

# Draft Bishops and Priests (Consecration and Ordination of Women) Measure (No. 3)

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## A DRAFT OF A MEASURE

To make provision for the consecration of women bishops and for the continuation of provision for the ordination of women priests and to repeal the Priests (Ordination of Women) Measure 1993; and for connected purposes.

### **1 Provision for consecration of women bishops and ordination of women priests**

- (1) It shall continue to be lawful for the General Synod to make provision by Canon for enabling a woman to be ordained to the office of priest if she otherwise satisfies the requirements of Canon Law as to the persons who may be ordained as priests.
- (2) It shall be lawful for the General Synod to make provision by Canon for enabling a woman to be consecrated to the office of bishop if she otherwise satisfies the requirements of Canon Law as to the persons who may be consecrated as bishops.
- (3) The Priests (Ordination of Women) Measure 1993 (1993 No. 2) is repealed.
- (4) The transitional provisions set out in Schedule 1 shall have effect.

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### **2 Declaration by bishop relating to women bishops and priests**

- (1) A male bishop of a diocese may make the following declaration –
  - (a) that he will not ordain a woman to the office of priest; and
  - (b) that he will not participate in the consecration of a woman to the office of bishop.
- (2) A declaration of a bishop under subsection (1) shall, unless it is made by virtue of section 4(5), be made –
  - (a) in the case of a bishop in office at the commencement date, within the period of 1 month from that date, and
  - (b) in the case of a bishop appointed to his office after that date, within the period of 1 month from the date on which his election to that office is confirmed.
- (3) A declaration by a bishop under subsection (1) shall be contained in a written notice signed by him.
- (4) A bishop who has made a declaration under subsection (1) may by written notice signed by him withdraw the declaration.

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- (5) A copy of any notice given under subsection (3) or (4) shall be sent to the following—
- (a) Her Majesty;
  - (b) the archbishop of the province concerned;
  - (c) the secretary of the diocesan synod of the diocese concerned; 5
  - (d) the registrar of the province concerned;
  - (e) the registrar of the diocese concerned.
- (6) Where the bishop of a diocese who has made a declaration under subsection (1) and not withdrawn it ceases to hold that office, the declaration shall continue in force until a new bishop is appointed and then, immediately, cease to have effect. 10

### 3 Parishes

- (1) Subject to subsection (3), where—
- (a) the bishop of the diocese is a woman, or
  - (b) being a man, the bishop of the diocese has not made, or has made but withdrawn, a declaration under section 2, 15
- a parochial church council of a parish may pass a Resolution either in the form set out as Resolution A or in the form set out as Resolution B in Schedule 2.
- (2) Subject to the following provisions of this section a parochial church council which has passed a resolution under subsection (1) may by resolution rescind it, and the first-mentioned resolution shall continue in force until rescinded. 20
- (3) A motion for a resolution in the form either of Resolution A or of Resolution B set out in Schedule 2 shall not be considered by a parochial church council if the incumbent or priest-in-charge of the benefice concerned or a team vicar for the benefice (or, in the case only of Resolution A, any assistant curate for that benefice) is a woman ordained to the office of priest or, in the case only of Resolution A, a priest ordained by a bishop who is a woman. 25
- (4) A resolution shall not be passed by a parochial church council under subsection (1) or (2) unless—
- (a) except where notice of a vacancy has been sent to the secretary of the council under section 7(4) of the Patronage (Benefices) Measure 1986, the secretary of the council has given to the members of the council at least four weeks' notice of the time and place of the meeting at which the motion proposing the resolution is to be considered; and
  - (b) the meeting is attended by at least one half of the members of the council entitled to attend. 30
- (5) A copy of any resolution passed by a parochial church council under subsection (1) or (2) shall be sent by the secretary to the council to the following— 35
- (a) the bishop of the diocese concerned;
  - (b) the rural dean of the deanery concerned; 40
  - (c) the lay chairman of the deanery synod concerned;
  - (d) the registrar of the diocese concerned;
  - (e) the designated officer for the diocese concerned, within the meaning of section 7(5) of the Patronage (Benefices) Measure 1986;

