

MISSION IN REVISION
A REVIEW OF THE MISSION AND
PASTORAL MEASURE 2011

A Guide for Members of General Synod

Prepared by the Pastoral and Closed Churches Team
of the Church Commissioners.

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Introduction

This pamphlet provides an introduction for members of General Synod on the Mission and Pastoral Measure 2011 (MPM), and the review of the legislation which began in 2019. Members need to be familiar with this work as legislation may be brought forward in the 2021-2026 sessions.

Background

In 2019 the Archbishop's Council re-convened the Legislative Reform Committee, that had previously operated as part of the Renewal and Reform programme, and asked them to develop a new programme of legal simplification, in order to modernise and streamline existing Church legislation and lighten the administrative burden on all parts of the Church.

The review of the MPM was identified as an early priority because all the processes are in primary legislation, which means that they cannot be altered or changed without an Act of Parliament. This matters because it means there is no way to ease the administrative burden of the processes on teams in dioceses

and parishes. For example, during the pandemic there was no way to move to electronic systems to manage the processes during lockdown because the legislation does not enable electronic working. The secular planning system was able to do this because they have modernised their legislation.

The Church Commissioners, who have the management responsibility for the legislation, were asked to complete an in-house review of the MPM and make recommendations for change. The review is being led by the Third Church Estates Commissioner and supported by the Pastoral and Closed Churches team, and a consultation paper was tabled at the July 2020 session of General Synod for discussion - *Mission in Revision* (GS2222). Sixteen people spoke in debate and the motion in favour of continuing the work was carried; 278 in favour, 2 against and 17 abstentions. A public consultation on the MPM was launched at the same time and closed in October 2021. The report on the consultation analysis has been tabled at the February 2022 session of Synod as **GS Misc. 1312**.

The Mission and Pastoral Measure 2011

What is the purpose of the legislation?

The purpose of the MPM is set out in its long title as being “to make better provision for the **cure of souls**” and the Measure imposes a duty on any person or body carrying out the functions to have due regard “to the furtherance of the mission of the Church of England”, which is defined as “the whole mission of the Church of England, pastoral, evangelistic, social and ecumenical.”

Today there are roughly, 13,000 parishes in England, 8,000 benefices and 16,000 church buildings, to which the Measure applies.

What does the legislation do?

The MPM is an administrative piece of legislation which enables bishops and their diocesan teams to work with patrons, clergy and parishes to organise certain aspects of worship, mission, and ministry in their diocese, to enable greater flexibility in the use of church buildings, and to manage

the disposal of church buildings no longer needed for regular public worship.

More specifically the MPM enables bishops to:

- Change and re-define the administrative areas for mission, which is formally known as pastoral reorganisation. This can include creating, altering, or dissolving parishes, benefices, deaneries, and archdeacons.
- Set up new mission initiatives and ministry structures, including team and group ministries (which involve different configurations of clergy).
- Make smaller changes, such as changing the name of a parish or the area of an archdeaconry.
- Share the space within the church with another user, by granting of a lease under faculty from the Consistory Court. (The Church still retains worship as its primary function).
- Provide a new use for a church building that has been closed for regular public worship.

- Provide for the appropriation and disposal of parts of churchyards.
- Changes to parsonage and patronage arrangements. A scheme may change which house will be used as a parsonage in a benefice and change patronage arrangements to suit the new geography.

This work is managed through legal instruments known as schemes and orders. There are a variety of instruments used depending on what is required. For example – a Bishop may set up a new mission initiative under a Bishop’s Mission Order. The boundaries of a parish may be changed through a Pastoral Scheme or Order.

Sometimes as a result of a scheme a clergy person may be dispossessed from their office.

How does the legislation work?

In order to achieve the changes listed above the Bishop and their diocesan teams are required to organise and manage consultation processes with local clergy, PCCs, parishioners, patrons, members of the public and other local partners

(e.g. civil parish councils). This usually starts with informal consultation, which is outside the requirements of the legislation, and then becomes formal consultation (under the requirements of the MPM). In brief – draft proposals are prepared and discussed, and possibly revised, and then published as either draft Schemes of Orders and people have a set period of time to respond, which is called making representations (either for or against a proposal). If no representations are received then the proposal goes ahead, but if representations are received, then the Mission, Pastoral and Church Property Committee (MPCPC) of the Church Commissioners makes the final decision.

