the motion proposing the resolution in question was to be considered and of the terms of the motion to be proposed;
 - (c) the meeting had been attended by at least one half of the members of the PCC entitled to attend and a majority of those present and voting had voted in favour of the motion proposing the resolution; and
 - (d) the incumbent or priest-in-charge was in favour of the resolution in question, whether or not he had been present and voted.

If the diocesan bishop was not satisfied that all these conditions were met, he or she would nonetheless retain the discretion to act on a petition, or a decision to rescind a petition, if, in his or her opinion, it were desirable in all the circumstances to do so.

54. The secretary of the PCC should send a copy of any petition, and of any resolution rescinding a petition, to the diocesan bishop, the rural/area dean of the deanery, the lay chair of the deanery synod, the registrar of the diocese, the designated officer under the 1986 Measure and the registered patron(s) of the benefice.
55. A petition made under this Code may be in one of two forms:

Petition 1

“That this parochial church council is unable, on grounds of theological conviction, to receive the priestly or episcopal ministry of women and therefore requests the diocesan bishop to make arrangements for it in accordance with the Code of Practice under section 4 of the Bishops and Priests (Consecration and Ordination of Women) Measure 20[--]”; or

Petition 2

“That this parochial church council is unable, on grounds of theological conviction, to accept a woman as incumbent (or priest-in-charge of the benefice or as a team vicar for the benefice) or the episcopal oversight of a woman and therefore requests the diocesan bishop to make arrangements for it in accordance with the Code of Practice under section 4 of the Bishops and Priests (Consecration and Ordination of Women) Measure 20[--]”.

56. (The reason for providing for two forms of petition is that parishes which had previously passed Resolution A (and possibly also Resolution B) and petitioned under the Act of Synod are likely to want to consider passing the wider form of petition (Petition 1), whereas those parishes which are open to women presiding at Holy Communion but may previously have passed Resolution B only may prefer the more limited form of petition (Petition 2).)

Petitions by parishes in multi-parish benefices

57. Special arrangements will apply in the case of multi-parish benefices. Where the PCC of one or more of the parishes in such a benefice has passed a petition, the secretary to the PCC or PCCs concerned should send a copy of it to the secretaries of the other PCCs in the benefice, giving at least eight weeks notice of a meeting of representatives of all the PCCs (‘the benefice meeting’). On receiving such notice, each of the other PCCs should meet to discuss whether or not it would wish arrangements to be made for it in accordance with this Code. The PCC of every parish in the benefice should authorise two representatives to attend, speak and vote at the benefice meeting.

58. At the benefice meeting, those present should elect a chair of the meeting and, after discussion, decide by majority decision of those present, on a show of hands, whether to petition for arrangements to be made in accordance with this Code for all the parishes in the benefice. The two members attending from each PCC should be understood to be representatives of their parishes, not mandated delegates. They should therefore come to their own decision on how to vote in the light of the views of their PCC and any others expressed at the benefice meeting. At least one representative of each parish in the benefice should be present for a decision to be made.
59. If the benefice meeting decides that arrangements in accordance with this Code should be made for all the parishes in the benefice, the secretary to the PCC of the petitioning parish should send copies of the petition to the diocesan bishop, the other persons specified in paragraph 54 above and the secretaries of the PCCs of the other parishes in the benefice, requesting the diocesan bishop to make arrangements in accordance with this Code for all those parishes; and for the purposes of the Measure and this Code all the parishes in the benefice will be treated as petitioning parishes.
60. Subject to paragraph 52 above, on receiving the petition the diocesan bishop should make arrangements in accordance with this Code for episcopal functions to be exercised by a complementary bishop, and for the priestly ministry of women, in relation to all the parishes in the benefice.
61. If those attending the benefice meeting decide that arrangements in accordance with this Code should not be made for all the parishes in the benefice, the secretary to the PCC of the petitioning parish should report the outcome to the bishop. In such circumstances the bishop should make arrangements for episcopal functions to be exercised in relation to that parish in accordance with this Code. If the PCC of any petitioning parish has passed Petition 1, the bishop should also seek to ensure that there is a regular celebration of Holy Communion in that parish by a priest whose ministry the parish will be able to receive.
62. Where a benefice meeting has decided that arrangements should be made in accordance with this Code for all the parishes in the benefice, the PCC of any of those parishes may at any time convene a benefice meeting (conducted in the manner described in paragraph 58 above) with a view to rescinding the earlier decision.
63. In the event that a majority of those attending the benefice meeting agree that it be rescinded and that arrangements in accordance with this Code should accordingly no longer be made for all the parishes in the benefice, the diocesan bishop should bring to an end any arrangements made in relation to the parishes in accordance with this Code – subject to the bishop making arrangements for episcopal functions to continue to be exercised in accordance with this Code in relation to any parish which has passed and not rescinded a petition and seeking to ensure that there is a regular celebration of Holy Communion in any parish which has passed and not rescinded Petition 1 by a priest whose ministry that parish will be able to receive.

