

Submissions to the Revision Committee for the Mission and Pastoral Measure

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Submissions from members

The Revd Paul Benfield (Blackburn, 66)

Insert new clause

One of the difficulties parishes face is understanding the system and having sufficient knowledge to engage with it. There must be equality of arms – the diocese/Church Commissioners have experienced staff and lawyers whereas parishes are on their own navigating unfamiliar legislation and procedures, often being told that ‘there is no alternative’.

A way must be found of giving parishes and other interested parties sufficient information and help to engage with the process meaningfully. At the beginning of a process (whether parish led or diocesan led) the DMPC must make it clear in writing to affected PCCs and others interested parties the nature of the process and its possible effects. PCCs and others must be advised where they can obtain independent advice and legal support and who will pay for it. Recommendation 4 of GS2349P makes reference to legal advice but this needs to be explicit in the legislation. There is a problem that the diocesan registrar may be conflicted since he or she may be advising the MPC, but even if he is not, parishes and others may not see him as independent. There needs to be express statutory provision for independent legal advice.

Clause 5

5(1)

Insert bracket) after ‘section 1’.

Clause 6 (9) (b)

How do the Church Commissioners indicate that the MPC has had due regard to the guidance? Is it the Mission and Pastoral and Church Property Committee? – Is so clause 75 ought to make this clear since, as drafted clause 75 does not appear to make that a function of that committee. If not the MPCPM then who?

Clause 17

When a transfer has taken place how does the faculty jurisdiction work? Does the PCC still have to be involved with faculty applications? If so, it will still need to be intimately involved with the building management functions which might defeat the purpose of a transfer. Or does clause 17 (5) pass the PCC powers re the faculty jurisdiction to the transferee?

Clause 26

This clause removes the mandatory duty to provide 12 months accommodation currently found in Schedule 4 para 5 of the 2011 Measure. Clause 26 (7) states that the regulations *may* confer a right to accommodation. The right to accommodation should be mandatory and should be in the measure (and not left to the regulations which are easier to change and do not need the consent of the ecclesiastical committee of parliament)

The clause removes the right of a person to apply to a bishop for an additional payment on the grounds of hardship because under clause 25 (7) the regulations *may* enable a person to apply for an additional payment. This should be a mandatory requirement and the specifies grounds should be set out in the measure and not the regulations.

Clause 32 (4), (11).

Who gives consent on behalf of the Church Commissioners? If it is the MPCPC is there not a danger that it may pre-judge matters which may ultimately come before it for determination?

Clause 35 (1) and (4)

I am concerned that the measure does not require the appointment of a local person or persons as is currently the case with sequestrators under the Church of England (Miscellaneous Provisions) Measure 1992 whereby the churchwardens and rural dean are sequestrators. It is important that there is some local input when considering the duties under clause 35 (4) regarding provision for the ecclesiastical duties of the benefice.

Clause 35 (6) (a)

This should be deleted. It seems unfair on the parishioners of a benefice to see income from the benefice used by the bishop to introduce a pause period and prevent an incumbent being appointed.

Clause 43 (6)

The Revision Committee should consider carefully whether the removal of the need for a faculty for the granting of a lease in the cases mentioned is sensible. A faculty is currently required for the granting of all leases and the involvement of an independent judge protects the interests of all involved. The incumbent and PCC and MPC may not have the relevant legal skills to approve the lease and its terms. They may, for example, in a commendable desire to achieve the granting of a lease for some good reason, fail to ensure that the requirement of subsection 43 (2) that the part leased and the remaining part, taken as a whole, must be used primarily as a place of worship.

Clause 50

If I understand this section correctly, section 43 does not apply to guild churches. This means that a lease of part of a guild church will need the authority of a faculty whereas a lease of part of any other church will not need the authority of a faculty. I can see no reason for this distinction. The fact that the freehold of a guild church is vested in the Bishop of London (or in the case of St Lawrence Jewry, the City Corporation) does not seem to me to be a determining factor. However, I am not an expert on the City of London (Guild Churches) Act 1952 and there may be good reason!

Clause 69(2)

Does there need to be a definition somewhere of 'National Church Institution'? I cannot see one.

Should grants from other NCIs be subject to an order approved by General Synod in the same way as grants from the Church Commissioners?

Clause 88

I respectfully refer to the submission from Dr Colin Podmore, President of the Society for the Maintenance of the Faith and repeat its contents as part of my submission.

Schedule 2

I respectfully refer to the submission from Dr Colin Podmore, President of the Society for the Maintenance of the Faith and repeat its contents as part of my submission. (SEE PAGE 92)

DRAFT MISSION AND PASTORAL REGULATIONS

General Comment

The regulations are often restating provisions which are currently in the MPM 2011. However sometimes there are changes which may be significant -see for example my comment on Regulation 90 (6) below. The explanatory note does not make clear when such changes have been made. Therefore, the Revision Committee ought to examine the regulations carefully, comparing them to the current statutory provision, satisfying itself that changes are justified.

Regulation 11

Regulation 11(1) is difficult to understand. I note that this is a new provision and I am not clear what problem it is seeking to address. A properly drafted scheme or order should deal all parsonages houses so is this to cover a situation where the scheme or order fails to do that by oversight? Is it addressing the situation where 2 or more benefices may each have parsonage houses?

Would something like 'Where a pastoral scheme or order which provides for the dissolution of a benefice does not make provision for the parsonage house of the dissolved benefice the house becomes parsonage land of the new benefice in which it is situated.' be better?

Regulation 11 (2) is presumably seeking to address some problem, but I am not clear what that problem is. A properly drafted scheme or order should deal with all matters. I am unhappy with the words 'or in a direction given by the bishop' since it would appear that such a direction might transfer an incumbent to a new benefice without all the usual rights of representation which he or she would have had if the transfer had been made by the scheme or order. Or have I misunderstood?

Regulations 40-42

See my comments under clause 26 of the Measure. More of the provisions should be in the measure rather than the regulations.

Regulation 89 (1) (d)

I am not clear to me why the MPC needs a policy on pause periods. The decision whether or not to issue a pause notice is one for the bishop in accordance with the statutory provisions in clause 32 of the measure. I suggest this provision should be omitted.

Regulation 90 (6)

I am concerned with the final words which are not in section 90 (5) of the 2011 measure. It is difficult to see why it would not be practical or appropriate to hold a meeting. These words should be deleted.

Regulation 93 (7)

There should be added a provision about notice. Something like:

Either: that the secretary is required to cause notice of the scheme to be given at all acts of worship within the parish by oral notice and/or on a notice sheet given to all attendees.

Or: The PCC must take reasonable steps to inform all parishioners of the scheme.

(also submitted by the Revd Carol Backhouse (Blackburn, 70))

Submission from Stephen Whitaker, Blackburn Diocesan Secretary

I believe Stephen has submitted these himself but I would like to adopt them as part of my submission

1. Section 6 (1)

“Each MPC must prepare and publish a document setting out how it plans to exercise its functions during the period specified in the document; and that period must not exceed seven years.”

To be amended to

“Each MPC **may** prepare and publish a document setting out how it plans to exercise its functions during the period specified in the document; and that period must not exceed seven years.”

We have concerns regarding the compulsory nature of the framework coupled with the point below, there is considerable uncertainty

1. Section 6 (6) b

“The framework must include— (a) strategies or proposals for carrying out the MPC’s functions, and (b) whatever matters the regulations may specify.”

To be amended to

“The framework must include— (a) strategies or proposals for carrying out the MPC’s functions, **and (b) the regulations set out in Schedule 8.**”

Schedule 8 would need to be written and prevents casual changes in guidance becoming statutory with no consultation or synodical agreement to such changes

1. Section 41 (2) and (3)

“But the MPC may not exercise that power unless, having made a request to the DAC, it has obtained and considered a report from the DAC on the church which includes such matters as the regulations require.”

“The DAC, having completed the report under subsection (2), must send the report to the MPC and a copy to the Church Commissioners and to the DBF.”

To be amended to

“But the MPC may not exercise that power unless, having made a request to the DAC, it has obtained and considered a report from the **CBC** on the church which includes such matters as the regulations require.

“The **CBC**, having completed the report under subsection (2), must send the report to the MPC and a copy to the Church Commissioners and to the DBF.”

This is a direct request from the DAC due to concerns that the costs of this work will fall on the DBF as there is little capacity to deliver such a report from within our staffing. We recognise that this process may well be quicker than the CBC but are aware of costs

1. Section 42 (5)

“(5) If, after carrying out the duty under subsection (1) or (2) for a period of five years, the Church Commissioners or the MPC have not found suitable alternative use for the building, the Commissioners must prepare a draft pastoral scheme for the disposal of the building.”

To be amended to

“(5) If, after carrying out the duty under subsection (1) or (2) for a period of five years, the Church Commissioners or the MPC have not found suitable alternative use for the building, the Commissioners must prepare a draft pastoral scheme for the disposal of the building and take responsibility for the **financial and legal liabilities relating to the building.**”

Whilst this is highly unlikely to be approved, we have concerns about the protracted nature of this section and the fear that the DBF will be saddled with indefinite costs relating to churches that cannot be disposed of due to objections from commissioners. The time limit would share the costs of delayed decision making

Review of documents by Diocesan Support Services (DSS) Staff in the Diocese of Bristol

I have looked at the regulations and measure with both Diocese of Bristol DSS staff as well as our archdeacons and I would like to raise the following comments, questions, and concerns with the revision committee:

Document	Rule	Summary of provision	Comment
Bishops Mission Orders (BMOs)			
Mission and Pastoral Regulations 2025 (MPR2025)	Section 17 and 18	All BMOs must be reviewed every 5 years by the Visitor. The review must recommend whether the BMO should continue and for how long.	This provision would build instability into the BMO as it would be viewed as a temporary organisation. Would a funding body wish to commit funds to an organisation that may not exist in 5 years?
Pastoral Schemes			
MPR2025	Section 23 (3)	Governance of Team Ministries	Would these new provisions apply to existing Team Ministries?
Mission and Pastoral Measure (MPM)	Section 6	Requirement for each MPC to prepare and publish a document setting out how it plans to exercise its functions during the period specified in the document; and that period must not exceed seven years.	<p>This is a significant piece of work:</p> <ul style="list-style-type: none"> Capacity at Diocesan and National Level – This will involve consultation and agreement with MPC, Bishop’s Council, Diocesan Synod and the Church Commissioners. Recently the Church Commissioners have been overwhelmed with work, and this has impacted the publishing of Pastoral Schemes. For example, the Diocese of Bristol has recently experiences wait times ranging between 6 – 8 months from submitting Bishop’s Proposals to having them completed. Content – What will the framework include because it cannot include proposed changes as that pre-empts

			the appropriate consultation. So, it appears to be a set of principles about how the MPC will operate (as per Section 89 of MPR2025). This seems to be a long and work heavy process with little benefit.
MPR2025	Section 43 and Section 112	Section 43 now requires the DAC to produce a report for the MPC about the historic significance of a church building if it is being considered for closure. Section 112 still requires the CBC to advise the Church Commissions (must advise within 3 months)	Previously the CBC would produce a church closure report, but this responsibility seems to have been passed to the DAC, but the CBC are still consulted at a later stage. <ul style="list-style-type: none"> • The only benefit of delegating the church closure report to the DAC would be to speed up the process (it is understood that some Church Closure reports from the CBC have taken up to a year); however, by still consulting the CBC after the DAC have written the report, the process is not reduced. • This delegates responsibility previous held by the CBC to the DAC. DACs are already stretched, and the level of research and time required properly research and assess the historic significance of a church is considerable. Bristol has not closed many churches in recent years but other dioceses are facing a lot of closure, has the impact on the capacity of the DAC team (if there is more than one staff member) been considered?
MPR2025	Section 58 (c)	"A pastoral scheme may, in the case of a building closed for regular public worship, provide	Typo, this should be "religious".

		that the whole or part of the building may, without the consent of the incumbent or priest in charge, be put to use— (c) for religions worship by a Church other than the Church of England”.	
MPM	Section 15	Transfer of PCC’s building management functions	It would be helpful to have a provision that the MPC could take initiative (subject to checks and balances) rather than it being only parish led?
MPM and MPR2025	Section 26 (5) of MPM and Section 41 MPR2025	Compensation for loss of housing	MPM does not specify compensation for loss of housing but MPR2025 says they must be housed. This could causes errors if the documentation does not say exactly the same, plus it is still quite generous.
“Pause” periods			
MPM	Section 32	Pause periods	Does the new provision for “pause” periods start afresh or do the provisions apply for existing suspensions. For example, if a suspension was implemented for reasons no longer allowed, or if a suspension has been in place for 7 years must it now be lifted?
MPM	Section 35	Must appoint “one or more persons to act as administrators in vacancy”	Currently the Church wardens and Area Deans fulfil this function, has there been issues with this practice? It was also noted that this provision applies during the “pause” period, how does General Synod envision he Administrators in Vacancy working with the Priest-in-Charge?

Section 41. Delete lines 15 to 31 and insert:

(2) Before deciding to make a recommendation that a declaration of closure for regular public worship be made in respect of any church the committee shall—

(a) so far as may be practicable ascertain the views of any local planning authority or authorities concerned;

(b) notify the Church Buildings Council of the church or churches in respect of which the committee might decide to make such a recommendation and obtain from them a copy of the report which the Council is required to prepare under subsection (3).

(3) As soon as practicable after receiving a notice under subsection (2) the Council shall prepare a report about—

(a) the historic interest and architectural quality of each church mentioned in the notice and of other churches in the area;

(b) the historic interest and aesthetic qualities of the contents of that and those churches;

(c) any special features of any churchyard or burial ground annexed to any of them;

(d) any information or advice which the Council thinks appropriate to give concerning possible architectural or structural changes in each church mentioned in the notice in the event of its closure for regular public worship or, in the event that the church is not so closed, concerning any such changes which would facilitate its use for purposes which are consistent with use for regular public worship;

and shall send a copy of that report to the Commissioners, the diocesan board of finance and the committee.