The MPCPC is chaired by the Third Church Estates Commissioner and is made up of clergy and lay people from across the Church who are elected from General Synod and the Church Commissioners. More information about the committee can be found at: <https://bit.ly/3C5ZpCQ> .

If people wish to challenge the Church Commissioners’ decision on a particular proposal, there is a

right of appeal in certain matters to the Judicial Committee of the Privy Council (JCPC), which includes Supreme Court justices. For an appeal to be successful it has to be made on a point of law or process.

Why do we need legislation at all?

Prior to the 1830s the parish was a political unit of government, as well as a Church entity, and the only way to change a parish boundary was through an Act of Parliament. But in the latter part of the nineteenth century the Church sought more independence to manage its affairs and responsibility for making changes to boundaries was delegated to the Church over time. The parish is important because almost every citizen and parishioner in England has legal rights in relation to the Church of England:

- The right to be baptised.
- The right to be married in the parish church.
- The right to be buried
- The right to attend services.

In addition, the clergy have rights (in relation to the area of their benefice) and patrons have rights (in relation to the appointment of incumbents). This means that there needs to be consultation when changes are proposed and that is what the MPM does – it provides the necessary consultation mechanisms to facilitate decision making.

After World War II it was also recognised that legislation needed to be put in place to facilitate the closure and re-use of churches which were no longer needed for regular public worship. This was particularly important because of the high heritage quality of the Church of England buildings. The Church has 45% of the grade I listed buildings in the country. So the MPM made it possible for churches to be closed, and disposed of, by removing the legal effects of consecration and the requirements of the faculty system. A consultation mechanism is also used for those changes.

When was the legislation created?

The first Pastoral Measure became law in 1968, and since then it has

been reviewed and updated several times. The 2007 Diocesan, Mission and Pastoral Measure contains the legislation for the Dioceses Commission. The latest version of the legislation is the MPM 2011, which was consolidated in 2018. It has been 18 years since the last significant review of the legislation. The 1968 Measure also created the Churches Conservation Trust (CCT – see visitschurches.org.uk) which looks after 356 of the most historically significant churches. The CCT is jointly funded by the Church Commissioners and the Department for Digital, Culture, Media and Sport.

How much work is undertaken through the MPM?

Approximately 150 schemes a year for pastoral re-organisation will be completed under the MPM processes and the rate of church closure has remained at roughly 20-25 since the 1990s. Of those only 10% of schemes come to the Mission, Pastoral and Church Property Committee for consideration, and the vast majority of those are approved. The Commissioners may refuse a scheme, refer it back to the

diocese, or in certain situations amend the scheme.

Schemes under consultation are published on the CofE website – see - <https://www.churchofengland.org/consultation> .

How many churches have closed since 1969?

The Commissioners have settled the future of 2,013 churches, which represents approximately 12% of the total.

A report on how the closed churches have been used can be found with the supplementary papers for the review and directly from - <https://bit.ly/3EXC7RE> .

What happens to a church building once it is closed?

Once a church has been formally closed for worship it is looked after (vested in) by the Diocesan Board of Finance (DBF), rather than the PCC of the parish.

However, the PCC will continue to look after the open graveyard if there is one. There is then a period of use-seeking when the building is assessed and marketed to see what possible uses may be feasible. Generally speaking the

preferred re-uses are worship by another Christian denomination, or a community use of some kind (e.g. an arts venue). If that is not possible then other options, such as residential conversion for a single, or multiple, dwellings are also considered. Once a proposal has come forward a scheme will be published for that purpose and people are given the opportunity to make representations for or against a proposal. Various organisations, e.g. heritage bodies, are included in this process. The Commissioners do not generally dispose of a church unless planning permission and any listed building consents have been granted in relation to the future use.

The legislation states that if a use cannot be found then transferring (vesting) the church into the care of the CCT, (or other suitable trust), may be considered, for the most historically significant churches.

However, demolition also has to be considered as an alternative option, particularly for unlisted churches which are not in conservation areas. If demolition is taken forward then the scheme may need to be referred to the Secretary of State for the

Department of Levelling Up, homes and communities (LUHC), for a non-statutory public enquiry. The Church is allowed to consider financial factors when making decisions about demolition.