- (f) the registered patron of the benefice concerned, within the meaning of section 39(1) of that Measure.
- (6) Where a resolution under subsection (1) above is in force a person discharging any function in relation to the parish or benefice concerned shall not act in contravention of the resolution. 5
- (7) Subsections (1) to (6) and Schedule 2 shall apply in relation to a guild church designated and established under section 4 of the City of London (Guild Churches) Act 1952 (15 & 16 Geo. 6 & 1 Eliz. 2 c.xxxviii) as they apply in relation to a parish, but as if the references to the parochial church council of the parish were references to the guild church council of the guild church. 10
- (8) A parish whose parochial church council has passed a Resolution under subsection (1) is referred to in this Measure as a “petitioning parish”.

#### 4 Complementary Episcopal Arrangements 15

- (1) The bishop of the diocese, on receiving a copy of a resolution passed by a parochial church council under section 3(1) shall select a person, in accordance with subsection (4), who shall exercise, in relation to the petitioning parish, the episcopal functions specified under Regulations made under this section. 15
- (2) Any episcopal functions exercised under this section shall be known as “transferred functions” and arrangements made under this section for the exercise of such episcopal functions shall be known as “complementary episcopal arrangements”. 20
- (3) The archbishop of each province shall nominate one or more suffragan sees in his or her province from which the holders may be selected to exercise transferred functions in cases where they are selected by the diocesan bishop under subsection (4). 25
- (4) Subject to subsections (5) and (6), transferred functions may be exercised—
- (a) by a suffragan bishop selected by the diocesan bishop from the holders of the sees nominated under subsection (3) who is a man;
  - (b) any suffragan bishop selected by the diocesan bishop whether or not that suffragan bishop holds a see in the diocese in question who is a man; 30
  - (c) a stipendiary assistant bishop of the diocese in question selected by the diocesan bishop who is a man; or
  - (d) any diocesan bishop of another diocese selected by the diocesan bishop who is a man. 35
- (5) Any person who is selected to exercise transferred functions under subsection (4)(a) or (d) shall, if he has not already done so, make a declaration under section 2.
- (6) Before selecting a bishop to exercise transferred functions under subsection (4) the diocesan bishop shall consult the parochial church council of the petitioning parish to which the transferred functions relate and that council may require the functions to be exercised by a suffragan bishop selected under subsection (4)(a). 40
- (7) A person exercising transferred functions under this section shall be known as a “complementary bishop”. 45

- (8) Where the secretary to the council has sent a copy of a resolution under section 3(2) rescinding a resolution under section 3(1) the complementary episcopal arrangements shall cease to apply in relation to the parish in question from the date of the receipt by the bishop of the copy of the resolution. 5
- (9) Regulations made by the House of Bishops shall make provision for carrying this Measure into effect and, without prejudice to the generality thereof, may make provision for the matters set out in subsection (10). 5
- (10) Regulations shall specify the transferred functions, being episcopal functions which appear to the House of Bishops to relate to—
- (a) the celebration of the sacraments and other divine service; 10
  - (b) pastoral care;
  - (c) disciplinary arrangements relating to the clergy of the petitioning parish;
  - (d) ministerial review of the clergy of that parish;
  - (e) appointments to ecclesiastical offices in that parish; and 15
  - (f) sponsorship of candidates for ordination training from that parish.
- (11) Regulations may also specify any other functions which appear to the House of Bishops to be appropriate to be exercised by a complementary bishop.
- (12) Regulations may make provision for the procedure for giving effect to any provision of this Measure including provision for consultation between the diocesan bishop and the complementary bishop in specified circumstances or in relation to specified functions and may contain such additional, consequential, incidental, supplementary and transitional provisions as appear to the House of Bishops to be necessary or appropriate, including amendments to any Measure or other enactment or Canon of the Church of England or other instrument. 20  
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- (13) A draft of any Regulations shall be laid before the General Synod and, if they are approved by the General Synod, whether with or without amendment, the draft Regulations shall be referred to the House of Bishops.
- (14) Where draft Regulations are referred to the House of Bishops under subsection (13) then— 30
- (a) if they have been approved by the General Synod without any amendment, the House of Bishops shall make the Regulations;
  - (b) if they have been approved by the General Synod with amendment, the House of Bishops may either— 35
    - (i) make the Regulations as so amended, or
    - (ii) withdraw the draft Regulations for further consideration in view of any amendment by the General Synod,
- and the Regulations shall not come into force until they have been made by the House of Bishops. 40
- (15) Where the Business Committee of the General Synod determines that draft Regulations do not need to be debated by the General Synod then, unless—
- (a) notice is given by a member of the General Synod in accordance with its Standing Orders that he or she wishes the draft Regulations to be debated, or 45
  - (b) notice is so given by any such member that he or she wishes to move an amendment to the draft Regulations,