Explanatory Memorandum

This amendment to the draft Mission and Pastoral Measure is submitted by the Archdeacon of Ashford on behalf of the Diocesan Advisory Committee of the Diocese of Canterbury. Its effect is to remove the provision which would permit the Mission and Pastoral Committee of the relevant diocese to commission a report on churches under consideration for closure from the DAC, another DAC or another suitable person and to reinstate the provision in the existing (2011) Measure which requires the committee to commission such reports from the Church Buildings Council. We propose the amendment for reasons of both principle and practicality.

The principled reason for opposing the change is the need for the body producing a report to be independent. If the Mission and Pastoral Committee were to commission a report from the DAC of that diocese or from a consultant there would be a serious risk of conflict of interest. If the diocese itself wishes to close a church and stands to gain financially if there is no longer a need to provide pastoral care and if the building is sold for secular use, what assurance is there that the reports which it commissions will be impartial, either about the missional case for and against closure or about the case for preserving the building as a monument or in some suitable use which recognises its architectural and historical value? The DAC, if it were to compile a report, would be under pressure to conform to the diocese's wishes; and though consultants might be used, it is not unknown for consultants to recommend the outcome that they know their client wants.

Commissioning a report from the DAC of another diocese might minimise this risk but what DAC has the resources assume this significant additional function?

The practical reason against change is, indeed, that DACs do not generally have the resources to take on this function even in respect of their own dioceses, let alone in respect of other dioceses.

Producing reports of this kind, if done properly, is time-consuming. Most DACs are busy with their existing functions and their members are volunteers. It is not reasonable to expect them to take on this additional task (about which they have not even been consulted).

We understand that the intention is to avoid the delays which occur because the CBC lacks the staff resources to produce reports quickly enough. The better course is for the Church Commissioners to provide the CBC with additional resources, either to employ more staff or to use consultants to do the job. We acknowledge that it is sometimes said that local knowledge would be valuable in assessing the missional case for closure but this does not require the proposed change in the Measure; rather it requires those making the assessment to consult those with an interest locally, both the parishioners and the Archdeacon who can explain the diocesan point of view.

Please could the following matters in respect of the role of the Church Buildings Council be considered by the Revision Committee in relation to the draft Measure:

1. While a church is still open a church buildings report is currently prepared by the CBC. The final view on the significance of the church being from the Council gives national consistency and reflects a national knowledge of church buildings. The present legislation gives the Council a duty to prepare a report on a building being considered for closure. Although the Council chooses to write the report on nearly every occasion, it could use others to prepare it. The Council considers that bringing this national view of significance gives consistency and rigor to decisions about church buildings. It also knows that reports can lead to a church remaining in use. It asks for an amendment to the Measure to make clear that the Church Buildings Council is responsible for the view on the significance of a church being considered for closure. (Pastoral regulations para. 43, Pastoral Measure section 41. Para, 1 to 6 need to give greater strength to the role of the CBC as the national body to understand significance of church buildings and its engagement with reports prepared ahead of closure).
2. The listed status of a church has an impact on options for funding and for future use. There are some buildings where it would be helpful to know that either it was or was not listed, or that the listing grade (I, II* or II) is correct. Best practice is to seek to clarify on whether or not the church has special architectural or historic interest (via a request to Historic England) if there is a sense from the CBC or CCB staff that this is a possibility. So that a change in listed status does not disrupt proposals for a building a new regulation would be helpful after Pastoral Regulation 47 that triggered testing the listing status of the building before a scheme or order is made when it is in doubt.
3. The outcome of some proposals in the Measure, most especially fallow churches, and of engagement with the community prior to decision about the future of the building can be that it stays open. While the church building is open its management is not regulated by the MPM. This means that outcomes that result in the church staying open are not visible in the Measure. The policy paper explores the fallow concept, but without anything in the Measure or the Regulations being provided to put it into effect. One or two signposts to open-church outcomes would be useful somewhere though probably not in the Measure itself. Something more explicit on the face of the Measure to remind those working with it that staying opening is a possible outcome would be welcome.

Proposed Amendments Mission & Pastoral Measure

- MPM Clause 6 (9) (b). In the interests of building confidence in the process, could the Church Commissioners be requested to publish an audit of these frameworks?
- MPM Clause 8 (4). There is the perception of an injustice here. Why is the necessity of a patronage board excluded when a bishop is the sole patron of the benefice, but not when a patronage trust is the sole patron of the benefice? Consider amending, to include the same rights for a Patronage Trust to retain that patronage right, as are currently included for a bishop.
- MPM Clause 32. What happens when a seventh year of pause is completed? Assuming that the pause is then automatically lifted, could it be made explicit that full patronage rights are then restored?
- MPM Clause 34 (1) (b). How is “reasonably practicable” to be understood? Many patrons report the level of consultation with different dioceses to be unreasonable (in terms of: being consulted at too late a stage in the process, being offered an unreasonable time-frame for response, and legal rights being sidelined). Could the phrase “reasonably practicable” be removed?
- The same issue arises in connection with 35 (4) (b).
- MPM Clause 76. What would happen if the Guidance were to be ignored? In the interests of building confidence in the process, could a process for accountability (perhaps led by the Church Commissioners) be included to ensure the Guidance is followed?
- Regulation 18. When the BMO is reviewed by the bishop, there should be an end date to the ongoing system of reviews, and a process established so that BMOs might ultimately function as benefices with patrons.
- Regulation 30 (4). An ongoing process of five-year reviews would leave the process open-ended in a way some parishes would find destabilising. Consider amending, to include an initial five-year review, to be followed by a further two-years, to encourage a resolution to be brought forward by the diocesan team.

Revd Mark Wallace

Chelmsford, 086

I should also declare an interest, as a Patronage Trustee for CPAS

Sections 15 and 19: Transfer of PCC's building management functions

We would like to propose a number of changes to these sections:

- To add building management functions under other legislation, particularly those of churchwardens under the Ecclesiastical Jurisdiction and Care of Churches Measure, to the list of functions which can be transferred
- To remove functions of PCCs from that list which go beyond managing buildings
- To provide for PCCs responsible for more than one building to transfer their functions relating to just one or some of them
- To clarify or provide that transferees cannot apply funds in the diocesan pastoral account or belonging to the PCC without the DBF's or the PCC's consent.

Additions to the list of functions which can be transferred:

Ecclesiastical Jurisdiction and Care of Churches Measure 2018

PCCs and Churchwardens have a number of functions under the 2018 Measure relating to caring for church buildings (e.g. in sections 45 on Quinquennial Inspections, 49 on recording information, 50 on annual inspections and reports and 51 on PCCs' responsibility for trees in churchyards). It seems right that these functions of PCCs would also be transferrable, and that it would make sense to transfer the functions of churchwardens set out in this Measure as well.

The 2018 Measure also provides for Archdeacons to serve notice or meet with PCCs for a variety of reasons relating to their responsibilities for church buildings. Provision in the draft measure for the Archdeacon to serve notice or meet with a transferee where that is appropriate would be helpful.

Canon F13

Canon F13 3: *"It shall be the duty of the minister and churchwardens, if any alterations, additions, removals, or repairs are proposed to be made in the fabric, ornaments, or furniture of the church, to obtain the faculty or licence of the Ordinary before proceeding to execute the same."*

It is possible that the duty set out in this canon only applies if it is the minister and/or churchwardens who themselves will be executing the work. If that is not the case, however, transferring the PCC's responsibility for the building would be significantly less helpful if the minister and wardens were still responsible for applying for faculties.

Removing section 4(1)(ii)(a) and section 7(1) of the 1956 Measure from the list of PCCs' functions which can be transferred

Section 4(1)(ii)(a) and section 7(1)(i), (ii) and (iv) of the Parochial Church Councils (Powers) Measure 1956 set out PCCs' functions in managing the finances of their parish, keeping accounts, budgeting and raising money. These are not 'building management' functions and, while legal advice on this point has not been sought, transferring these functions seems likely to conflict with the duty of PCC members as charity trustees to manage resources responsibly.

The other functions in section 7 also seem unnecessary or unhelpful to transfer, as they relate to the PCC's power with the minister over the employment of the parish clerk and sexton, and the PCC's power to make representations to the Bishop regarding the welfare of the church in the parish.

Clarifying that PCCs responsible for more than one church building can transfer their responsibility for some of those buildings while retaining it for the remainder

If a PCC (and minister and churchwardens) is responsible for more than one church building, allowing transfer of the building management functions relating to one, some or all of the buildings in a parish would be useful. This may be possible as the draft measure is currently written, but clarification on this point would be helpful.

Clarifying that use of PCC funds or Diocesan Pastoral Account by a transferee requires the consent of the PCC or DBF.

Section 19 (1) enables transferees to apply funds held in the diocesan pastoral account, funds held by the PCC and funds held on behalf of the PCC, and section 19 (2) says that where an institution's consent would be required, it is to be taken as having been given.

'Institution' does not appear to be defined in the draft measure. If these paragraphs together mean that consent from the DBF or PCC would not be required for use of the specified funds, that should be changed. PCCs are unlikely to agree to a transfer if they will lose control of their finances, and it is hard to imagine a DBF agreeing to a transfer which would mean it lost control of its pastoral account.

Section 41: Reports from the DAC as a pre-requisite for a recommendation for church closure

We are concerned that the role set out for DACs in section 41 will require expertise which is not currently available to the Committee. This will lead to additional workload for DBF staff, and/or the expense of identifying and commissioning a report from a suitably qualified third party. While we would welcome a faster process for providing these reports, shifting the work to DACs / DBFs without providing additional resources is not the ideal solution.

Section 42: Use-seeking period for closed churches

Section 42 changes the current legislation about the use seeking period in two significant ways: it extends the initial period to five years instead of the current two, and allows the Commissioners to extend that period as they think appropriate, without the current requirements to consult the DBF and obtain the Bishop's consent.

This would have a significant negative impact on diocesan budgets, which are already stretched. We would support the proposal from Oxford Diocese for DBFs to be able to request the vesting of the closed church in the Church Commissioners at the end of the initial five years.

The Revd Canon David Tolhurst (Durham, 104)

Please note the following submission to the Revision Committee for the Mission and Pastoral Measure, as well as a member of General Synod I am an elected member of the Church Buildings Council.

Care for the environment

The SAC has already commented on the environmental impact of demolition. Demolition is not the only action under the measure with environmental impacts.

It would be consistent with the Care of Churches and Ecclesiastical Jurisdiction Measure (2018, as amended) to include a specific requirement in clause 1 of the Measure to require all people using it to have regard to care for the environment, rather than identifying each concern as it arises in the Measure. This would allow for policy development over environmental impacts without the need for legislation.

Equalities assessment

Research undertaken by the Church Buildings Council in 2020 showed a relationship between a church being in a deprived area and its likelihood of closure (see [Struggling closed and closing churches report.pdf](#)).

The Council asks that an equalities impact is included in the material before the MPCPC in considering the future of a parish.

As shown in the [House of Good reports](#), churches provide an essential life-line to people who find themselves in desperate straits and are more likely to be in socio-economic deprived areas.

The Council has been assured that this concern is taken into account and asks that this assurance is reflected in the Pastoral Regulations, possibly in the material required at Section 92.

The Ven Douglas Dettmer (Exeter, 117)

3 (3) 'Team vicar of each parish' is ambiguous as it is not clear whether this refers to all team vicars licensed in the benefice which includes that parish, or only a team vicar licensed to a special cure of souls which includes that parish. Either way, it should be made clear that in a team ministry the consent of the team rector is always required, as well as the team vicars (all of whom share the cure of souls in every parish in the benefice although some may have special responsibility in one or more).

8 (8) It would be helpful for avoidance of doubt if this section could make explicit:

(c) the person need not be inducted into possession of the temporalities of the benefice.

13 (5) (b) In normal Church of England usage, divine service is 'performed' rather than 'solemnised'.

19 (2) The subsection would appear to give a transferee unqualified access to the diocesan pastoral account, without the specific consent of the Diocesan Board of Finance as trustee. This proposal raises far-reaching questions around the trustee responsibilities of the DBF and the management of funds; at the very least, any potential application of funds from the diocesan pastoral account should be at the free discretion of the DBF.

21 (2) (b) [an 'if' or 'where' appears to be missing]

21 (6) Refers to 'the' team ministry, but there seems to be a missing reference to a team ministry. Is the intention that this should read as follows? '...if the consent of the minister having the cure of souls (or in a team ministry, the ministers sharing the cure of souls) has been obtained'.

28 (2) The wording has the unintended effect of dispensing with the requirement of induction under Canon C11 should the bishop fail to give a direction. The section should read:

(2) '...the incumbent having been inducted in one of the parish churches in the area of the benefice is regarded as having been...'

Likewise in subsection (4).

32 (3) Under this section, the consent of the Commissioners would be required for a pause where the intention was to appoint a priest in charge licensed solely for the whole of the existing benefice, whether for an indefinite period or on an interim basis.

Given that the duration of any pause period is to be restricted to a maximum of three years, renewable once (with the possibility of a final twelve month extension), the designation of the post of priest in charge during a pause period as an interim ministry post with a limited term of office is likely to be appropriate in some cases. If the intention is for an interim priest in charge to be licensed solely to the existing benefice concerned, the need to go to the Commissioners for consent to a pause in presentation will be administratively burdensome and could lead to unhelpful and unnecessary delays.

I suggest a new subsection (a):

(a) to appoint a person to hold office as priest in charge of the benefice in a post designated as an interim ministry post; or...

with the present subsections (a) and (b) becoming (b) and (c) respectively.

The Revd Dana Delap (Gloucester, 122)

I write as a member of the Church Buildings Council, to express my concern over three particular areas of the draft MPM legislation that I hope you will consider in revision.

My first concern is the scale and impact of the new MPM legislation for relationships with the amenity societies and Historic England. This legislation has significant and serious implications for all those working to protect historic buildings, including churches. When churches close, the involvement of the statutory amenity societies and Historic England is sought, and this measure will undoubtedly increase their workload. Our national sector partners expect and are expected to have their voices heard on closures that impact their statutory interests. The CBC asks that the Revision Committee considers extending an invitation to a suitable person, such as the Chair of the Joint Committee of the National Amenity Societies, to attend to speak to concerns of these societies.