Generally speaking re-use is always preferred over demolition and demolition will always be very carefully considered before it is taken forward. However, demolition can sometimes help the Church fulfil its broader mission aims, for example if a site is sold and affordable housing is built in its place.

What happens to the proceeds of disposal?

At the moment the legislation requires the proceeds to be split 1/3rd to 2/3rd between the Church Commissioners and the dioceses. The Church Commissioners only use the funding to support the CCT, and the dioceses use the funding for furthering mission.

Some dioceses will return a portion of the proceeds to the local area where the church closed. £20m has been returned to dioceses in the last ten years.

Why are church buildings treated as assets?

A church is a sacred building which is set aside for worship and mission. That sacred quality does not cease when it is no longer needed for public worship, and it remains a symbol of the Christian faith. However, populations have always moved, and needs change over time, and the Church does need to be able to dispose of church buildings which are no longer pastorally required. The Church has a very stringent set of processes in place, through the MPM, to ensure that any eventual use is appropriate.

Both dioceses (through the DBF) and PCCs have fiduciary and trustee responsibilities in law and that means that they do need to consider the building as an asset when that is appropriate. Disposal brings further resources back to the Church for mission.

However, the legislation does allow for the Commissioners to exercise some judgement in relation to disposal, which means they do not have to consider the highest value offer if there are other offers which better suit the

needs of the Church (e.g. an alternative worship use).

The case for change

Why is there a need to change this legislation?

The regime which is underpinned by the MPM has its roots in the nineteenth century and some aspects of it do not fit well with the way the modern Church needs to operate and manage itself today. Modernising the Measure would enable the Church to create a more flexible approach which supports the future development of the parish system and the mixed ecology approach set out in the Church's vision and strategy.

There is also a long running concern that the Church's administrative processes create an unnecessarily heavy burden on clergy, on parish volunteers, and on diocesan staff teams, and the only way to reduce some of that burden is to change the requirements of legislation.

In the case of the MPM the processes cannot be made simpler without new legislation being brought forward.

Strengths/weaknesses of the current system

- The strength of the current system is that it provides a way for difficult decisions to be made in fair way.
- The Church Commissioners act as independent arbiters and there is right of appeal through the Judicial Committee of the Privy Council.
- It gives everyone a voice in the process, which is democratic and transparent.
- The weaknesses are that it is too complicated and not well understood.
- The processes can take years and that does not help further the mission of the local church. People may not want unpopular changes to be made, but it does not help a church community when uncertainty drags on for too long.
- There is a lot of unnecessary duplication – for example three stages of consultation – which could be simplified without removing people's rights to be heard.

- The process is not flexible enough in terms of facilitating the kinds of decision that need to be made in the future. The system is too rigid, which makes it harder for churches to experiment with new approaches and become more sustainable.
- There has been a significant drop in the number of people participating in the processes. The process should be proportionate and should seek to engage people with the decision making.
- The system requires a significant administrative staff to manage the processes. There is a desire to see less resource spent on managing these kind of processes so that more funding is available for mission.

What will happen next?

Following the publication of GS Misc. 1312, a white paper with actual proposals for change, will be debated at the July 2022 session of Synod, agenda allowing. If Synod approves the programme of work then draft legislation would be brought forward in 2023.

Glossary of Terms

We are aware that many of the terms used here have a technical legal meaning. A glossary of terms is available on the website in the guidance to the Mission and Pastoral Measure 2011 and is available to download here: <https://bit.ly/3C4iRjt> .

WHERE TO FIND FURTHER INFORMATION

There is a dedicated web page for the review of the Measure:

<https://www.churchofengland.org/MPM2011review>

GS 2222 Mission in Revision - A copy of the consultation paper can be downloaded from that Review Page or directly here: <https://bit.ly/3wzzl3n>

GS Misc 1312 – the analysis of the responses from the consultation on GS2222 can be found here:

<https://bit.ly/3L3P1kU>

A Frequently Asked Questions document addressing some of the common questions which have been raised with us during the consultation is available here:

<https://bit.ly/3n5o0n5>

Supplementary and further material including the report from the University of Oxford project is available on a dedicated page on the website which can be linked to here:

<https://bit.ly/3C4vMIC>

If you have any further queries, please e-mail the Pastoral and Closed Churches Team via the dedicated review e-mail:

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