

Draft Bishops and Priests (Consecration and Ordination of Women) Measure

CONTENTS

- 1 Provision for consecration of women as bishops and ordination of women as priests
- 2 Duty of diocesan bishop to make arrangements
- 3 Parish requests
- 4 Benefices in the patronage of the Crown etc.
- 5 Code of Practice
- 6 Duty to have regard to Code of Practice
- 7 Equality Act exceptions
- 8 Interpretation
- 9 Consequential amendments
- 10 Repeals
- 11 Amendment etc of Measure or Canon
- 12 Citation, commencement and extent

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- Schedule 1 – Transitional Provisions
 - Schedule 2 – Letters of Request
 - Schedule 3 – Consequential Amendments
 - Schedule 4 – Repeals

A DRAFT OF A MEASURE

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

1 Provision for consecration of women as bishops and ordination of women as 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- (3) The Priests (Ordination of Women) Measure 1993 (No. 2) is repealed.
- (4) The transitional provisions set out in Schedule 1 shall have effect.

2 Duty of diocesan bishop to make arrangements

- (1) The bishop of each diocese shall be under a duty to make and publish a scheme containing arrangements in his or her diocese for the exercise, by way of delegation to a male bishop who is a member of the House of Bishops of the diocesan synod of that or another diocese, of episcopal ministry which appears to the bishop of the diocese to relate to—
 - (a) the celebration of the sacraments and other divine service in parishes which request such arrangements in accordance with section 3, or
 - (b) the provision of pastoral care to the clergy and parishioners in those parishes.
- (2) Within the period of 12 months from the commencement date the bishop of the diocese shall make the scheme under subsection (1), except that, if there is a vacancy in the see, the bishop appointed to fill the vacancy shall make the scheme as soon as practicable and, in any event, within 12 months from the date on which his or her election to that see is confirmed.
- (3) A scheme made under this section may include such additional arrangements for the exercise of episcopal ministry as the bishop thinks fit.
- (4) If the scheme made under this section does not include a statement by the bishop (if a man) that he will not, on grounds of theological conviction (whether of himself or of other persons in his diocese), ordain women to the office of priest, it shall be presumed, for the purposes of this Measure, that he will ordain women to the office of priest.

- (5) Where a scheme made under this section includes a statement by the bishop that he will not ordain women to the office of priest, the scheme shall make provision—
 - (a) for the ordination of female candidates for the office of priest, and
 - (b) for the support of the ministry of clergy who are women and their pastoral care.
- (6) The bishop shall review a scheme made under this section every 5 years and may, at any time, amend it or revoke it and make a further scheme.
- (7) A scheme in force under this section shall continue in force after another person becomes the bishop of the diocese but that bishop shall review the scheme as soon as practicable and, in any event, within the period of 12 months from the date on which his or her election to the see is confirmed.
- (8) Where the bishop reviews the scheme under subsection (7), the period of 5 years referred to in subsection (6) shall begin with the date of the review of the scheme under subsection (7).
- (9) When making, amending or reviewing a scheme made under this section the bishop shall, without prejudice to section 6, take account of the Code of Practice issued under section 5 and consult the diocesan synod of the diocese.
- (10) Any arrangements contained in a scheme made under this section shall have effect notwithstanding any instrument made or having effect as if made under section 13 or 14 of the Dioceses, Pastoral and Mission Measure 2007 (No. 1) or any scheme which continues in force by virtue of paragraph 5 of Schedule 6 to that Measure.
- (11) Where any function exercised in pursuance of arrangements contained in a scheme made under this section requires the application of the bishop's seal to a document, the document shall be issued as though it were a deed and be executed by the person authorised by the arrangements to discharge that function.