Secondly, the Church Buildings Council is developing an area of work under the title '[struggling churches](#)'. This engages with a church that might be at risk of closure to support it in understanding options to stay open. For some churches engagement with the struggling church programme - either with the Council at a national level, or through the diocese - can find a way to avoid closure. An amendment before para. 43 of the pastoral regulations to ask about work done ahead of closure on engagement with options to keep the church open would usefully draw attention to this work, and the circumstances leading to closure.

Finally, the Church Buildings Council has a close relationship with the Association of Festival Churches and is currently funding an officer at the association through the Buildings for Mission grants stream. CBC expects the association to write to the Revision Committee in its own name. The Council values the work that the association does to help PCCs revive the relationship that a church has with people in the local community and has seen this result in good outcomes pastorally and for buildings. As a festival church is an open church with a PCC the Council realises that it is not necessarily within scope of the Measure. However, recognition of initiatives to support PCCs engage with the community (the festival church model) can be helpful to a church considering its options for the future. An amendment before para. 43 of the Pastoral Regulations to require that work done with community engagement before a decision to close is made could be used to give visibility to this activity.

SPEECH AT SYNOD:

I speak as a DAC chair. My diocese, like most, has a number of rural churches with small congregations, elderly PCCs and failing finances. I warmly welcome the desire to make church closure simpler. This streamlined process will make change easier. Thank you.

BUT we will need some guidance, some more fleshing out of how this will work pastorally, financially, and practically.

- We all hope the new diocesan collaboration framework will offer greater support to PCCs asking for church closure by adding transparency and accountability. But how does a diocese safeguard finite resources, when faced with parish-led requests for church closure that come with potentially significant financial implications?
- The proposed MPM gives 'flexibility' for the DAC to offer reporting on the significance of a closing church instead of the CBC. But 'DAC' actually means the church buildings team. Without more resourcing there could be a wide variation in the quality and accuracy of

reports. Who will fund this new workload, when our independent Church Buildings Council already have the skills and staff to deliver this work.

- The new MPM lessens the involvement of the CBC and SAC. Consultations with these bodies is highly valuable and need not be the cause for substantial delay in the process if they are consulted in a timely manner.
- work on this legislation should also explore cross-institution collaboration with heritage bodies who might themselves offer long-term viable options for former churches. We must establish the importance of a church as part of the nation's cultural heritage, if it extends beyond the realm of the church congregation.
- The alteration of the process between 'parish led' and 'diocesan led' is aimed at providing a simpler route when proposals for closure are expected to be non-contentious. The new process should increase parish understanding and agency. Whilst the intention is good, it could also increase rather than decrease tensions between parish and diocese. Please can the language be less directive, but rather more collaborative.
- Under the current MPM the 'use seeking' period for closed churches is two years. During this time the building is vested in diocesan boards of finance and in theory, at the end of the period the building should either be vested in a heritage trust or demolished. This is rarely the case - the use-seeking period, and the time for which the diocese is responsible for the building is, in practice, indefinite. The new MPM extends the use seeking period to 5 years, but makes no provision for any additional realistic options for disposal at the end of the period. And the Church Commissioners could extend it indefinitely if they wish. The new MPM appears to maintain the current status quo. This continues the financial and pastoral burden on dioceses, and places no responsibility on the Church Commissioners. This legislation is an opportunity to alter that, where all reasonable steps have been taken by the diocese within the use-seeking period to find a new future
- 'Easier' vesting of closed churches in a heritage trust sounds great but do they have capacity to take the number of churches we may be talking about
- And finally, the mechanism for making sure fallow churches come back into use, or are appropriately disposed of, needs to be explained, along with how that will be supported financially, and by whom.

The new MPM provides welcomed options for churches, but without substantial funding these options will have no positive impact – in fact this legislation may give parishes false hope, by offering options that these are not actually available to them. I know that the legislation is not the place in which this funding point can be addressed, but the Church Commissioners should be pressed to provide funding to support the initiatives set out in the revised MPM.

While I commend the new measure and will vote for it to move to revision, I look forward to the guidance that must accompany the legislation, guidance that will help parishes and dioceses to flesh out the detail.

Parish/Diocese Conflict

There is the potential for parishes to bring forward proposals which, whilst in the interest of the parish, might conflict with a broader diocesan strategy. In parishes which small PCCs, there is the risk of a small number dominating and driving forward proposals. The danger here is that a parish v diocese narrative might emerge. Given that diocesan strategies are more wide ranging, there might be an argument that these should be fast-tracked instead. It is also not clear what role – if any – a deanery might have.

It would be useful to see the Church Commissioners' Guidance on Mission and Pastoral Collaboration Frameworks prior to the measure being debated since, I assume, these frameworks will be a statutory requirement. They will, of course, take diocesan time to produce.

What action might be taken should a diocese not adhere to the Commissioners' guidance? Will they be able to undertake an audit of Frameworks? I am not convinced the rights of patrons are sufficiently protected in the drawing up of these Frameworks.

Closed Churches Trusts and Fallow Periods

The issue over closed churches is not so much the lack of trusts, but the poor funding of the trusts we already have. The measure will not improve this situation unless money can be released to cover repairs, maintenance and insurance. There does need to be a pot of money available for difficult cases.

Also, should a charitable trust be wound up, the building and land reverts to the diocese so the burden does not – in fact – permanently pass from a diocese. The risk remains, and will need to be budgeted for.

Very careful thought needs to be given to guidance surrounding "fallow" periods. Will churches be able to enter the period on a first-come-first-served basis, or will there be criteria to assess applications. The potential costs will be large in rural dioceses which are already overstretched. These proposals might provide incentives to churches to expend their resources in a reckless manner so that they might be spared from ongoing governance and maintenance. In any case, a PCC might prefer to simply close the church and retain the money.

There is not enough accountability in this process. Should not a parish be required to submit a feasible plan showing how they will exit their fallow period within a defined time? Perhaps five years?

The measure allows for the "transferee" to apply for access to the Diocesan Pastoral Account as well as PCC funds. Do we really want to allow any transferee (who might be "a person who meets whatever criteria may be specified in the regulations" such access?

CBC Reports

The measure seeks to allow provide or commission the equivalent of CBC reports. I question their capacity to do this. I am also concerned that we will lose consistency across the whole church. Also, this will cost the dioceses more since CBC reports are free. Might a better solution be to increase the staffing at the CBC, and allow a DAC to carry out the local data gathering (which is, after all, part of the process in any case).

Administrative Burden

There are a lot of changes to responsibilities in the measure, which will place additional burdens on dioceses who are – as is well established – in a dire financial position. Might there be a schedule drawn up of these new demands so that: a) dioceses might plan accordingly; b) synod will have an idea of the additional resources which will need to be expended by dioceses.

I am concerned that, in the current financial situation, the new demands will result in either MPM processes slowing, other parts of diocesan services being cut, or simply increased losses.

Deanery Mission and Pastoral Committees

DMPCs are not often well attended, and the pool of volunteers is shallow. I would question whether this is the best body to consider the leasing of part of open churches

(Clause 43, Schedule 3). Might a list B process be appropriate here?

Parsonages and Sequestrators

Have the bishops been consulted on these proposals? They may not wish to personally take proceedings to evict tenants, and should they appoint diocesan officers as administrators then their names would be attached to proceedings. Might it be better to have a consistent approach, bearing in mind the requirements of the Renters Rights Bill for a public database of landlords, whereby the DBF play this role.

Patrons

Might it be made explicit that patrons are to be involved in any informal consultation? The phrase “reasonably practical” (34)(1)(c) is vague and open to challenge. Given that it is recommended that Patrons will no longer be required to give written consent (and only be given the right of representation) it is vital that proper notice is given, and shown to have been received.

Why is it that, under 8(4), bishops retain patronage rights as sole patrons in the creation of a team ministry, but Trusts (where sole patrons) would not retain such rights? This does not seem equitable.

Suspensions and “Pauses”

Might some guidance be given as to what happens after the second renewal of a pause described in recommendation 9? (i.e. after the three years plus three years plus one). There are some circumstances where a longer pause is unavoidable (e.g. where an incumbent is suspended or has a long-term sickness).

Leasing part of an open church

Provision is made to lease part of an open church (where the main use is for worship). It is proposed that this should not require a faculty, but s68 of the 2011 measure *does* require a faculty. A PCC and Deanery Mission and Pastoral Committee are not competent bodies when it comes to making decisions affecting the use of a building (which might adversely affect the fabric). This might also be seen to be at odds with the ecclesiastical exemption, and put it at risk. List B might be a sensible compromise.

Having discussed the draft M&P pastoral regulation with our M&P Secretary, I would like to raise two points.

1. Section 6: a *framework* that has to be written and then reviewed at least every seven years and has to be consulted on by all deanery synods and diocesan synod before implementation is a big deal for a diocese of our size. The framework seems to be a good idea but perhaps not diocesan wide; in our case perhaps archdeaconry-wide would work (our archdeaconries are coterminous with episcopal areas). It would be best if the M and P Measure would allow each diocese to decide on the level of consultation and area to be covered by a framework rather than dictate.
2. Consultation with *interested parties*: the inclusion of every member of an electoral roll (p.56 and p.58) could be problematic. It raises the question of how they are to be consulted, and who would need to verify that this has been done and ascertain the results. Would it be a diocesan officer or PCC Secretary or other lay volunteer? Would it be a requirement to get responses from them all or would no response be deemed consent? This could be a very onerous additional burden.

Thank you for considering these points.

The Revd Marcus Walker (London 168)

Section 3

This would work much better if there were an ability for key stakeholders to transfer this out of the “parish-led” process even where it has the support of the PCC and incumbent. This is especially important where the church in question does not have any representation on the PCC, as is increasingly possible within large multi-church parishes.

I would like to suggest either that, before a scheme is agreed to be “parish led” a meeting of the parishioners of that church should be called and should give its consent to this process, or alternatively the reverse be true – that the option exists for a meeting of the parishioners to be called which could vote to move this scheme into the “diocese-led” process. I recognise that these may not be the best way to ensure that all voices are properly heard, and would be very happy to see other suggestions to this effect. Such a tweak would make this new, streamlined, process something to be welcomed not feared.

I would also recommend this clause be tidied up a little – subclause 1 seems a little confusing at the moment. Maybe a new subclause 1 that states “A PCC may request...” and then after that “Where the PCC etc”.

Section 5

Asking the MPC to have “due regard to... the traditions, needs and characteristics of particular parishes” is not sufficient. There should be an obligation on the MPC that “the traditions and characteristics of a particular parishes should be maintained where possible to so.” This isn’t an absolute right of continuity but it would be stronger than “due regard”, which can be considered and then disregarded.

Section 10

This provides for a significant reduction in rights of appeal when compared with the current measure. I would like to propose first that the current scope in terms of rights of appeal be continued or, if that is not accepted, that the following be added to the list:

(a) the establishment, alteration or termination of a team ministry for the area of a benefice; (b) the establishment, alteration or termination of a group ministry for a group of benefices; (c) the holding in plurality of two or more benefices;

Section 20

The BMO scheme seems to allow bishops to override all the protections for parishes provided elsewhere in the measure. I propose the following safeguard – to split subsection (9) thus:

(9)(a) The regulations must make provision as to consultation which must be carried out before a BMO may be made.

(b) A BMO shall not provide for any matter which is a function of a mission and pastoral committee under sections 2-11 above unless consultation has taken place in accordance with those sections and the regulations which apply to them.

Section 32

I presume there is a small drafting error here – the “either or each” in subsection (1) must refer to (2) and (3) or it wouldn’t make sense. (Sorry to be picky!)

Section 32 (9)

Why, having had six years to get on with a reorganisation which must have been known about from the beginning in order to implement a ‘pause’, would a seventh year be useful?

Section 35

This section gives vast powers to the administrator without any oversight by the PCC – merely an obligation to consult them. These are my primary concerns, with suggestions on how to address them:

1. There have been a number of cases before the MPCPC where parishes in vacancy, which have been earmarked for a scheme of merger or closure, find themselves effectively treated as if that scheme had come into effect (before any final decision has been reached). The addition of some obligation on the bishop and/or administrator’s part “to maintain the pastoral and sacramental provision of the parish as far as is possible” – or some other wording to this general effect – would help overcome this concern.
2. Given the theological disagreements currently existing in the church, I am concerned that certain parishes might be left without sufficient sacramental and pastoral provision during a vacancy if their theological position does not match that of the bishop (this could happen for a variety of reasons). I propose adding an obligation in subsection 4 to ensure that, at the very least, the canonical minimum number and type of services (especially with regard to Canon B14) be maintained. I would also propose that there be an obligation to ensure that the theological tradition of the church be respected in the appointment of any priest-in-charge or other person regularly ministering to that parish.
3. In subsection (5), the PCC should have to agree to the sale or disposal of any property of the benefice. This would be a great help in rebuilding trust between dioceses and parishes.
4. It would help to clarify that the Administrator, when exercising “any power which whatever powers an incumbent would have if the benefice were full” has a fiduciary duty to the PCC of the parish or benefice in question.

Is subsection (12) new? I cannot see an equivalent in the 2011 measure. If so, this seems a significant increase in the power of the Bishop. I propose that it be removed.

Rights of consultation and representation. I have found it very difficult to find a clear list of how the rights of consultation and representation have changed between the measures. During the revision stage it would be very useful to have the changes explicitly laid out before the committee and for us to have a discussion about whether these changes are correct, with the ability to change them on a situation-by-situation basis.

The Revd Mark Bennet (Oxford 184)

The draft MPM provides some welcome improvement to existing processes and also makes extensive changes to how things are done. These changes affect the distribution and deployment of expertise, the relationship between decision-making and bearing the financial cost of decisions, and the appropriate governance arrangements – which will have to cover a wide variety of different circumstances. The introduction of a pause period is not at present dealt with in the regulations, which seems to me to be a surprising omission.