64. A benefice meeting should in any event be convened before the fifth anniversary of the earlier decision, and before each fifth anniversary thereafter, to review the earlier decision.

Arrangements in relation to individual clergy and lay ministers

65. There may be circumstances where, although a PCC does not wish to pass a petition, its incumbent or another priest or deacon, deaconess, reader or other lay minister licensed to the parish is unable on grounds of theological conviction to receive the episcopal ministry of women. In these cases bishops should endeavour to put arrangements in place which, while consistent with the views of the parish, respect the theological convictions of the clergy or lay ministers concerned.
66. The variety of such possible arrangements does not make it sensible to attempt to cater for them all in this Code but they might, for example, include agreeing that candidates presented for confirmation by an incumbent unable to receive the episcopal ministry of women would normally be confirmed by a male bishop. They might also provide that, in the event of disciplinary proceedings, the relevant powers should be exercised by a complementary bishop.
67. Bishops should also, so far as possible, ensure that suitable arrangements are in place in relation to ministers in chaplaincies and other non-parochial roles who, on grounds of theological conviction, cannot receive the priestly or episcopal ministry of women.

Parochial ministry

68. Under section 3 of the 1993 Measure any person discharging any function in relation to a parish or benefice where Resolutions A or B applied was prohibited from acting in contravention of the resolution. That will continue to be the case for so long as resolutions passed before the Measure came into operation remain in force (ie until the parish rescinds them or [*insert date*], whichever is the sooner).
69. Except where those transitional provisions apply, the position in relation to petitioning parishes will, in future, derive from the Measure and this Code. In particular, where a parish has petitioned under this Code and the diocesan bishop has made arrangements for episcopal functions to be exercised in accordance with this Code in relation to the parish, anyone exercising functions in relation to the parish should do so in a manner consistent with the decision of the parish and the arrangements made as a result.
70. Thus, in particular, where a parish has passed either Petition 1 or Petition 2 (or both), those exercising patronage functions in relation to the parish should respect the decision of the parish.
71. Similarly, where a parish has passed Petition 1, those responsible for ensuring, during a vacancy, that services of Holy Communion are held regularly in the parish should respect the decision of the parish.

**Illustrative draft instrument of delegation to a complementary bishop under s. 4 of the Bishops and Priests (Consecration and Ordination of Women) Measure 20[-
-]**

[**Diocesan Bishop's Name**] by Divine Permission [BISHOP OF [Diocese]] to our Right Reverend Brother in Christ [**Complementary Bishop's Name**] by Divine Permission BISHOP OF [**Complementary Bishop's Title**] Health and [Love in the Lord

WHEREAS we desire to avail ourselves of the assistance of you the said [**Complementary Bishop's Name**] Bishop of [Diocese / See] to exercise and perform the episcopal functions hereinafter mentioned and authorised by this instrument

NOW THEREFORE we the said [**Diocesan Bishop's Name**] Bishop of [Diocese] acting under the powers and provisions of Section 4 of the Bishops and Priests (Consecration and Ordination of Women) Measure 20[--] **DO** by this instrument **DELEGATE** to you the said [**Complementary Bishop's Name**] Bishop of [**Complementary Bishop's Title**] such of our episcopal functions within our Diocese of [Diocese] as are hereinafter set out

Functions in relation to petitioning parishes

1. The following functions may be exercised, at all times until this instrument shall cease to have effect as hereinafter provided, in relation to any parish in our Diocese which is for the time being a petitioning parish:

Celebration of the sacraments and other divine service

- (a) To celebrate the sacraments of Holy Communion and Holy Baptism in the petitioning parish;
- (b) To administer the rite of confirmation in the petitioning parish;

- (c) To consecrate new churches, churchyards and burial grounds in the petitioning parish; and
- (d) To exercise, in relation to the petitioning parish, the functions of the diocesan bishop under Canons B 2.2A (approval of continued use of forms of service), B 3.4 (determination of form of service to be used for an occasional office), B 6.5 (approval of Hold Days for local observance), B 14A.1 (dispensation from the requirement to hold certain forms of worship), B 15A.3 (determination in relation to admission to Holy Communion), B 16 (directions in relation to the exclusion of notorious offenders from Holy Communion), B 18 (approvals in relation to the preaching of sermons), B 24.2 (receipt of notice of the baptism of those of riper years), B 27.1 (ministry of the rite of confirmation), B 38.6 (directions in relation to the burial of the dead), B 40 (permission for the celebration of Holy Communion elsewhere than in consecrated buildings) B 41 (licensing under the Extra-Parochial Ministry Measure 1967), and F 10 (directions in relation to the application of alms).

Pastoral care

- (e) To provide pastoral care to the clergy, deaconesses, readers, lay workers, churchwardens and people of the petitioning parish.