3 Parish requests

- (1) A parochial church council of a parish may pass a resolution in the form of a Letter of Request stating that, on grounds of theological conviction (whether of members of the council or of other persons), the council requests that episcopal ministry and pastoral care should be provided by a male bishop to the clergy and parishioners in the parish in accordance with the scheme under section 2.
- (2) A Letter of Request under subsection (1) shall be in the terms set out in Part I of Schedule 2.
- (3) Where—
 - (a) a notice of a vacancy in a benefice has been sent to the secretary of the parochial church council of a parish belonging to the benefice under section 7(4) of the Patronage (Benefices) Measure 1986 (No. 3) “(the 1986 Measure)”, or
 - (b) any of the circumstances specified in subsection (4) exist,the parochial church council of a parish belonging to the benefice may pass a resolution stating that, on grounds of theological conviction (whether of members of the council or of other persons), the council requests that only a male priest shall be appointed as the incumbent of or priest in charge for the benefice.

- (4) The circumstances referred to in subsection (3)(b) are that a suspension period is in force under section 85 of the Mission and Pastoral Measure 2011 (No. 3) or a restriction is in force under section 38 or 87 of that Measure and, in either case, no priest in charge of the benefice has been appointed or the priest in charge has left office, whether by reason of death or some other cause, or the bishop of the diocese becomes aware that the priest in charge will shortly leave his or her office.
- (5) Where the priest in charge has died or otherwise left office or the bishop of the diocese becomes aware that the priest in charge will shortly leave office, the bishop shall give notice of that fact or, in the case of circumstances other than death, such notice as he or she considers reasonable in all the circumstances, to the parochial church council of every parish belonging to the benefice.
- (6) A resolution passed under subsection (3) shall be in the form of a Letter of Request during a Vacancy in the terms set out in Part II of Schedule 2.
- (7) Where there is a priest in charge of the benefice neither he or she nor his or her spouse or civil partner (if a member of the parochial church council) shall attend a meeting at which a motion to pass a resolution under subsection (3) is to be considered.
- (8) The bishop of the diocese, having considered a Letter of Request under subsection (1), shall, if he or she is satisfied that the requirements of this section with respect to the issue of a Letter of Request have been complied with and after taking into account the provisions of the scheme made for the diocese under section 2(1) and any relevant provisions of the Code of Practice issued under section 5, send a written notice to the secretary of the parochial church council setting out arrangements to give effect to the Letter of Request which he or she considers are in accordance with the scheme.
- (9) Any person exercising functions in relation to the appointment of an incumbent of or priest in charge for a benefice shall take account of any Letter of Request during a Vacancy under subsection (3).
- (10) The parochial church council shall not issue a Letter of Request under subsection (1) or (3)(b) unless—
 - (a) the secretary of the council has given to the members of the council at least 4 weeks notice of the time and place of the meeting at which the motion proposing the resolution is to be considered;
 - (b) at least one of the conditions in subsection (12) is fulfilled; and
 - (c) in the case of a Letter of Request under subsection (1), the incumbent or priest in charge votes in favour of the motion.
- (11) Subject to subsection (13), the parochial church council shall not issue a Letter of Request during a Vacancy under subsection (3)(a) unless—
 - (a) the motion proposing the resolution has been considered at a meeting of the council held under section 11(1) of the 1986 Measure, and
 - (b) at least one of the conditions in subsection (12) is fulfilled.
- (12) The conditions referred to in subsections (10)(b) and (11)(b) are—
 - (a) that at least two-thirds of the members of the council who are entitled to attend are present when the motion is considered; and
 - (b) that a majority of the members of the council who are entitled to attend vote in favour of the motion.