I have discussed my specific suggestions for improvement with colleagues in Oxford Diocese, and have tried to address matters in a constructive way. I have not proposed specific drafting for every point, but if that is required (rather than simply the clear intention of the amendment) I will be happy to make specific suggestions. Some of my points may require some restructuring of the text rather than simply changing one sentence or clause. Thanks in advance for the care with which I know you will address all submissions.

Clause 15

This clause provides for the transfer of PCC Governance functions to an authorised third party for a temporary period.

1. This section should provide also for the transfer of the relevant functions of churchwardens (eg under EJCCM 49 – record keeping, EJCCM 50 - to provide an annual fabric report). Confirm also that there are no residual functions of the incumbent that should/could be transferred.
2. The draft regulations do not contain a section which refers to this phase of a building's life, The criteria for an "authorised third party" in 15(4) are not given. The Church Commissioners and Friends of Friendless Churches should either be specified in the measure or potentially within scope. My preference would be for the Commissioners to be added to the measure at this point, and for the regulations to specify the scope in such a way that a body which wants to help understands what it needs to do to qualify.

Clause 19

19(2) should presumably refer to subsection (1) rather than to itself.

19(2) provides that an external body can use the funds of a separate charity as if their own. Where a charity has a wider purpose than the upkeep of one building, this gives the trustees of the charity no role in setting priorities between objects. This is a serious governance issue. For example, the funds in the Diocesan Pastoral Account could, as currently drafted, be exhausted to the detriment of other responsibilities. Also some PCCs are likely to want to invoke this process to avoid their funds all being used for the building. It is unclear how a PCC would be able to apply funds to other purposes with confidence that they would not be called upon for the building. For example, the employment of a youth worker, where the diversion of funds might make it impossible for a PCC to meet its employment obligations. Or the PCC may be responsible for the maintenance of a separate hall still in regular use.

19(2) should be deleted, or replaced by something which explicitly addresses the governance issues. The Charity Commission's view on this or its replacement should be obtained and reported in the revision committee report.

Clause 32

It is undesirable to have a hard stop to the 'pause period' set in legislation as pastoral circumstances vary greatly.

The Church Commissioners should have the power to approve a longer extension in exceptional circumstances. Regulations can govern what should normally happen, and also set boundaries around exceptional circumstances.

As an example, those of us with experience of major building schemes are aware that we cannot control the planning and development timescale, which often extends over many years, and it may be desirable to maintain flexibility to meet uncertain future pastoral and missional needs where the timescale is not fixed.

Clause 41

Although EJCCM 37(1)(3) formally gives the DAC a role in relation to closing a church, in practice the reporting function has been carried out by CCB through CBC with DAC staff as liaison between CCB/CBC and the MPC. Giving the DAC an explicit role at this stage of the process in fact represents a major change in practice. Even if the DAC were to commission a report from a third party, there would have to be some formal consideration of the report before passing it on to the MPC (it would not otherwise be a report of the DAC). This represents an unnecessary duplication of effort, and would require extra resources – people, money and time – all of which are in short supply. Certainly in Oxford Diocese this would require additional staffing and budget as well as additional committee time for DAC volunteers. It would represent a significant increase in the scope of the DAC's work which would be detrimental to the DAC's other responsibilities.

The DAC should not be brought into the measure at this point and effectively given a new function which will involve time and expense. The MPC should commission the report itself.

The flexibility to instruct a range of bodies/experts is welcome, but the current arrangements are free to the DBF and the MPC/DAC would incur expense (estimated £2,000-£3,000) in employing a heritage consultant. It cannot be right to load additional costs onto the DBF. The option of the current arrangements should continue and be made explicit.

So 41(2) would read: "... unless it has obtained and considered a report on the church which ...", 41(3),(4) would be deleted.

41(5) should (a) specify that the MPC can consult a competent person or body, and (b) should also refer to a person/body competent to produce a report in accordance with the regulations (as well as within scope of EJCCM)

The regulations should cover basic aspects of competence and qualification. The standing competent bodies like the CBC should be explicitly included.

Clause 42

It is highly desirable to take this opportunity to align financial responsibility with decision-making. As it stands the DBF has an open-ended liability to secure and insure an unused building, without being able to bring the case to resolution and final disposal.

So at 42(5)(6) provision should be made for the DBF to have the power to instruct that the building should vest in the Commissioners (after the five year period has elapsed), so that the financial liabilities transfer to the Commissioners, aligning with their decision-making role. The Commissioners would then also receive any proceeds from sale or letting. The power should be optional, so that it would not interrupt an already planned orderly disposal.

Regulations

Regulations should cover the matters dealt with in Clause 15; normal practice and exceptions (clause 32); competence and qualifications of report writers/standing bodies which qualify (clause 41); and any regulations necessary to govern the power suggested to be added to Clause 42.

112(2) should require the CBC report to be obtained before the decision to close is made, so that the report informs the decision.

General

The references to the Commissioners will have to be aligned with the new structure which will be brought in by the Governance Measure.

Sue Cavill (Derby, 297)

I have three suggestions for amendments to the Mission and Pastoral Measure.

Firstly, please can you consider requiring consultation with the Church Buildings Council or its Statutory Advisory Committee when making decisions about church closure or church demolition, as I believe that it is important that these kinds of vital decisions have appropriate external scrutiny.

Secondly, with regard to more general consultation, the legislation addresses the aim of ensuring 'good conversations' through informal engagement during the development of proposals, prior to the formal consultation stage. Regulation 89 provides that Mission and Pastoral Collaboration Frameworks must include the MPC's policy on engagement and may also include requirements as to how engagement must take place. This 'informal engagement' through 'good conversations' is an excellent idea but I believe this needs to be strengthened to make clear that the engagement is mandated and not optional. There should be a requirement for the 'good conversations' to be recorded in some way so that the feedback is taken into consideration in the decision-making. In my work as a public consultation practitioner in the public sector I noticed that where engagement was not mandated, but was up to those seeking to make the change, it was often skimmed or missed out altogether because of time pressures or other considerations. A stronger mandate for the conversations - ie 'formal engagement' - would help to ensure they happen and it would be helpful to include requirements about how the conversations should take place, including the requirement to keep a record of any conversations.

Linked to this, the new legislation adopts a 'one-stage' approach to formal consultation. Once again, because of my experience in the public sector, I would caution that this should remain a two stage approach. Parishioners and parish clergy (likely to be 'interested parties') may not fully understand their rights in terms of making their views known, and what a diocese considers consultation may just feel to them like being told what is going to happen. A longer process leaves more opportunity for people to realise the implications of the proposals and make their views known. With a one-stage approach they may feel they have missed their chance because they did not realise what was happening.

I look forward to hearing from you whether these suggestions can be forwarded to the revision committee.

I am grateful for the draft legislation and related documents, and for the immense amount of careful and detailed work they represent on the part of those involved, to whom a debt of gratitude is owed

I am concerned about the detail of two sets of provisions contained in the draft Measure.

(i) Clause 35 – Administration in vacancy

Whilst I accept that this clause partly restates the current law, using new terminology, my concern is that much of the relevant current law has largely fallen into desuetude. It seems to me, therefore, that there is a risk that the new legislation will either (a) be perceived as imposing further administrative burdens (e.g. requirements for instruments of appointment, annual audited sequestration accounts, etc) which simply don't form part of current processes in practice; or (b) lack credibility, and risk being ignored (which, in itself, risks unhelpfully undermining proper regard for the law more widely in an Ordered Church). It would seem to me to be far preferable to seek to simplify these provisions, taking account of widespread practice.

(ii) Clause 43 – Lease of open church

I am surprised at the proposal that a faculty should not be needed for the grant of a lease under this clause. As I understand it, the broad principle is that the secular use of a church requires the authority of a faculty, and it seems to me that there is good reason for that. I would, therefore, suggest that the current position be maintained and clause 43(6) be deleted.

I do not consider the requirement that the MPC must have agreed to the terms of the lease to be an appropriate *substitute*. (How often does the MPC meet? How does it proceed if it has queries about the terms? What is the skillset of the MPC to consider the terms of commercial leases? How engaged will a MPC really be with such matters?)

Furthermore, whilst I understand that there is ultimately no incompatibility, as a matter of law, between the lack of a *requirement* for a faculty and the Court's *power* to grant a faculty, reading clause 43(6) ("A faculty is not required...") and paragraph 11(1)(a) of Schedule 3 ("Neither section 43 nor this Schedule ... prevents the grant of a faculty...") together risks causing confusion, and does rather beg the question as to why a court would grant a faculty for a matter for which it is not required. Surely, either this is to be within the scope of the Faculty Jurisdiction or not.

Paragraph 8 of Schedule 3 provides for the court to determine questions relating to the interpretation or enforcement of a term of the lease. This restates the current law, and can sometimes be a very helpful and important provision. It makes sense when the lease is within the court's jurisdiction, and when the court has been involved in the process of authorising the grant of the lease. I would suggest that it is quite a different matter to place a duty of interpretation on the court in relation to a matter that had not come before it before the terms were settled (when a whole range of issues can be addressed). In my experience over many years, the involvement of the court in the process has benefited parishes considerably, and I would be sorry to see the opportunity for that lost.

The current proposal would also appear to give rise to the anomalous situation in which the grant of a *licence* for some secular use (which is still commonly done, given the general prohibition on the grant of a lease of the whole or part of a church, as restated in clause 43(1)) would require the authority of a faculty, but the grant of a lease – possibly even for the same purpose – would not.

Clive Scowen (London, 358)

1. Throughout the Measure and Regulations

There are multiple uses of the word “church” to mean a building in which Christians meet to worship. We know from the New Testament that the Church is not a building or even many buildings, but rather the People of God, the Body of Christ, the Community of the Spirit: a spiritual house made of living stones where God dwells by His Spirit. I recognise that there is a time-honoured practice of using the word “church” to mean a building, but I suggest that it is unbiblical, unhelpful and generally confusing. A serious attempt was made in the 2007 Measure to use the term “church building” when referring to such a building, but when it was consolidated with the 1983 Measure in 2011 the result was inconsistent and many instances of “church” to mean a building remained. This new Measure presents the opportunity to use the term “church building” consistently when referring to a place of worship, and so enhance clarity and eliminate confusing, as well as deploying a more Biblical understanding of the word “church”.

So I propose that, when referring to a building, “church” be replaced by “church building” or “place of worship”, or some other suitable word or phrase, consistently throughout the Measure and the Regulations.

1. Clause 5(1).

There is a closing bracket missing . after “section 1”.

Although this subsection restates a provision of the 2011 Measure it is nonetheless obscure. The general duty in clause 1 requires due regard to be had to the mission of the Church of England. How does the additional duty to have regard to mission as “as central to the life and work of the Church of England” interrelate with the general duty regarding mission? Furthermore, the term “community” is ambiguous. Does it mean the community which is of the essence of the life of the Church (the worshipping community or the community of the Spirit), or the local community of the parish or area within which the worshipping community is set, or both?

I propose that the opportunity be taken to clarify the meaning of this duty, particularly with regard to the word “community”.

1. Clause 6

Clause 2 and paragraph 2 of Schedule 1 make clear that the MPC may appoint sub-committees and delegate functions to them. But how does that relate to the duty of the MPC under clause 6? Can it be delegated to a sub-committee, or to a series of sub-committees covering different geographical areas? Can the duty be fulfilled by each such sub-committee publishing a framework for its own area? Or does there have to be one overarching framework for the whole diocese? In the Diocese of London (and I imagine possibly in other dioceses with a formal area scheme) the MPC membership is coterminous with that of the Bishop’s Council, which then delegates virtually all its functions to five Area Councils, which are established in each of the five episcopal areas and are chaired by the area bishop. That approach continues to be lawful under clause 2 and Schedule 1, but as it stands it would appear difficult for the clause 6 duty to be delegated to the Area Councils. Since the Area Councils do virtually all the work that would make no sense. **I propose that clause 6 be amended to make clear that the duty can be delegated to geographical sub-committees and that each of those sub-committees is empowered to publish a framework for its own area, though the MPC would also need to publish its own framework in relation to any functions not delegated to the area sub-committees.**

Robert Zampetti (London, 361)

This document is meant to provide input to the Revisions Committee for the Mission and Pastoral Measure, aiming to enhance the already excellent draft with suggestions for incorporation into their work. The document outlines proposed revisions focusing on four key areas:

Balance of Power and Parity of Arms - The document analyses the current balance of power between diocesan authorities and parishes in pastoral reorganization processes. It proposes a new “Parity of Arms” clause to ensure parishes have access to independent legal advice and resources during reorganizations.

Right of Patronage - The document examines proposed changes to patronage rights, including the introduction of “pause periods” for benefice appointments. It suggests revisions to protect traditional patronage rights while allowing for modernization.

Financial Review - The document highlights the lack of comprehensive financial analysis requirements in the current MPM and proposes mandating detailed financial reviews for significant reorganization schemes. It also recommends leveraging national expertise for independent reviews of diocesan schemes.

Mission and Pastoral Collaboration Frameworks - The document recommends creating a national framework for mission and pastoral collaboration to improve consistency and efficiency across dioceses, while allowing for minor local variations.

The document provides background information, issue analysis, and specific recommendations for each area, aiming to balance the needs for modernization with the preservation of important traditional structures and rights within the Church of England. These suggestions are intended to assist the Revisions Committee in bringing back to General Synod an even stronger measure for consideration.

Balance of Power and Parity of Arms

The draft Mission and Pastoral Measure document contains several key sections related to pastoral and ministry reorganization

Background

Pastoral Schemes and Orders

Sections 7-11 outline the processes for pastoral schemes and orders, which are the primary mechanisms for reorganization. Key points include:

- Section 7 allows for alterations to parish boundaries, creation or dissolution of parishes, and changes to church status.
- Section 8 covers ministry matters like establishing team ministries, holding benefices in plurality, and transferring patronage rights.
- Section 9 deals with church closures and disposal of church buildings.
- Section 10 provides for appeals against certain pastoral scheme provisions.