the draft Regulations shall, for the purposes of subsections (13) and (14), be deemed to have been approved by the General Synod without amendment.

- (16) The Statutory Instruments Act 1946 (.....) shall apply to any Regulations made by the House of Bishops under subsection (9) as if they were a statutory instrument and as if this Measure were an Act providing that any such Regulations should be subject to annulment in pursuance of a resolution of either House of Parliament.

## 5 Ecclesiastical offences

It shall be an offence against the laws ecclesiastical, for which proceedings may be taken under the Clergy Discipline Measure 2003 (2003 No. 3) –

- (a) for any bishop to act in contravention of a declaration under section 2(1); or
- (b) for any bishop, priest or deacon to act in contravention of a resolution under section 3(1) 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 and ceremonies of the Church of England.

## 6 Benefices in the patronage of the Crown etc.

- (1) Section 3 shall apply in relation to a Crown benefice and to a benefice the patronage or a share of the patronage of which is vested in the Lord Chancellor as it applies in relation to any other benefice.
- (2) In this section “Crown benefice” has the same meaning as in the Patronage (Benefices) Measure 1986 (1986 No.3).

## 7 Code of Practice

- (1) The House of Bishops shall draw up, and promulgate, guidance in a Code of Practice as to the exercise of any functions discharged in accordance with complementary episcopal arrangements and as to any other matters which arise under or in connection with this Measure.
- (2) Any Code of Practice issued under subsection (1) shall, in particular, include guidance as to –
  - (a) the appointment, consecration and authorisation of complementary bishops holding suffragan sees nominated under section 4(3), and
  - (b) consultation and co-operation between diocesan and complementary bishops on specified matters.
- (3) A Code of Practice issued under subsection (1) may also make special provision for clergy, deaconesses, readers and lay workers, whether in petitioning or other parishes, who are conscientiously unable to accept –
  - (a) a woman as the incumbent or priest-in-charge of a benefice or as team vicar for a benefice, or
  - (b) a woman as the minister who presides at or celebrates the Holy Communion or pronounces the Absolution, or
  - (c) the ministry of a woman as a bishop, or
  - (d) the ministry of a man ordained by a bishop who is a woman.

- (4) A Code of Practice may make different provision for different circumstances, including different provision for different persons or groups of persons and for different parishes.
- (5) The House of Bishops may amend or replace any Code issued under subsection (1) above by a further Code of Practice issued in accordance with this section. 5
- (6) A Code of Practice shall be laid in draft before the General Synod and, if it is approved by the General Synod, whether with or without amendment, the draft Code shall be referred to the House of Bishops.
- (7) Where a draft Code of Practice is referred to the House of Bishops under subsection (6) then— 10
- (a) if it has been approved by the General Synod without any amendment, the House of Bishops shall issue the Code;
- (b) if it has been approved by the General Synod with amendment, the House of Bishops may either— 15
- (i) make the Code as so amended, or
- (ii) withdraw the Code for further consideration in view of any amendment by the General Synod,
- and the Code shall not come into force until it has been issued by the House of Bishops. 20
- (8) Where the Business Committee of the General Synod determines that a Code of Practice does not need to be debated by the General Synod then, unless—
- (a) notice is given by a member of the General Synod in accordance with its Standing Orders that he or she wishes the Code to be debated, or
- (b) notice is given by any such member that he or she wishes to move an amendment to the Code, 25
- the Code shall, for the purposes of subsections (6) and (7), be deemed to have been approved by the General Synod without amendment.
- (9) Any person who discharges any functions shall be under a duty to have regard to any Code of Practice issued under this section. 30