- (13) Where the parish belongs to a benefice to which section 23(a) or (c) of the 1986 Measure applies, subsection (11)(a) shall not apply, but the parochial church council shall not issue a Letter of Request under subsection (3)(a) unless the motion proposing the resolution has been considered at a meeting of the council held within the period referred to in section 11(1) of that Measure and subsection (7) shall apply in relation to such a meeting as it applies in the circumstances mentioned in that subsection.
- (14) A resolution under subsection (1) shall remain in force for a period of 5 years unless withdrawn before the expiry of that period under subsection (15), without prejudice to the passing of a further resolution.
- (15) A resolution under subsection (1) may be withdrawn before it expires by a resolution of the parochial church council which passed it and subsection (10) shall apply in relation to the passing of such a resolution as it applies in relation to the passing of a resolution under subsection (1).
- (16) The number of members entitled to attend and attending the meeting and voting in favour of and against a resolution passed under this section shall be recorded in the Letter of Request.
- (17) On the receipt of a notice of a resolution passed under subsection (15) relating to a Letter of Request under subsection (1) or following the expiry of the resolution under subsection (1), the bishop of the diocese shall revoke the notice given under subsection (8) by a further notice sent to the parochial church council.
- (18) Where, after a notice has been given by the bishop under subsection (8), a further scheme has been made for the diocese under section 2(1) or the scheme has been amended and the bishop considers that the further or amended scheme materially affects the arrangements set out in the notice, he or she shall, in a further notice, make such amendments to the arrangements as he or she considers are in accordance with the scheme and the notice given under subsection (8) shall have effect accordingly.
- (19) A copy of any resolution passed under this section or of any notice given under subsection (8), (17) or (18) shall be sent to the following—
 - (a) (except in the case of a notice under subsection (8), (17) or (18)) the bishop of the diocese;
 - (b) the archdeacon of the archdeaconry in which the parish is situated;
 - (c) the rural dean of the deanery concerned;
 - (d) the lay chairman of the deanery synod;
 - (e) the registrar of the diocese;
 - (f) the designated officer for the diocese, within the meaning of section 7(5) of the 1986 Measure;
 - (g) the registered patron of the benefice, within the meaning of section 39(1) of the 1986 Measure; and
 - (h) the Chapter of the cathedral church of the diocese.
- (20) Where a notice given by the bishop of the diocese under subsection (8) is in force, a person discharging any function in relation to the parish or benefice concerned shall not act in contravention of the notice.

4 Benefices in the patronage of the Crown etc.

- (1) This Measure 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 1986 Measure.

5 Code of Practice

- (1) The House of Bishops shall draw up, and promulgate, guidance in a Code of Practice as to—
 - (a) the making of schemes under section 2,
 - (b) the exercise of episcopal ministry in accordance with the arrangements contained in such schemes,
 - (c) **the selection of male bishops and male priests in a manner which respects the grounds on which parochial church councils issue Letters of Request under section 3,**
 - (d) the exercise, by those involved in the making of an appointment of an incumbent of and a priest in charge for a benefice, of their functions in that regard where a Letter of Request is issued under section 3(3),
 - (e) the matters referred to in section 2(5), and
 - (f) such other matters as the House of Bishops considers appropriate to give effect to this Measure.
- (2) 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.
- (3) The House of Bishops may amend or replace any Code issued under subsection (1) by a further Code of Practice issued in accordance with this section.
- (4) A Code of Practice which contains provisions falling within Article 7 of the Constitution of the General Synod set out in Schedule 2 to the Synodical Government Measure 1969 (No. 2) shall be laid in draft before the General Synod and, after it has been considered by the General Synod, it shall be referred, with any amendment, to the House of Bishops to be dealt with in accordance with the provisions of Article 7 and the Standing Orders of the Synod relating thereto and subsections (5) to (8) shall not apply.
- (5) A Code of Practice which does not contain provisions falling within Article 7 of the Constitution of the General Synod shall be laid in draft before the General Synod and, if it is approved by the General Synod without amendment, the Code shall be issued by the House of Bishops.
- (6) If the Code has been approved by the General Synod with amendment, it 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 the House of Bishops may either—
 - (a) make the Code as so amended, or
 - (b) 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 approved by the General Synod and issued by the House of Bishops.

- (8) Where the Business Committee of the General Synod determines that a Code of Practice which does not contain provisions falling within Article 7 of the Constitution of the General Synod 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,
- the Code shall, for the purposes of subsection (5), be deemed to have been approved by the General Synod without amendment.

6 Duty to have regard to Code of Practice

Any person who exercises any functions, whether episcopal or other functions, shall be under a duty to have regard to any Code of Practice issued under this Measure.