Rights and Protections

The measure includes some protections for parishes, PCCs, and incumbents:

- Section 3 requires the Mission and Pastoral Committee (MPC) to consider parish-led proposals.
- Section 10 allows for appeals against certain reorganization decisions.
- Section 26 provides compensation for loss of office due to reorganization.
- Section 58 gives directions for disposal of church contents, involving the bishop.

Balance of Powers

The measure gives significant authority to diocesan bodies:

- The MPC has broad powers to recommend reorganization (Sections 3-6).
- The bishop can pause rights of presentation to benefices (Sections 32-33).
- The diocese can transfer building management functions from PCCs (Sections 15-19)

Observations

The measure provides a comprehensive framework for reorganization, but the balance of power seems to favour diocesan authorities over parishes.

- While there are some protections for parishes and incumbents, their ability to influence or prevent unwanted changes appears limited. The appeals process (Section 10) is restricted to specific types of changes, potentially limiting recourse for parishes in other situations.
- The measure includes provisions for consultation, but the extent to which parish views must be considered is not always clear.
- The financial implications of reorganization for parishes are not extensively addressed, which could be a concern for PCCs.

In summary, while the measure provides a detailed process for pastoral reorganization, there is room for strengthening the rights and protections of parishes, PCCs, and incumbents to ensure a more balanced approach to change management.

Issue Analysis

There is currently no specific provision ensuring parishes have access to independent legal advice during reorganizations. However, this is an important issue that could be addressed to ensure fairness and proper representation for parishes. Here are some key points to consider:

1. The current measure does not explicitly guarantee parishes access to independent legal counsel during reorganization processes.
2. Parishes may lack the financial resources or expertise to obtain adequate legal representation on their own when facing complex ecclesiastical law matters.
3. There is a potential imbalance between diocesan authorities and individual parishes in terms of legal knowledge and resources during reorganizations.

If parishes lack sufficient legal resources during reorganization processes, there could be several potential consequences:

1. *Imbalance of power* - Parishes may be at a disadvantage when negotiating with diocesan authorities who have greater access to legal expertise.
2. *Inability to fully exercise rights* - Parishes may not be able to effectively utilize all their legal rights and options during reorganization due to lack of understanding or ability to navigate complex ecclesiastical law.
3. *Inadequate representation* - Without proper legal counsel, parishes' interests and concerns may not be adequately represented or advocated for in reorganization decisions.
4. *Unfavourable outcomes* - Parishes may end up accepting unfavourable terms or outcomes in reorganization schemes due to insufficient legal guidance.
5. *Procedural errors* - Lack of legal expertise could lead to parishes making procedural mistakes that undermine their position or invalidate their objections.
6. *Missed opportunities* - Parishes may fail to identify or pursue beneficial legal options or alternatives during the reorganization process.
7. *Difficulty appealing decisions* - Without proper legal resources, parishes may struggle to effectively appeal or challenge unfavourable decisions.
8. *Financial strain* - Attempting to obtain legal advice on an ad-hoc basis could prove costly and strain parish finances.
9. *Rushed decision-making* - Lack of readily available legal counsel may force parishes to make hasty decisions without fully understanding the implications.
10. *Erosion of trust* - If parishes feel they lack equal access to legal resources, it could erode trust between parishes and diocesan authorities.

These potential consequences highlight the importance of ensuring parishes have access to adequate independent legal advice and resources throughout reorganization processes

Recommendations

To address these issues, a new clause could be added to the measure to ensure “parity of arms” between parishes and diocesan bodies. Some potential elements of such a clause could include:

1. Requiring dioceses to provide or fund independent legal advice for parishes affected by proposed reorganizations.
2. Establishing a fund to cover legal costs for parishes during reorganization processes.
3. Setting up a panel of independent ecclesiastical law experts that parishes could consult.
4. Mandating a cooling-off period to allow parishes time to seek legal counsel before major decisions are finalized.
5. Requiring dioceses to disclose all relevant legal information to affected parishes.

Adding such provisions would help ensure parishes can fully exercise their rights and have fair representation during reorganizations, while maintaining the overall structure and intent of the measure.

I propose the following new section to address the need for parishes, PCCs, and incumbents to have access to sufficient legal advice and resources during reorganization processes:

§# Parity of Access to Legal Advice and Resources (“Parity of Arms”)

- (1) Where a pastoral scheme or order is proposed that would affect a parish, benefice, or ecclesiastical office, the MPC must ensure that the affected parish, PCC, and incumbent have access to independent legal advice and sufficient resources to enable them to fully exercise their rights throughout the process.
- (2) The independent legal advice referred to in subsection (1) must include expertise in ecclesiastical law and be provided at no cost to the parish, PCC, or incumbent.
- (3) The DBF must establish a fund to provide for the costs of independent legal advice and other necessary resources for parishes, PCCs, and incumbents affected by proposed pastoral schemes or orders.
- (4) The regulations may make further provision as to:
 - (a) the criteria for accessing the fund established under subsection (3);
 - (b) the process for applying for and allocating resources from the fund;
 - (c) the types of legal advice and resources that may be funded;
 - (d) any limitations on the use of the fund.
- (5) The MPC must provide affected parishes, PCCs, and incumbents with clear information about their rights and the availability of independent legal advice and resources at the earliest stage of any proposed pastoral scheme or order.
- (6) The Church Commissioners may issue guidance on the implementation of this section, to which the MPC and DBF must have due regard.
- (7) For the purposes of this section, “resources” includes, but is not limited to, access to relevant documentation, expert opinions, and administrative support necessary for participating fully in the pastoral scheme or order process.
- (8) The provision of independent legal advice and resources under this section does not affect any other rights or duties of the affected parties under this Measure or any other enactment.

{end}

Further Recommendations

To enforce the “Parity of Arms” clause and ensure fair treatment for all parties involved in pastoral reorganizations, the following measures should be considered:

Oversight and Monitoring

1. Establish an independent oversight committee to monitor compliance with the “Parity of Arms” clause. This committee might be the newly established Mission and Pastoral Adjudication Committee (MPAC¹) under the National Church Governance measure or a subcommittee of MPAC.
2. Require regular reporting from dioceses on how they are providing access to legal resources for parishes and PCCs.

Funding and Resources

1. Create a dedicated fund, managed independently, to provide financial support for parishes and PCCs to obtain legal advice. This fund could be funded all or in part by the Church Commissioners.

2. Develop a panel of independent ecclesiastical law experts that parishes can consult.

Procedural Safeguards

1. Implement mandatory cooling-off periods during reorganization processes to allow parishes time to seek legal counsel.
2. Require dioceses to disclose all relevant legal information to affected parishes at the earliest stages of reorganization discussions.

Appeal Mechanisms

1. By incorporating MPAC¹ into the appeal process, the Church of England can provide a dedicated and specialized body for handling pastoral reorganization issues, potentially improving the fairness and effectiveness of the “Parity of Arms” clause enforcement
2. Establish a clear appeals process for parishes that believe they have not been given fair access to legal resources.
3. Empower the oversight committee to intervene if it determines that a parish has not been treated fairly in terms of access to legal advice.

Training and Education

1. Provide training for diocesan staff on the importance of the “Parity of Arms” clause and how to ensure compliance.
2. Develop educational resources for parishes and PCCs to help them understand their rights and the legal resources available to them.

By implementing these measures, the Church of England can work towards ensuring that the “Parity of Arms” clause is effectively enforced, promoting fairness and transparency in pastoral reorganization processes.

Right of Patronage

Background

The proposed Mission and Pastoral Measure introduces several changes to the right of patronage in the Church of England. Key aspects include:

Pause Period on Right of Presentation

The measure introduces a new concept of a “pause period” for the right of presentation to a benefice. This allows for a temporary suspension of the patron’s right to present a candidate, which can be extended under certain circumstances.

Appointment During Pause Period

During the pause period, a priest in charge may be appointed. This provision allows for continued pastoral care and leadership in the parish while the right of presentation is suspended.

Administration in Vacancy

¹ All references to MPAC in proposed revisions could be altered to reference the current Mission, Pastoral and Church Property Committee of the Church Commissioners if the National Church Governance Measure has not been enacted before this measure goes into effect.

The measure outlines procedures for the administration of a benefice during a vacancy. This ensures proper management of the parish's affairs when there is no incumbent.

Other Provisions Related to Pauses

The measure includes additional provisions related to pauses on presentation, which may affect how patrons exercise their rights during these periods.

Priest in Charge as Charity Trustee

The measure clarifies that a priest in charge appointed during a pause period can serve as a charity trustee. This ensures continuity in the management of parish-related charitable activities.

Determination of Patronage Questions

The measure provides for the determination of questions related to patronage, which may help resolve disputes or uncertainties about patronage rights.

Restrictions on Minors

The measure includes provisions related to minors and patronage rights, potentially limiting or regulating the exercise of patronage by underage individuals.

Observations

The proposed changes to patronage in the Mission and Pastoral Measure aim to provide more flexibility in managing benefices during transitions or reorganizations while maintaining the overall structure of the patronage system. The measure appears to balance the traditional rights of patrons with the need for effective pastoral care and administration in parishes.

These changes have sparked both support and criticism, reflecting the tension between modernising church governance and preserving traditional structures

Issue Analysis

Below is an analysis of the arguments for and against the changes.

Arguments in Favour

1. *Flexibility and Modernization*

- The introduction of measures such as the "pause period" allows benefices to temporarily go fallow during pastoral reorganisations, ensuring decisions are not rushed and benefices can recover without permanent closure.
- Updating terminology (e.g., "pause" instead of "suspension") simplifies processes and fosters transparency, while frameworks for diocesan collaboration aim to increase accountability.

2. *Enhanced Local Agency*

- Parishes gain greater input in decision-making processes, distinguishing parish-led from diocesan-led changes, which could empower local communities and strengthen their role in governance.

3. *Improved Pastoral Care*

- The ability to appoint a priest-in-charge during a pause period ensures continuity in spiritual leadership and pastoral care for congregations during transitional periods

4. *Conflict Resolution*

- Provisions for determining patronage disputes may reduce legal or administrative conflicts, streamlining processes and fostering smoother transitions.

5. *Safeguards on Trustee Roles*

- Clarifying that priests-in-charge can act as charity trustees ensures proper governance of parish resources during vacancies or reorganisations.

6. *Periodic Review*

- Limiting the pause period to a maximum of seven years (with extensions requiring specific consents) reduces the risk of indefinite suspension and ensures regular reassessment of benefice arrangements.

Arguments Against

1. *Erosion of Patron Rights*

- Critics argue that allowing dioceses to establish patronage boards without patron consent undermines historic safeguards, diminishing patrons' ability to freely present candidates for benefices.

- This shift risks silencing lay voices that historically protect parish identity and diversity.

2. *Risk of Bureaucracy*

- Increased oversight and consultation requirements may lead to delays and inefficiencies in filling vacancies, potentially leaving benefices without leadership for extended periods.

3. *Potential Power Imbalance*

- Concerns arise that bishops may gain excessive control over appointments, reducing diversity in church leadership and marginalising patrons' input.

4. *Impact on Private Patronage*

- Private patronage is seen as a vital check against centralised control, ensuring diversity in appointments. The proposed changes may weaken this system, potentially leading to more homogeneous leadership.

5. *Impact on Academic Patrons*

- Institutions such as Oxford and Cambridge colleges fear losing influence over benefices they traditionally support, which could disrupt their historical role in church governance and diminish intellectual diversity within the Church.

6. *Diminished Parish Autonomy*

- The changes could be perceived as reducing local decision-making power, potentially alienating parish representatives from the reorganisation process.

The proposed changes aim to modernise patronage while addressing practical challenges like vacant benefices and pastoral reorganisation. However, they risk concentrating power within diocesan structures at the expense of traditional patronage rights, private patrons, and academic institutions. Striking a balance between flexibility and safeguarding historic checks on authority will be essential for maintaining trust within the Church of England's governance framework.

Recommendations

To address the concerns raised in the arguments against the proposed changes to patronage, whilst preserving the benefits outlined in the arguments for, I propose the following revisions and a new section:

Proposed Revisions

1. Amend Section 32(1) to include a consultation requirement: “Where a benefice is vacant, or is due to become vacant within the next three months, and either or each of the conditions in subsection (2) is met, the bishop may, **after consulting with the patron and the PCC**, give notice (a “pause notice”) that during the period specified (the “pause period”) the registered patron may not exercise the right of presentation without ...”
2. Modify Section 32(6) to reduce the maximum pause period: “A pause notice must specify the date on which the pause period begins and the date on which it ends; and the pause period may not exceed **two** years.”
3. Amend Section 32(7) to require consent for extensions: “The bishop may, at any time before the end of the pause period under a pause notice, give notice (an “extension notice”) to extend the pause period, **subject to the consent of the patron and the PCC**; and ...”

Proposed New Section

Safeguarding Patronage Rights and Diversity

- (1) The exercise of powers under this Measure relating to patronage must have due regard to:
 - (a) the historical significance and diversity of patronage within the Church of England;
 - (b) the importance of maintaining a balance between diocesan authority and the rights of patrons;
 - (c) the value of preserving diverse voices in the appointment process.
- (2) The bishop must, before exercising powers under Section 32, consult with:
 - (a) the registered patron;
 - (b) the Parochial Church Council of the benefice concerned;
 - (c) where applicable, any relevant academic or private patron.
- (3) Where a patron objects to a proposed pause or extension, they may appeal to the Mission and Pastoral Adjudication Committee, which shall have the power to review and, if necessary, overturn the bishop’s decision.
- (4) The Church Commissioners shall establish a Patronage Advisory Group, comprising representatives of diverse patronage interests, to:
 - (a) monitor the implementation of changes to patronage rights;
 - (b) provide guidance on best practices for balancing diocesan needs with patronage rights;
 - (c) report annually to the General Synod on the state of patronage within the Church of England.
- (5) Nothing in this Measure shall be construed as removing the right of private or academic patrons to nominate candidates for vacancies in benefices of which they are patrons, subject to the temporary limitations imposed by a valid pause notice.