## 8 Interpretation

In this Measure—

“benefice”—

- (a) does not include any office in a cathedral church; but 35
- (b) includes the office of priest-in-charge of a district which is constituted a conventional district for the cure of souls;

“commencement date” means the day appointed, under section 10(2), for the coming into force of this Measure;

“functions” means any functions exercisable under any Measure or other enactment or any Canon or other instrument and includes powers and duties; and 40

“parish” means—

- (a) an ecclesiastical parish; and
- (b) a district which is constituted a conventional district for the cure of souls.



**9 Minor and consequential amendments**

The enactments specified in Schedule 3 shall have effect subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the provisions of this Measure.

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**10 Citation, commencement and extent**

- (1) This Measure may be cited as the Bishops and Priests (Consecration and Ordination of Women) Measure 20.....
- (2) This Measure shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint and different days may be appointed for different provisions.
- (3) Subject to the following provisions of this section this Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands.
- (4) This Measure may be applied to the Channel Islands, as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957, or either of them, in accordance with those Measures.
- (5) This Measure shall apply to the Isle of Man in accordance with the provisions of Schedule 4.]

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## SCHEDULES

## SCHEDULE 1

Section 1(4)

## TRANSITIONAL PROVISIONS

- |   |  |    |
|---|--|----|
| 1 | In this Schedule “the 1993 Measure” means the Priests (Ordination of Women) Measure 1993.  | 5  |
| 2 | Any resolution made under section 3 of the 1993 Measure and in force immediately before the commencement date shall continue in force from that date unless it is rescinded by a resolution passed by the parochial church council which made it under paragraph 3 of this Schedule and sections 3(6) and 5(b) shall apply in respect of any resolution which has effect under this paragraph as they apply in respect of a resolution under section 3(1). | 10 |
| 3 | The parochial church council which passed a resolution which continues in force under paragraph 2 may by resolution rescind it and section 3(4) and (5) shall apply in respect of any such resolution.   | 15 |

## SCHEDULE 2

Section 3(1)

## FORMS OF PARISH RESOLUTION

## RESOLUTION A

- |   |  |    |
|---|--|----|
| (1) That this parochial church council— | (a) would not accept a woman or a priest ordained by a bishop who is a woman as the minister who presides at or celebrates the Holy Communion or pronounces the Absolution in this parish or as the incumbent or priest in charge of the benefice or as a team vicar for the benefice, and   | 20 |
|   | (b) requests that, so long as no declaration by the bishop of the diocese that he would take part neither in the ordination of women to the office of priest nor in the consecration of women to the office of bishops is in force, or so long as a woman holds office as bishop of this diocese, complementary episcopal arrangements be made for the parish. | 25 |
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## RESOLUTION B

- |   |  |  |
|---|--|--|
| (2) That this parochial church council— | (a) would not accept a woman as the incumbent or priest in charge of the benefice or as a team vicar for the benefice, and |  |
|---|--|--|

- (b) requests that, so long as no declaration by the bishop of the diocese that he would take part neither in the ordination of women to the office of priest nor in the consecration of women to the office of bishop is in force, or so long as a woman holds office as a bishop of this diocese, complementary episcopal arrangements be made for this parish. 5