Discipline

- (f) To exercise the functions of the diocesan bishop under the Ecclesiastical Jurisdiction Measure 1963 in relation to clergy of the petitioning parish;
- (g) To exercise the functions of the diocesan bishop under the Clergy Discipline Measure 2003 in relation to clergy of the petitioning parish;
- (h) To exercise discipline in relation to deaconesses, readers and lay workers licensed to the petitioning parish;
- (i) To exercise the visitatorial jurisdiction of the diocesan bishop in relation to the petitioning parish; and
- (j) To exercise the functions of the diocesan bishop under any grievance procedure from time to time issued by the Archbishops' Council under the Ecclesiastical Offices (Terms of Service) Regulations 20[--] where that procedure is invoked by or against any clergy of the petitioning parish.

Appointments of clergy in petitioning parishes

- (k) To exercise any power of presentation enjoyed by the bishop of the diocese in relation to the petitioning parish and to exercise any other powers, and discharge any duties, of the bishop of the diocese in relation to the patronage of the petitioning parish;
- (l) To collate or institute to the benefice of the petitioning parish any priest nominated or presented to it;
- (m) To license clergy to the petitioning parish;
- (n) To license deaconesses, readers and lay ministers to the petitioning parish;
and
- (o) To exercise the functions of the diocesan bishop under Canons D 1 (authorization), D2 (admission) and D 3 (licensing) in relation to deaconesses licensed or to be licensed to the petitioning parish, under Canons E 4 (authorization), E 5 (admission) and E 6 (licensing) in relation to readers licensed or to be licensed to the petitioning parish and under Canons E 7 (authorization) and E 8 (admission and licensing) in relation to lay workers licensed or to be licensed to the petitioning parish.

Ministerial development review

- (p) To undertake the ministerial development review of the clergy of the petitioning parish in accordance with any scheme from time to time issued by the diocesan bishop under the Ecclesiastical Offices (Terms of Service) Regulations 20[--]; and
- (q) To promote the ministerial development of the clergy of the petitioning parish.

Capability procedure

- (r) To exercise the functions of the diocesan bishop in any capability procedure established by directions issued from time to time by the Archbishops' Council under the Ecclesiastical Offices (Terms of Service) Regulations 20[--] in relation to any clergy of the petitioning parish.

Sponsorship of candidates for ordination training from petitioning parishes

- (s) To exercise the functions of the diocesan bishop in relation to the sponsorship of candidates from the petitioning parish for ordination training; and
- (t) To ordain to the holy orders of deacon and priest persons being ordained to an ecclesiastical office in the petitioning parish.

Miscellaneous

- (u) To perform the functions of the diocesan bishop under Canons [... ?] and F 16.

Functions in relation to the clergy and licensed lay workers of non-petitioning parishes who have conscientious objections to the priestly and episcopal ministry of women

- 2. The following functions may be exercised, at all times until this instrument shall cease to have effect as hereinafter provided, in relation to any clergy, deaconesses, readers and lay workers of the diocese of the kind identified in s.4(3) of the Bishops and Priests (Consecration and Ordination of Women) Measure 20[--]:
 - (a) To exercise the functions of the diocesan bishop under the Ecclesiastical Jurisdiction Measure 1963 in relation to such clergy;
 - (b) To exercise the functions of the diocesan bishop under the Clergy Discipline Measure 2003 in relation to such clergy;
 - (c) To exercise the functions of the diocesan bishop under any grievance procedure from time to time issued by the Archbishops' Council under the Ecclesiastical Offices (Terms of Service) Regulations 20[--] in relation to such clergy;
 - (d) To [... ?]

Other functions

3. The following functions may be exercised , at all times until this instrument shall cease to have effect as hereinafter provided:
 - (a) To be our Commissary and perform such other functions peculiar and appropriate to the Order of Bishops within our Diocese as may from time to time be agreed in writing between us with a view to giving effect to the Bishops and Priests (Consecration and Ordination of Women) Measure 20[--] and the Code of Practice made under it; and
 - (b) To [... ?].

Interpretation

4. In this instrument:
 - (a) “the clergy of the petitioning parish” means the incumbent or priest-in-charge of the benefice comprising a petitioning parish and any clergy licensed to, or to whom a special cure of souls has been assigned in respect of, that parish; and
 - (b) “petitioning parish” means a parish which is a petitioning parish for the purposes of the Bishops and Priests (Consecration and Ordination of Women) Measure 20[--][].

Duration

5. This instrument shall remain in effect until modified or determined by us.

IN WITNESS whereof we have hereunto set our hand and caused our Episcopal Seal to be hereunto affixed this **[Day]** day of **[Month]** in the Year of Our Lord Two Thousand and **[Year]** in the **[Consecration Year]** Year of our Consecration **[and in the [Translation Year] Year of our Translation]**

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