{end}

These revisions and the new section aim to address concerns about the erosion of traditional

patronage rights, potential power imbalances, and the impact on private and academic patrons, while still allowing for the flexibility and modernisation sought by the proposed changes.

Financial Review

Background and Observations

The proposed measure does not appear to contain specific provisions, sections, or sub-sections that directly address the financial analysis by the Diocese as part of any justification for reorganisation under a new scheme. Indeed, a detailed financial analysis for each proposed pastoral scheme or order is not explicitly required as an element of the Mission and Pastoral Committee (MPC) framework. However, there are provisions that suggest financial considerations should play a role in the process:

1. *General Financial Considerations* - Section 5(2)(a) requires the MPC to have due regard to “the financial implications for the diocese and for the Church of England as a whole” when carrying out its functions.
2. *MPC Framework* - Section 6 outlines the requirement for an MPC to prepare and publish a “mission and pastoral collaboration framework” document. While this framework must include strategies for carrying out the MPC’s functions, it does not specifically mandate a detailed financial analysis for each scheme or order.
3. *Pastoral Schemes and Orders* - Sections 7, 8, and 9 describe the types of provisions that can be made in pastoral schemes and orders, including some with financial implications. However, they do not explicitly require a detailed financial analysis for each proposal.
4. *Diocesan Pastoral Account* - Section 70 establishes the requirement for each diocese to maintain a “diocesan pastoral account,” which suggests some level of financial tracking for pastoral activities.

These provisions suggest that financial considerations are part of the overall decision-making process, but they do not specifically require or outline a comprehensive financial analysis of the Diocese as a basis for reorganisation schemes. The measure appears to leave the extent and depth of financial analysis to the discretion of the MPC and other relevant bodies involved in the reorganisation process.

Issue Analysis

The proposed Mission and Pastoral Measure does not explicitly require a comprehensive financial analysis to underpin a new scheme. This lack of a formal financial assessment requirement poses several risks to all parties involved, particularly to parishes:

General Risks

1. *Inadequate Resource Allocation* - Without a thorough financial analysis, resources may be misallocated, leading to inefficient use of church assets and funds.
2. *Unsustainable Reorganisation* - Schemes may be implemented that are not financially viable in the long term, potentially leading to further reorganisation or closure in the future.
3. *Lack of Transparency* - The absence of a comprehensive financial analysis may reduce transparency in decision-making processes, potentially eroding trust between different

levels of church governance.

4. *Difficulty in Measuring Success* - Without clear financial baselines and projections, it becomes challenging to assess the success or failure of implemented schemes.

Specific Risks to Parishes

1. *Financial Instability* - Parishes may find themselves in financially precarious situations if the full economic impact of reorganisation is not thoroughly assessed.
2. *Loss of Assets* - There is a risk that parish assets could be transferred or repurposed without a full understanding of their long-term financial implications for the parish.
3. *Increased Financial Burden* - Parishes might face unexpected costs or financial responsibilities that were not adequately accounted for in the planning process.
4. *Reduced Capacity for Ministry* - If financial implications are not fully considered, parishes may end up with insufficient resources to maintain their desired level of ministry and community engagement.
5. *Inequitable Distribution* - Without comprehensive analysis, there's a risk of creating or exacerbating financial inequalities between parishes.
6. *Difficulty in Long-term Planning* - Parishes may struggle to plan for their future effectively without a clear understanding of the financial implications of reorganisation.

To mitigate these risks, it would be beneficial to include provisions for comprehensive financial analysis in the Mission and Pastoral Measure, ensuring that all parties, especially parishes, have a clear understanding of the financial implications of proposed schemes.

Recommendations

Detailed Financial Analysis Requirement

While a detailed financial analysis for every proposed scheme or order is not mandated, it could be beneficial to include such a requirement for several reasons:

1. *Improved Decision-Making* - A thorough financial analysis would provide a clearer picture of the potential impacts of proposed changes, allowing for more informed decision-making.
2. *Long-Term Sustainability* - It would help ensure that proposed changes are financially viable and sustainable in the long term.
3. *Transparency* - Requiring detailed financial analysis could increase transparency in the process, potentially building trust among stakeholders.
4. *Resource Allocation* - It would assist in better allocation of resources across the diocese and the Church of England as a whole.

However, mandating such analysis for **every** proposal could also have drawbacks, such as increased administrative burden and potential delays in implementing necessary changes. A balanced approach might be to require detailed financial analysis for schemes or orders above a certain threshold of financial impact or complexity.

Review and Assessment of Financial Analysis

In addition to adding a requirement for a detailed financial analysis by a Diocesan MPC, it would also be advisable to require a review by a national body or bodies when certain thresholds are

reached. Involving national bodies in the financial analysis of Diocesan schemes would provide several potential benefits:

1. *Expertise and Resources* - National bodies like the Church Commissioners and the Archbishop's Council Finance Committee have access to broader financial expertise and resources that may not be available at the diocesan level.
2. *Standardisation* - National involvement could lead to more standardised financial analysis practices across dioceses, making it easier to compare and evaluate different schemes.
3. *Objectivity* - National bodies can provide an independent perspective, potentially identifying issues or opportunities that local stakeholders might overlook.
4. *Risk Management* - With their broader view of the Church's finances, national bodies can better assess how individual diocesan schemes might impact the overall financial health of the Church of England.
5. *Strategic Alignment* - National bodies can ensure that diocesan schemes align with broader Church of England financial strategies and goals.
6. *Economies of Scale* - Centralised financial analysis could lead to cost savings through economies of scale in data processing and analysis.
7. *Best Practice Sharing* - National bodies can facilitate the sharing of financial best practices and lessons learned across different dioceses.
8. *Compliance* - National oversight can help ensure that diocesan schemes comply with relevant financial regulations and Church of England policies.
9. *Long-term Planning* - With their broader perspective, national bodies can better assess the long-term financial implications of diocesan schemes.
10. *Transparency* - Involvement of national bodies could increase transparency in the financial analysis process, potentially building trust among stakeholders.

These benefits could contribute to more robust and sustainable financial planning for diocesan schemes, ultimately supporting the Church's mission and pastoral objectives.

Leveraging National Expertise for Independent Diocesan Scheme Reviews

Potential Current Mechanisms

1. Dioceses submit financial analysis to the Archbishop's Council Finance Committee, which benchmarks proposals against national sustainability criteria.
2. Church Commissioners (Section 70–74 of the Mission and Pastoral Measure) review diocesan pastoral accounts and allocate funds from the Closed Church Buildings Support Account.

Potential Future Mechanisms

1. MPAC² Scrutiny (NCGM Section 6)
 - MPAC could require dioceses to submit independent financial impact assessments

² All references to MPAC in proposed revisions could be altered to reference the current Mission, Pastoral and Church Property Committee of the Church Commissioners if the National Church Governance Measure has not been enacted before this measure goes into effect

for schemes exceeding a cost threshold.

- Use NCGM Section 8 funding framework to tie diocesan grants to compliance with MPAC-reviewed financial plans.
2. Audit and Risk Committee Oversight (NCGM Section 5)
 - Mandate dioceses to adopt standardised financial reporting templates, enabling comparative analysis.
 - Conduct spot audits of diocesan schemes via the committee's internal audit services.
 3. Centralised Expertise Pool - Governance & Nominations Committee (NCGM Section 4)
 - Governance and Nominations Committee could maintain a register of approved financial consultants for dioceses to engage, ensuring consistency and independence.

Further Recommendations

1. *Mandate Independent Reviews* - Require dioceses to commission external financial audits for schemes with projected costs >£500k, with results reviewed by MPAC.
2. *Create a National Financial Threshold Matrix* - Define tiers of financial scrutiny based on scheme complexity (e.g., mergers vs. closures).
3. *Expand MPAC's Remit* - Amend NCGM Section 6(4) to explicitly include financial viability assessments in MPAC's appellate jurisdiction.

These additional elements would balance diocesan autonomy with robust financial oversight, aligning with the Parity of Arms principle advocated in earlier reforms.

Mission and Pastoral Collaboration Frameworks

Background and Observations

Based on the proposed Mission and Pastoral Measure, each diocese is required to produce its own "mission and pastoral collaboration framework" (section 6). This means that all 42 dioceses in the Church of England would be conducting this exercise independently.

This approach creates several problems:

1. *Resource inefficiency* - Each diocese would be expending time, effort, and financial resources to create essentially similar documents.
2. *Inconsistency* - With 42 different frameworks, there could be significant variations in approach, quality, and content across dioceses.
3. *Duplication of effort* - Many dioceses may be addressing similar challenges, leading to unnecessary duplication of work.
4. *Lack of national cohesion* - Individual frameworks might not align well with broader national church strategies.

However, it's important to note that a national framework would need to be flexible enough to accommodate local variations and specific diocesan needs. The current proposal for individual diocesan frameworks may be intended to ensure local contexts are fully considered in mission and pastoral planning; but there does seem to be a huge potential opportunity to reduce complexity and remove unnecessary variation while also relieving Dioceses of redundant work along with the associated resource demands.

Issue Analysis

Section 6 of the Mission and Pastoral Measure (MPM) focuses on the process and procedures rather than specific strategies. The mission and pastoral collaboration framework is primarily about how the MPC plans to exercise its functions. This would include:

1. *Consultation processes* - A diocese might need to vary its framework based on its geographical spread or population density, affecting how it consults with parishes and stakeholders. It is hard to make a strong case for significant variation here.
2. *Decision-making structures* - The size and composition of the diocese might influence the structure of sub-committees or working groups within the MPC. Such variations would likely be innocuous and usually they would not significantly impact the interaction points with benefices, parishes, and incumbents, etc.
3. *Frequency of reviews* - A diocese with more volatile demographics might need more frequent reviews of its pastoral organisation than a more stable one. The process supporting and composition of a review, however, would not need to vary.
4. *Resource allocation* - The financial situation of a diocese might affect how it allocates resources for the MPC's work, potentially requiring different approaches to carrying out its functions. Surely, however, if a resource-poor Diocese found a way (out of necessity) of getting the same work done more efficiently, the resource-rich Dioceses might benefit by adopting the same approach. Moreover, might there not be opportunity here for cross-Diocese resource sharing and/or shared services?
5. *Integration with other diocesan strategies* - The framework might need to vary to align with other diocesan initiatives or priorities. While this sounds right, it is hard to come up with a meaningful example.
6. *Use of technology* - Dioceses might vary in their use of digital tools for communication, data analysis, or consultation, affecting how the MPC operates. As with Resource allocation, surely nowadays we ought to be leveraging investments in technology across all Dioceses.
7. *Timelines and scheduling* - The diocesan calendar and workload might affect the timing and frequency of MPC activities. Such variation would generally not be significant enough to cause much impact.
8. *Expertise utilisation* - The availability of specific expertise within the diocese might influence how the MPC approaches its tasks. See the points previously made about "Resource allocation" and "Use of technology".
9. *Reporting mechanisms* - Dioceses might have different preferences for how the MPC reports its activities and recommendations. Best practice in reporting should not be reinvented because of mere preferences.
10. *Collaboration with external bodies* - The extent and nature of partnerships with local authorities, other denominations, or community organisations might vary, affecting how the MPC functions. Any such variations required likely would not be significant.

The advantages of having a single national framework adopted by every diocese include:

1. *Consistency* - A unified approach would ensure all dioceses are working towards the same overarching goals.

2. *Resource efficiency* - Centralising the framework development would save significant time and resources across the Church.
3. *Best practice sharing* - A national framework could incorporate the best ideas and strategies from across the Church.
4. *Easier evaluation* - A standardised framework would make it simpler to assess progress and effectiveness across dioceses.
5. *Strategic alignment* - A national framework could better align with broader Church of England initiatives and objectives.

Recommendations

Here are the proposed revisions to Section 6 of the Mission and Pastoral Measure (MPM) to create a common, national framework while allowing for minor diocesan variations:

6 Mission and pastoral collaboration framework

(1) **The Mission and Pastoral Adjudication Committee (MPAC)³ must prepare and publish a national document** setting out how **all diocesan MPCs should** plan to exercise their functions during the period specified in the document; and that period must not exceed seven years.

(2) The document is to be known as the “**national** mission and pastoral collaboration framework”; and references in this Measure to the framework are to be read accordingly.

(3) Each framework (other than the first one)-

(a) must be published before the end of the period specified for the purposes of subsection (1) in the framework for the time being in operation (“the current period”), and

(b) must relate to a period, not exceeding seven years, beginning before or immediately after the end of the current period.

(4) **MPAC** may, before the end of the current period, review the exercise to date of **diocesan MPC** functions in accordance with the framework; and, if it does so, it must publish a report of the review.

(5) The period to which the report of the review relates comes to an end on the date of publication under subsection (4); and the period to which the next framework (published in accordance with subsection (3)(a)) relates begins on that date and must not exceed seven years.

(6) The framework must include -

(a) strategies or proposals for carrying out the **diocesan MPCs’** functions,

(b) whatever matters the regulations may specify, **and**

(c) **provisions for minor diocesan variations in areas such as decision-making structures, frequency of reviews, and collaboration with external bodies.**

³ All references to MPAC in proposed revisions could be altered to reference the current Mission, Pastoral and Church Property Committee of the Church Commissioners if the National Church Governance Measure has not been enacted before this measure goes into effect

(7) The framework may impose requirements on **diocesan MPCs**; and **each diocesan MPC** must, accordingly, comply with a requirement so imposed.

(8) Before publishing the framework, **MPAC** must consult **all diocesan synods**.

(9) ~~The MPC may not publish the framework unless—~~

~~(a) it has obtained the approval of the diocesan synod, and~~

~~(b) the Church Commissioners have indicated that, in their view, the MPC has had due regard to the guidance in preparing the framework.~~

(9) Each diocesan MPC must adopt the national framework, with any minor variations as permitted under subsection (6)(c), and publish its localised version within three months of the national framework's publication.

(10) MPAC must review and approve any proposed diocesan variations to ensure consistency with the national framework's objectives and to facilitate best practice sharing across dioceses.