SCHEDULE 3

Section 9

MINOR AND CONSEQUENTIAL AMENDMENTS

Synodical Government Measure 1969

- 1 In the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969 (1969 No. 2) – 10
- (a) in rule 18(3)(iv) for the words “Priests (Ordination of Women) Measure 1993” there shall be substituted the words “Bishops and Priests (Consecration and Ordination of Women) Measure 200....”;
- (b) in rule 19 – 15
- (i) in paragraph (1)(c) for the words “Priests (Ordination of Women) Measure 1993” there shall be substituted the words “Bishops and Priests (Consecration and Ordination of Women Measure 200....” and;
- (ii) in paragraph (2) for the words “Priests (Ordination of Women) Measure 1993” there shall be substituted the words “Bishops and Priests (Consecration and Ordination of Women) Measure 2000...”; 20
- (c) in rule 20
- (i) in paragraph (1)(c) for the words “Priests (Ordination of Women) Measure 1993” there shall be substituted the words “Bishops and Priests (Consecration and Ordination of Women) Measure 200....”; 25
- (ii) in paragraph (2) for the words “Priests (Ordination of Women) Measure 1993” there shall be substituted the words “Bishops and Priests (Consecration and Ordination of Women) Measure 200....”;
- (d) in rule 21 – 30
- (i) in paragraph (1)(c) for the words “Priests (Ordination of Women) Measure 1993” there shall be substituted the words “Bishops and Priests (Consecration and Ordination of Women) Measure 200....”; and
- (ii) in paragraph (3) for the words “Priests (Ordination of Women) Measure 1993” there shall be substituted the words “Bishops and Priests (Consecration and Ordination of Women) Measure 200....”. 35

Pastoral Measure 1983

- 2 In the Pastoral Measure 1983 (1983 No.1) –
- (a) in section 20(8) after the words “Resolution A in Schedule 1 to the Priests (Ordination of Women) Measure 1993” there shall be inserted the words “Resolution A in Schedule 2 to the Bishops and Priests (Consecration and Ordination of Women) Measure 200....”; 40
- (b) in section 21(1) after the words “section 3(1) of the Priests (Ordination of Women) Measure 1993” there shall be inserted the 45

words “or section 3(1) of the Bishops and Priests (Consecration and Ordination of Women) Measure 200....”.

Patronage (Benefices) Measure 1986

- 3 In the Patronage (Benefices) Measure 1986 (1986 No.3)–
- (a) in section 11(1)(f) for the words “section 3(1) or (2) of the Priests (Ordination of Women) Measure 1993” there shall be substituted the words “Bishops and Priests (Consecration and Ordination of Women) Measure 200....”; 5
  - (b) in section 13(5) for the Proviso there shall be substituted the following proviso– 10  
 “Provided that this subsection shall not apply in respect of a benefice comprising a parish to which a resolution under section 3(1) of the Bishops and Priests (Consecration and Ordination of Women) Measure 200... applies, where the resolution is made solely on grounds of gender.”. 15
  - (c) In section 35(7) after the words “section 3(1) of the Priests (Ordination of Women) Measure 1993” there shall be inserted the words “or section 3(1) of the Bishops and Priests (Consecration and Ordination of Women) Measure 200...”.

Dioceses, Pastoral and Mission Measure 2007 20

- 4 In the Dioceses, Pastoral and Mission Measure 2007 (2007 No. 1)–
- (a) in section 13(1) for the words “Priests (Ordination of Women) Measure 1993” there shall be substituted the words “Bishops and Priests (Consecration and Ordination of Women) Measure 200.”;
  - (b) in section 14(1) for the words “Priests (Ordination of Women) Measure 1993” there shall be substituted the words “Bishops and Priests (Consecration and Ordination of Women) Measure 200.”; and 25
  - (c) in section 47(15) for the words “section 3(1) or 4(1) of the Priests (Ordination of Women) Measure 1993” there shall be substituted the words “section 3 of the Priests (Ordination of Women) Measure 1993 or section 3(1) of the Bishops and Priests (Consecration and Ordination of Women) Measure 200.”. 30