7 Equality Act exceptions

- (1) Section 50(3) and (6) of the Equality Act 2010 (c. 15) (“the Equality Act”) do not apply so far as they relate to sex or religion or belief, in relation to—
- (a) any arrangements contained in a scheme made by the bishop of a diocese under section 2,
 - (b) any Letter of Request issued by a parochial church council under section 3(1) or (3),
 - (c) any arrangements set out in a notice sent to the secretary of a parochial church council by the bishop of a diocese under section 3(8) or (18),
 - (d) any action taken in exercising functions relating to the appointment of a priest in order to take account of a Letter of Request issued by a parochial church council under section 3(3),
 - (e) any provision in a Code of Practice made under section 5, and
 - (f) the exercise of any function under section 6.
- (2) Subsection (1) is without prejudice to Schedule 9 to the Equality Act.

8 Interpretation

- (1) In this Measure—
- “bishop” includes “archbishop”;
 - “the commencement date” means the day appointed, under section 12(2), for the coming into force of section 1;
 - “episcopal ministry” includes the ministry of a bishop when performing a ministry which is also a ministry of a priest;
 - “functions” means any functions exercisable under any Measure or other enactment or any Canon or other instrument or otherwise and includes powers and duties;
 - “parish” means—
 - (a) an ecclesiastical parish, and
 - (b) a district which is constituted a conventional district for the cure of souls,
 but does not include a parish of which a cathedral is the parish church;

- “parishioner” includes any person whose name is entered on the church electoral roll of the parish.
- (2) Where a male bishop exercises episcopal ministry in a diocese by way of delegation in accordance with arrangements contained in a scheme made under section 2—
- (a) the legal authority which he has by virtue of such delegation does not affect, and is distinct from, the authority to exercise the functions of the office of bishop which that bishop has by virtue of his holy orders; and
 - (b) any such delegation shall not be taken as divesting the bishop of the diocese of any of his or her authority or functions.
- (3) Subject to subsections (4) and (5), this Measure 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) (“the 1952 Act”) as it applies to a parish, but as if—
- (a) the references to the parochial church council of the parish and the church electoral roll of the parish were references, respectively, to the guild church council and the church electoral roll of the guild church,
 - (b) the references to a benefice and the incumbent or priest in charge were references, respectively, to the guild church and the vicar of the guild church,
 - (c) “parishioner” meant any person whose name was entered on the church electoral roll of the guild church, and
 - (d) any reference to the registered patron of a benefice were a reference to the patron of the guild church.
- (4) Section 3 shall apply in relation to a guild church as if—
- (a) the reference in subsection (3)(a) to a notice of a vacancy in a benefice under section 7(4) of the 1986 Measure were a reference to a notification by the bishop of a vacancy or impending vacancy under section 9(1) of the 1952 Act,
 - (b) subsections (3)(b) and (4) were omitted,
 - (c) subsection (11)(a) were omitted and subsection (12) referred to attendance at any meeting of the guild church council held to consider a motion proposing a resolution to issue a Letter of Request under subsection (3), and
 - (d) subsection (19)(f) were omitted.
- (5) Section 4 shall apply in relation to a guild church as if the references in subsection (1) to benefices were references to a guild church of which the patron is Her Majesty or the Lord Chancellor and as if subsection (2) were omitted.

9 Consequential amendments

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

10 Repeals

The enactments mentioned in Schedule 4 are repealed to the extent specified in the second column of the Schedule.

11 Amendment etc of Measure or Canon

A motion for the final approval of a Measure or Canon of the Church of England which amends or repeals any provision of this Measure or of any Canon promulgated under section 1 shall not be deemed to be carried unless it receives the assent of a majority in each House of the General Synod of not less than two-thirds of those present and voting.

12 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 and the Isle of Man.
- (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) If an Act of Tynwald or an instrument made under an Act of Tynwald so provides, this Measure shall extend to the Isle of Man subject to such exceptions, adaptations or modifications as may be specified in the Act of Tynwald or instrument.