(11) MPAC must establish mechanisms for regular evaluation of the framework's implementation across all dioceses, including standardised reporting processes and metrics.

(12) The national framework must align with broader Church of England initiatives and objectives, as determined by the General Synod and other relevant national Church bodies.

{end}

Wendy Coombey (Hereford 371)

We write in response to the recently published papers concerning the Review of the Mission and Pastoral Measure 2011. We have focussed mainly on the matters that relate directly to Festival Churches but, as the Association and its Trustees are heavily involved in the furtherance of the Mission of the Church, we have also provided thoughts and comments on the wider impact of the Review and the potential implications of the proposed new Measures. However, we also wish to endorse the response made by the Church Buildings Council (CBC), which raises and reflects their concerns regarding exactly when their input is sought – we believe that this should be as early in the process as possible to ensure that their expertise is part of the decision making process.

The principle of reviewing the Measure and its operation is very much welcome. We recognise that the Church has undergone a significant period of change since the existing Regulations were first introduced and we therefore need something now that is more responsive to the current needs and significantly more “user friendly” while remaining consistent with good legal and Church Practice.

As part of this we recognise that the current processes around Parish re-organisation and Church closure probably do need to be simplified and much easier to put into practice. However, we firmly believe that this needs to be balanced with the ability to reach well informed decisions as to the options for a church building and/or which church buildings to close otherwise we risk increasing the likelihood of closure and/or loss of an irreplaceable asset. The starting point for any Legislation and/or Review needs to explicitly recognise that Church buildings offer the Church an unrivalled opportunity for engagement and outreach and for the furthering of mission in order that we do not unnecessarily lose this irreplaceable resource. It has been demonstrated that the impact of Church closure on mission is significant (and potentially irreversible) not least because 1/5 of the Congregation of a closed Church will not seek out another Church (National Churches Trust Poll 2024 - reported in the Church Times <https://www.churchtimes.co.uk/articles/2024/23-august/news/uk/if-a-church-closes-one-fifth-of-the-congregation-won-t-look-for-another-poll-suggests>)

We appreciate that what we have been presented with is a proposed “framework of operation” in the new draft Measure and Regulations. The accompanying Policy Paper then attempts to demonstrate the benefits and flexibility of the new legislation. However, to some degree the “proof of the pudding” is always in the eating, and we will not know the true impact of the changes until people come to use the Legislation. We welcome the idea that there will be detailed Guidance Notes to help guide through this maze. These Guidance Notes will be crucial to the proper implementation of the Legislation, and we would very much welcome the opportunity to contribute to the development of these in a formal and meaningful way. However, there are some issues that we feel we need to flag now in order that that can either be addressed within the proposed Legislation or in a timely and comprehensive manner within the Guidance Notes:

1) ***Processes as they are currently framed*** – we appreciate that the proposed Legislation is intended to give options and alternatives in order to provide a relevant solution in a variety of circumstances (as well as ease the pressure in certain areas of the current process). However, in trying to be this flexible it does create some tensions both in terms of user groups and the Statutory Purpose of furtherance of Mission. These areas of tension need to be minimised as well as ensuring that the Legislation is robust enough to deal with conflict where it arises.

2) **The Festival Church Model** – we know that there is much about this Measure that is not directly relevant to the Association of Festival Churches or the Festival Church model. However, discussions about Parish re-organisation and/or Church closure naturally produce discussions on alternative models including Festival Churches. We would therefore expect there to be more explicit reference to these options and how they fit into the processes. The Festival Church model is designed to allow breathing space, but in a constructive, collaborative way with the wider community and was first mentioned in the Church Buildings Review and agreed by Synod in February 2017. It may have been helpful if the model was more formally recognised or at least given as much weight in the Policy Paper as the Fallow model.

3) **The Fallow Church Model** – the Policy Paper accompanying the Review is the source of the majority of Fallow Church information currently available. The Paper talks about Fallow Churches helping communities keep their church buildings open and yet all the practical Measures are about how you deal with a Fallow Church as a closed building. This seems to be quite confusing. The experience of the trustees of the Association of Festival Church, many of who have vast experience of working with parishes and communities to support them in caring for their buildings, is that to simply allow the churches to remain ‘fallow’ without any clear plan or guidance to underpin their care or maintenance or even allow use by the wider community will inevitably lead to their deterioration, leading to bigger repair bills, growing problems with the fabric, all of which makes it more likely that it will lead to their eventual closure. The AFC feel very strongly that the Fallow option is being promoted as the preferred option but fail to see how this supports maintaining a missional presence in a community. The AFC feel strongly that this approach should be promoted as an option to pursue, but after the Festival Church model is considered as an option. We come to this conclusion based on the reason that Fallow is not good for the building, is certainly not good for the community as it does not seem to draw on the untapped energy often found in local communities to support church buildings, and it is bad for mission.

1) PROCESSES AS THEY ARE CURRENTLY FRAMED

We welcome the Review and think that it is necessary to make the measure more relevant and useable. However, making something more useable does not just mean removing steps from the process. The issues that the Measure deals with are, by their nature, complex and emotive and we know from experience that this will often lead to a difference of opinion and quite often conflict. The Measure therefore needs to be robust enough to manage this “tension”. However, in an attempt to be flexible, the Measure seems to contain a number of “suggestions” and steps that are not compulsory. This may indeed simplify things, but we also know from experience that it will add to the tension.

In addition, we are not convinced that the Measure as it is currently framed provides the tools to deal with this conflict/tension. The worked through examples in the Policy Paper of how the Measure will operate seem to be too simple and do not give the reassurance that the process is up to the task of managing the inevitable conflict and competing views. All the examples (apart from one) seem to happen in a vacuum of consensual views and lead to an outcome that satisfies everyone.

In addition, there are specific clauses that, as they are currently worded, would seem to be designed to generate conflict:

- Clause 3 of the Measure – enables a parish to make proposals for a pastoral scheme. However, subsection 3 states that the incumbent, priest in charge or team vicar must consent. Does

this mean that in a case where the incumbent is a Team Rector and the church in question was looked after by a Team Vicar that one could overrule the other?

- Clause 4 of the Measure requires the MPC to maintain an overview of matters relating to Church buildings, except matters within the function of the DAC. Again, it seems that there is potential scope here for tension between the two communities.
- Clause 5 (Subsection 2) of the Measure states that the MPC is required to have due regard to the “financial implications for the diocese and the Church of England (but not the Parish!) and to “the need to allocate appropriate speres of work” (we are not sure what this actually means)
- Clause 5 (Subsection 3) of the Measure requires the MPC to “consult any person, whether or not within the Church of England, who does something relevant to that function”. This seems very vague and potentially opening up wide grounds for legal challenge.
- Clause 27 (Subsections 1 and 2) provide that if there is no incumbent/team vicar they do not have to consent or serve the notices which would normally be required from someone in that role. So, who then is consulted or takes responsibility for the Parish?
- Clause 86(4), defining references to a PCC for this Measure, says that ‘Where there are no churchwardens, a reference to the PCC is to be ignored.’ Please delete this. There are a number of instances where a parish is operating without churchwardens, because none of the PCC wish to take on that significant responsibility, but where they are fully prepared nonetheless to make sure between them that all the functions which need to be carried out are fulfilled. This may not be ideal, but it does not mean the PCC is not functioning - and certainly does not mean it should be ignored.
- Lastly - Clause 32 (subsections 2 and 3) should be renumbered 2(a) and 2(b) as they are the conditions referred to in subsection 1 as being ins subsection 2 (i.e. subsection 3 is not referenced at all).

The closure (or future direction) of a church building is a significant decision and needs to involve the whole community. We feel that the Measure does not really facilitate nor give proper weight to the importance of this community involvement. We welcome the suggestion in the Policy Paper that there will be Guidance published to “encourage” parishes to have local informal community conversations about the future of their church buildings at an early stage (and agree that this would probably be more productive than a closure conversation). However, we think that the potential usefulness of this “conversation” is undermined by the fact that it is not compulsory, that it is informal (i.e. can take any format) and that there is nothing in the closure process that requires a “Community Partnership Conversation” to have taken place. We firmly believe that community involvement needs to be properly embedded into the new Legislation. We know from the Taylor Review and from countless examples of churches where a community development process and wider community use has taken place, this can often play a key role in the future sustainability of not only the church building but more importantly the worshipping community. We feel strongly that as part of any suggestions for the implementation of any policy and guidance that attention is paid to making the resources available to provide the necessary support and resources to allow parishes to engage with the wider community – this was after all one of the key recommendations of the Taylor Review.

It is noted that under these proposals, the role of the Churches Conservation Trust (CCT) is to be expanded, which will inevitably mean that they will need an increase in resources. However, it is interesting to note that the strategic approach of the CCT is to engage with local communities,

working with local people to keep their church buildings and to support them with repairs and fund raising. It could be argued that encouraging this to happen prior to closure is a more useful approach.

Finally, we (like others) are also concerned about the potential diluting of the role of the CBC. The current process relies heavily on the CBC but, as a result, provides a reassuring level of security and well-informed decisions. This is why we are fully endorsing the response made to the revision committee by the Church Buildings Council. However, we do recognise that there are capacity issues and therefore the process needs to be changed to make it more workable. Guidance Notes might provide some reassurance and context as to what the involvement of the CBC should/could be. However, the Measure, as it is currently framed, does seem to dilute the role of the CBC significantly and the fact that a church can be closed without any involvement from the CBC (even where they want to be involved) will inevitably increase the likelihood of inappropriate closure. It must be noted that the other bodies referred to in the Review as being able to provide advice and guidance instead of the CBC (such as the DAC and the CCT) are similarly stretched and also lack a lot of the CBC's expertise.

2. THE FESTIVAL CHURCH MODEL

We note that the Review (and the accompanying Policy Paper) does not really contain any references to Festival Churches. To some degree this is not surprising as the Legislation is primarily about Church closure whereas the Festival Church model is very much about keeping Churches open (in addition, the Review is not directly changing any Regulations in relation to the creation or administration of Festival Churches).

Having said that, the Festival Church option is something that usually comes up when considering Church closure. People have therefore got to know that it very much is an option and, as such, we believe that it needs to be more explicitly referenced than the one example provided on page 25 of the Policy Paper. We appreciate that this may be addressed within the Guidance Notes that are yet to be developed and would therefore welcome the opportunity to formally contribute to these to ensure that it is practical and relevant. However, we also believe that there are places within the Legislation that could be enhanced by narrative about alternative options including Festival Churches. For example:

- The Report required under Regulation 43 could include information and advice on the options for the building including whether Festival Church status has been considered. This could also include the requirement for Community Consultation.
- The Community Partnership Conversations could include a requirement to consider the Festival Church Model (and maybe the Fallow Church Model).
- Being explicit that the Festival Church model can be considered as part of the formal processes within the Legislation e.g. it could be a Mission Initiative under Measure 20 or a Church Governance Transfer Notice (as it would be an open church) but not a Charitable Church Trust (as this is a closed church).

3. THE FALLOW CHURCH MODEL

We have seen first-hand how the concept of a Fallow Church can work. There is an excellent example of a Church in Cumbria that became fallow for a period of 12 months or so and is now a thriving Festival Church (we can provide details if this would be useful).

We know that Fallow Church (like Festival Church) is not a legal status. However, it is a model that churches will look to when they are considering closure and therefore, they will want/need a definition of what it is and what it isn't. At the moment, that definition is provided primarily (or even solely) by the Policy Paper that accompanies the Review. This talks about helping communities keep their church buildings open but then all the practical measures are about how you deal with it a Fallow Church as a closed building (e.g. vesting in the CCT and/or retaining closed church buildings within the scope of the Church of England framework). We think that this is quite confusing and misleading (even to people who have some knowledge of Fallow Churches). We therefore believe that more explanation needs to be provided on what it means to keep your building open and be a Fallow Church and what the potential progression routes are (which inevitably would include Festival Churches). We recognise that this will probably be dealt with in Guidance Notes, and we would therefore welcome the opportunity to help develop these.

We hope that you view these comments as constructive. Please do not hesitate to contact us for clarification on any point and/or further information. And, as we have said, we would welcome the opportunity to be involved in the development of the necessary Guidance Notes.

For and on behalf of the Association of Festival Churches

Julie Dziegiel (Oxford, 377)

I am writing to confirm my support for Mark Bennet's proposed revisions, except that I would like to propose that the period in Clause 42 is reduced from five years to two years, to encourage, or at least enable, as rapid disposal of unused church buildings. I think that disposals may become more frequent and necessary in the coming years, and it is important not to build delay in to the process.

Best wishes

Julie Dziegiel Oxford 377

Tony Allwood (St Edmundsbury and Ipswich, 397)

Advice from the Statutory Advisory Committee of the Church Buildings Council

1. The Council is keen that its advice through the SAC is always sought at a point when it can be most helpful and effective in identifying a good future use for a building, where this can be achieved. Chapter 4 of the Pastoral Regulations deals with this in various situations. Regulation 112(2), 113(4) and 114(3) requires that this advice is received 'no later than the date on which the scheme or order is made'. This timescale, quite understandable for practical purposes, would help to make evident that the advice is taken into account if the space wording 'not later than the date' was replaced with 'must be taken into account' or a similar formulation. If The Revision Committee wished to it could use a timeframe to receive the advice similar to the provisions made in the faculty rules (which allow 42 days in the first instance, the nearest equivalence).
2. The advice of the Statutory Advisory Committee contains information that can be helpful to others with a legitimate interest, such as the amenity societies and Historic England. A regulation in para. 112 to make clear that the advice in para 112 (2) could be shared with others would make this clear.
3. Where the CBC through the SAC has advised under section 112(2)(b) that demolition of the whole or part of a building would be objectionable, that the CBC is given the opportunity to advise a second time if, after use seeking, a proposal for demolition is brought forward. This is implicit in the Regulations, but it's being made explicit would be welcome.
4. Where proposals for a new use of a church building are presented that are outside the scope of the advice given by the Council under section 112 of the Regulations, that the Council is requested to give further advice on those proposals.
5. The present MPM allows for the CBC to make representations against a scheme or order for disposal of a church building. The proposed Pastoral Regulations do not include the CBC as a body able to make representations (Section 116(3)(a-g). A mechanism in regulation 116 to enable the CBC to show when it is especially concerned about a proposal, would be helpful.
6. The Council through the SAC is presently consulted on leases of buildings vested in the CCT. The emphasis of Section 57 para. 11 of the 2011 Measure is on alterations to the building required as part of a lease, and so of direct interest to the SAC retention of mandatory advice for a lease proposal with impacts on the fabric is appropriate as it is directly relevant to the circumstances of the building being of vestable quality.
7. Para. 58(1) of the Draft Measure allows for disposal of contents during the use seeking period. This addresses a long-standing concern that some furnishings are left to deteriorate and, on closure, their disposal not achieved in an appropriate way. The Council asks that there is a provision in Section 58 to make explicit the need for appropriate advice before a direction is made to dispose of an article of architectural, art-historical or other significance.