SCHEDULES

SCHEDULE 1

Section 1(4)

TRANSITIONAL PROVISIONS

- 1 Subject to paragraphs 2 and 3, any resolution passed under section 3(1) of the Priests (Ordination of Women) Measure 1993 (“the 1993 Measure”) and in force immediately before the commencement date shall, unless rescinded, continue in force for the period of 3 years commencing with that date and the provisions of Part II of that Measure, so far as they relate to resolutions under section 3(1), including the power to rescind a resolution under section 3(2), shall continue to apply to any such resolution.
- 2 Where a resolution in force under section 3(1) of the 1993 Measure relates to a benefice which comprises more than one parish, the parochial church council of any parish comprised in that benefice, other than the council which passed the resolution, may, before the expiry of the period of 3 years mentioned in paragraph 1, pass a resolution stating that it wishes the resolution to cease to have effect and where it does so, the resolution shall cease to have effect forthwith.
- 3 Where a resolution in the form set out as Resolution B in Schedule 1 to the 1993 Measure continues in force under paragraph 1 it shall, if it has not been rescinded or if it has not ceased to have effect under paragraph 2, cease to have effect upon the occurrence of any of the events mentioned in section 3(3)(a), (4) or (5) of this Measure.
- 4 No provision of Schedule 3 or 4 shall have effect in relation to a parish so long as a resolution continues in force under paragraph 1 in respect of that parish.

SCHEDULE 2

Section 3

LETTERS OF REQUEST

Part I

Letters of Request (Section 3(1) and (2))

- 1 Dear Bishop

Letters of Request made under section 3(1) and (2) of the Bishops and Priests (Consecration and Ordination of Women) Measure 20...

We write to inform you that at a duly convened meeting of the parochial church council of the parish of held on.... a resolution was passed requesting that, on grounds of theological conviction, episcopal ministry and pastoral care should be provided by a male bishop to the clergy and parishioners in accordance with arrangements contained in the scheme made for the diocese under section 2 of the Bishops and Priests (Consecration and Ordination of Women) Measure 200...

.... members were entitled to attend and the meeting was attended by members and members voted in favour of the motion members voted against the motion.

The incumbent/priest-in-charge voted in favour of the motion.

Signed
Incumbent/Priest-in-charge

Signed
Secretary of the Parochial Church Council

Part II

Letters of Request During a Vacancy (section 3(3), (4) and (6))

Dear Bishop/Registered Patron

Letters of Request made under section 3(3), (4) and (6) of the Bishops and Priests (Consecration and Ordination of Women) Measure 20...

[We are in receipt of the recently issued Notice from the designated officer/
bishop.]

We write to inform you that at a duly convened meeting of the parochial church council of the parish of held on a resolution was passed requesting that, on grounds of theological conviction, only a male priest shall be appointed as the next incumbent or priest in charge in accordance with the Code of Practice issued under section 5 of the Bishops and Priests (Consecration and Ordination of Women) Measure 20...

.... members were entitled to attend and the meeting was attended by members and members voted in favour of the motion, members voted against the motion

Signed
Secretary of the Parochial Church Council

SCHEDULE 3

Section 9

CONSEQUENTIAL AMENDMENTS

Synodical Government Measure 1969

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

Patronage (Benefices) Measure 1986

- 2 In the Patronage (Benefices) Measure 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 “section 3(3) of the Bishops and Priests (Consecration and Ordination of Women) Measure 20...”; and
 - (b) in section 35(7)(a), for the words “section 3(1) of the Priests (Ordination of Women) Measure 1993” there shall be substituted the words “section 3(3) of the Bishops and Priests (Consecration and Ordination of Women) Measure 200...”.

Dioceses, Pastoral and Mission Measure 2007

- 3 In the Dioceses, Pastoral and Mission Measure 2007 (No.1) –

- (a) in section 13(1), for the words “section 2 of the Priests (Ordination of Women) Measure 1993” there shall be substituted the words “section 2 of the Bishops and Priests (Consecration and Ordination of Women) Measure 20...”; and
- (b) in section 14(1), for the words “section 2 of the Priests (Ordination of Women) Measure 1993” there shall be substituted the words “section 2 of the Bishops and Priests (Consecration and Ordination of Women) Measure 20....”.

SCHEDULE 4

Section 10

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
1986 No. 3, The Patronage (Benefices) Measure 1986	In section 13(5), the Proviso.
2007 No. 1, The Dioceses, Pastoral and Mission Measure 2007	In section 17, in subsection (8), the words following the word “Dover”.
2011 No. 3, The Mission and Pastoral Measure 2011	In section 34(7), the Proviso. In section 35(1), the Proviso. In section 80, subsection (15).