Care for the environment

8. The SAC has already started to comment on the environmental impact of demolition. Demolition is not the only action under the measure with environmental impacts. It would be

consistent with the Care of Churches and Ecclesiastical Jurisdiction Measure (2018, as amended) to include a specific requirement in clause 1 of the Measure to require all people using it to have regard to care for the environment, rather than identifying each concern as it arises in the Measure. This would allow for policy development over environmental impacts without the need for legislation.

Jonathan Baird (Salisbury, 400)

Please find below my written submissions.

May I premise my submissions by observing that the draft measure is an improvement on GS 2315, which was debated at GS in York in July '25?

It is both pleasing & heartening that many previous suggestions (often expressed vociferously & repeatedly) have been woven into the fabric.

May this spirit of constructive improvement & polishing continue.

1. Parishes need access to independent legal representation. If a neighbouring diocese is unable to offer legal advice, in which a parish has confidence as to its independence, a diocese must be obliged to pay for independent, third party legal advice for said parish.
2. The MPCPC must be able to call a diocese to account. It needs the power to refer any diocesan financial plans to the central finance function of the Church for verification. Most dioceses are running deficits &, therefore, cannot be relied upon to be taking genuinely beneficial & objective decisions. In other words, has the diocese done everything in its powers to deploy additional clergy rather than close churches? To put it another way, is its financial house in order?
3. The same goes for the MPCPC having the ability to call a diocese to account if it has not met any undertakings, which it has given.
4. In other words, the inquisitorial function of the MPCPC needs beefing up.
5. At hearings before the MPCPC, those opposing a scheme should be allocated as much time as those proposing the scheme, including in the latter the diocese, which by definition is in favour of said scheme. Ergo, it should be 50/50 rather than 33/33/33.

Debbie Mclsaac (Salisbury, 402)

General Considerations

The Explanatory Note to GS2394X is intended to recast the legislative architecture which governs pastoral re-organisation and the closure and disposal . . . of church buildings.' The MPM has a long history, is complicated and may impact on all levels of church from the small chapel of ease to the largest multi-site urban churches constituting their own Deanery. The vast majority of parishes and PCCs (especially the rural churches) are the least well equipped to respond. The power resides with the Diocese throughout the process.

I have been a member of the Archdiaconal Mission and Pastoral Committee for many years. I can remember only a few occasions where the members of the Committee had a substantive input into the decision-making or received a detailed written report. Proposals are developed by Archdeacons and conversations are between the Archdeacon and the incumbent or clergy team.

There is an irrefutable power imbalance which hampers achieving the best (or the least worse) outcome for the local clergy, the PCC and local worshippers. I propose that in appropriate cases, some version of a 'McKenzie friend' (perhaps entitled a 'pastoral friend') could be appointed by the parish or church to accompany the church or parish through one or more steps in the process of pastoral change.

The proposal to use structured conversation templates (Bridge Builders) are most welcome. There are a range of training and development techniques which can and should be used before any formal steps have been taken

Part A The draft Measure and the draft Regulations

clause 1 (and elsewhere) 'Due regard' is used in many different contexts and with different implications. There is the general duty on a person carrying out a function in clause 1; the MPC has the same general duty and also has a duty to have due regard to worship, mission and community as central to the life and work of the Church of England; and must also have due regard to those items specified in in clause 5(2). It may be that there are so many factors that are to be given 'due regard', that the reference becomes meaningless, or almost so.

clause 3(1) and (2). It is appreciated that important rights and obligations will be affected but if possible, simpler language in a more logical order would be welcome.

clause 3(9) It should be specified that the question of whether a proposal or provision is 'parish-led' is a question of fact, that is, supported by the PCC(s) and in appropriate circumstances, by the wider community or communities. Further, great care should be taken to insure that the views of each PCC and individual parish are taken into account especially when the parish operates as if it is part of a larger benefice, and decisions have or may be taken in the context of a joint council or in a large mission community. Calling a procedure 'parish-led' will not make it so and will undermine confidence and trust which this Revision

One of the principles of good governance and process is to 'pay attention to power'. In this connection, further consideration should be given by the Revision Committee to balancing interests and having processes which enable to local church (and where appropriate, the incumbent and the PCC separately) to actively engage at the earliest possible stage and before initiating any formal process under the Measure. If there are relationship and communication deficits and they are

acknowledged in the church and potentially contentious issues are identified *and addressed*, especially between the incumbent and the PCC, the outcome for all parties will be improved. The use of various forms of facilitated conversations before the initiation of any formal process can be very effective.

clause 4(3) What is the meaning of a 'conventional district in the diocese'?

clause 5(a) How can an MPC in one Diocese assess the financial implications for the Church of England as a whole?

clause 6 It is suggested that one or more precedent Mission and Pastoral Collaboration Framework(s) should be drafted which can be adapted by each diocese. There seems no justification for each Diocese to prepare a bespoke version. A CAD application would be a valuable resource for dioceses and for PCCs and could support the Mission and Pastoral Collaboration framework.

Clause 6(7) If a framework imposes requirements on the MPC surely it need not be stated that the MPC must comply with the requirement it imposed.

I regret that personal time constraints have prevented me submitting a fuller and more detailed response.

Rebecca Chapman (Southwark, 414)

Mission and Pastoral Measure – Proposals for Amendment

I have a two general sets of concerns – which pull out aspects that others have mentioned to me or highlighted, and which I think that the Revision Committee might pay serious consideration to in its deliberations- although I have no particular comment on to specifically how they should be taken into consideration in the Measure.

Church Buildings Council ('CBC') / Statutory Advisory Committee ('SAC')

Firstly, as was highlighted in the debate at First Consideration serious concerns have been expressed quite publicly that the CBC and SAC have been considerably written out of the proposed measure and regulations, in contrast to the comments made in the policy paper itself. Without repeating points made by others I would like to strongly encourage the Revision Committee to engage with the paper published by Abigail Lloyd on the 24th January 2025 and work closely with the CBC and SAC to assuage any concerns that they may have.

The further point that I would like to specifically highlight is that the Church of England must not only do the right thing – but be seen to be doing the right thing. In what can appear a somewhat fractious time in the life of the church there is a focus on the church from Parliament and secular society like never before. If the CBC and SAC are disregarded or sidelined in any way in this new measure - or even if they are perceived as being sidelined - then there is a real danger that Parliament might consider removing the ecclesiastical exemption which currently exists. I suspect the Committee will be painfully aware of how any removal of the exemption would be a huge impediment to the mission and ministry of the church.

Representation and Resourcing

When there is a general agreement by all concerned – diocese, bishop, parish, local community, that church reorganisations or closures are required then it is right to simplify and streamline the process in the way in which this measure hopes to. However, I have concerns in principle about the dangers inherent in assuming that this is always going to be the case. The legislation needs to be strong enough to cope with those more challenging situations which are contentious and where the parish and local community have a different viewpoint to that of the diocese and/or bishop. I would suggest that additional legislation is needed to ensure that the interests of the parish and local community can be equally represented, despite their more limited resources and staffing support. It will be important to ensure that the interests of the local are not at risk of being bulldozered by the centre – or perhaps more importantly that even if this is not the case, that there is not the local perception that this might be so. Some additional wording ensuring that when there is a diocese-led scheme, it will be made explicitly clear to the parish and local community exactly what support, advice, and legal support will be made available to them would be helpful – although I leave it to the committee in their wisdom to determine the appropriate location in the measure and how best this suggestion might be worded.

Adrian Greenwood (Southwark, 415)

Clause 1

I have queried the phrase '**the whole mission of the Church of England, pastoral, evangelistic, social and ecumenical**' on previous occasions and the answer has come back that this phrase is fit for purpose in the 2nd quarter of the 21st century. So, I am not going to attempt to challenge the use of the phrase again in this context.

However, I would like to encourage the Revision Committee to take time to reflect on when and in what context this phrase first entered the language of the Church, whether in legislation or otherwise, so that it fully understands and can fully explain the use of the phrase in the current context.

To assist in answering my own question, I am aware that the phrase is used in the PCC Powers Measure 1956. What I don't know is whether that was the first time that the phrase had been used in legislation.

Clause 4 (1)

'The MPC must make, or assist in making, better provision for the **cure of souls**.....' I am aware that the phrase '**cure of souls**' has an extremely ancient origin, possibly lost in the mists of time. Which is why I would like to ask the Revision Committee to reflect on what it means in the 2nd quarter of the 21st century. In particular,

- What is the difference in substance between what is meant by and included within '**the cure of souls**' and what is meant by and included within '**the whole mission of the Church of England, pastoral, evangelistic, social and ecumenical**'?
- Are these phrases interchangeable?
- Is it an essential feature that the '**cure of souls**' can only be exercised jointly by the Diocesan Bishop and the Incumbent of the parish'?

Clause 13 & following

Clause 41 and following

Clause 84 (2)

My request in all these cases and any others is that wherever possible the words '**church building**' should be used rather than simply '**church**'. A 'church' is a gathering, or congregation, of people. Where they choose to meet may be called a 'church building' which may have been especially designed and consecrated; but may simply be a building in which the gathering/congregation meets e.g. a hall or school.

In my view, it would be great to use this opportunity of a new Mission & Pastoral Measure to recover the true meaning of the word '**church**' and to use '**church building**' when the legislation is talking about a building and not the group of people who meet in it.

Clause 64 (1) & following

For the same reason, I propose that 'The Churches Conservation Trust' is renamed '**The Church Buildings Conservation Trust**' – CBCT. If accepted, consequential amendments would need to be made.

The role of the CBC and SAC

I am concerned about the significantly reduced role of the CBC and SAC proposed in the draft MPM legislation, for the following reasons:

- i. As far as I am aware, no reason has been given for proposing this reduced role. Given that ‘the value of the CBC and SAC is well established’ (GS2934p), and given that their advice and expertise are given to the church without charge, why does the new MPM remove the requirement for a CBC report prior to any decision to close a church building? I do not believe that such a reduction in role should be implemented without a reason being given. (There would be no saving in time or money, as they would be required to produce a report *after* the decision has been taken to close a church – too late to input into the process of that decision.)¹
- ii. I am concerned that such a proposal, if implemented, would remove the DCMS appointees from having any role prior to the decision being made to close a building. I fear that, at a time when Government is looking to reduce public expenditure, this might be used as an excuse to cut government funding from church buildings. The Government might reasonably cite the principle of No Donation without Representation.
- iii. I am very concerned that this proposal might have the unintended consequence of putting the ecclesiastical exemption at risk. I accept that this would be entirely unintended: GS2394p expresses enthusiasm for the ecclesiastical exemption. However, this exemption is granted on the condition that the Church provides an equally rigorous system of its own. The removal of independent expert advice *prior* to any decision being made to close a church, and its possible replacement with a single individual deemed (by those seeking the advice) capable of giving such advice would not be considered equally robust. It would be perceived as the church being allowed to ‘shop around’ for the advice that it wants, and therefore being allowed to mark its own homework. The current situation gives confidence to the Amenity Societies and to others in government and in the heritage world that the Church is running an alternative to the secular planning authority that has an appropriate level of professionalism and independence: the proposed new situation would not.
- iv. The new process proposed in MPM involves the secular planning authorities far more than the current system: this is bound to raise the question of why the secular planning authorities should not be responsible for the entire process. The ecclesiastical exemption is thus put severely at risk by these proposals.
- v. The removal of the CBC/SAC (with their DCMS appointees) from the process prior to the decision being made to close a church removes the requirement to consult with any non-church-appointed experts. This makes the whole process look worrying in-house.

I ask the Revision Committee to reconsider this aspect of the draft MPM, and restore the role of the CBC/SAC prior to the decision to close any church building.

The Removal of some Rights of Patrons

I am concerned about Recommendation 10, ‘that patronage changes currently requiring written consent should be replaced with a right of representation’, for the following reasons:

- i. I fear that Synod may not have been fully aware of what was being proposed. This is because the Explanatory Notes (GS2394X/2395X, 411) say that 'Regulation 32 restates section 46 of the 2011 Measure.' But that is not the case. Regulation 32 removes the need for the written consent of the Patron in some situations: written consent was always required in section 46 of the 2011 Measure.
- ii. The reason for this change, according to the policy paper (GS2394P) is 'because in some cases a decision by one patron can have an adverse impact on another patron, which creates issues around fairness. ... At the moment all the patrons have to agree to the proposal before a pastoral scheme can be published. If one patron disagrees, they effectively infringe upon, or impede, the rights of the other patrons who are in favour of the scheme.' However, it does not create 'issues around fairness' when person A wants to marry person B, but person B does not want to marry person A. That is entirely their right. The language here conceals a move from operating by consensus to operating by compulsion. That is a very significant change in polity, and, I believe, a change in the wrong direction.
- iii. I believe that the rights of Patrons often act as a very helpful check and balance in the system. Often patrons are able to advocate for their parishes in such a way as to give those parishes a more effective voice.

I therefore do not believe that the rights of patrons should be eroded in this way, and ask the Revision Committee to reconsider this aspect of the draft MPM.