

## GENERAL SYNOD

## Women in the Episcopate – the Final Legislative Lap

## The task

1. On 9 July the General Synod voted by 288 votes to 144 to adjourn the Final Approval debate on the draft Bishops and Priests (Consecration and Ordination of Women) Measure to enable the House of Bishops to reconsider the new clause 5(1)(c) which it had inserted in May during the Article 7 Reference.
2. The House of Bishops will meet on 12 September to reconsider that provision. The possibilities available to the House will be to:
  - **Retain clause 5(1)(c)**
  - **Amend the draft Measure by removing clause 5(1)(c)**
  - **Amend the draft Measure by replacing clause 5(1)(c) with a different provision.**
3. In addition the House will need to consider whether it wishes to offer the Synod some additional illustrative text on the selection of male bishops and male clergy for the eventual Code of Practice. There is a case for doing this whichever view the House comes to on clause 5(1)(c). This paper therefore explores that issue too.
4. Given the terms of the Synod resolution, and given that legislation is now at the Final Approval stage, **the House of Bishops will have no power in September to amend any other provisions of the draft Measure.** Nor will the General Synod in November have the power to make amendments or pass a further reconsideration motion under Standing Order 94.
5. **The text of the draft Measure on which final decisions will have to be taken in November will, therefore, be the text as determined by the House in September.** The final say for the House of Bishops over the terms in which legislation of this kind is presented for final approval reflects its ecclesial responsibility, to which effect is given in Article 7 of the Synod's Constitution, for the doctrine and order of the Church of England.
6. Before the Final Approval debate can resume in the General Synod in November two other things may need to happen.
7. First, the Group of Six (the Archbishops, the Prolocutors and the Chair and Vice Chair of the House of Laity) will need to satisfy itself that any amendment made by the House (other than an amendment simply removing the new clause 5(1)(c)) has not altered the 'substance of the proposals embodied in the Measure' that was approved by 42 of the 44 dioceses in 2011, for the purposes of Article 8 of the Synod's Constitution.
8. Secondly, the Convocations and the House of Laity will, if the House of Bishops has amended the draft Measure in any respect, be able to claim a further Article 7 reference immediately before the group of sessions in November. In the event that a further Article 7 reference is claimed, the Final Approval debate will only resume if the requisite simple majorities are achieved in both Convocations and the House of Laity.

9. The main purpose of this discussion paper is to explore the possible approaches that the House could adopt. Of these it is the one that involves replacing clause 5(1)(c) with a new provision that requires the most innovative thinking at this stage.
10. This paper, therefore, **offers and analyses as a basis for discussion - and without commending any of them – five initial possibilities, agreed with Standing Counsel to the Synod, for replacing clause 5(1)(c) with a new provision.**
11. **The hope is that these possibilities will stimulate further suggestions. At this stage it is more important to have proposals for possible elements of a new provision, and the objectives which they are designed to achieve, than detailed drafting suggestions.**
12. Clearly the most important objective will be to identify an approach which can command a wide degree of support. But, above all, since it will form part of a statute, the effect of any new provision must be clear. It must also have a clear rationale, capable of being explained –including to the Ecclesiastical Committee of Parliament.
13. So, the starting point needs to be some analysis of what the present clause 5(1)(c), and any replacement of it, add to the rest of the Measure. Any new wording will, in the usual way, need to be agreed by Standing Counsel.

### **The shape and effect of the draft Measure**

14. In the adjourned Final Approval debate on 9 July some speakers were critical of other provisions in the draft Measure. **These cannot, however, now be changed. The decisions in September must be about clause 5(1)(c). In November the Synod will have to come to a final view on the draft Measure in the form determined by the House of Bishops.**
15. The underlying purpose of the legislation is to make the episcopate open equally to women as to men, while at the same time making provision for those Anglicans who, on grounds of theological conviction, are unable to receive the episcopal or priestly ministry of women.
16. Subject to transitional provisions, the draft Measure repeals the power to pass Resolutions A and B under the Priests (Ordination of Women) Measure 1993. In addition the intention, following Final Approval and the Royal Assent, is to repeal the Episcopal Ministry Act of Synod 1993.
17. In place of these provisions the draft Measure imposes a requirement on all diocesan bishops to make schemes containing arrangements, by way of delegation to a male bishop, for the exercise of certain aspects of episcopal ministry in parishes which have so requested.
18. This obligation applies to all diocesan bishops irrespective of gender and conviction or practice in relation to the ordination of women. Thus, there is to be no discrimination as between diocesan bishops.
19. The procedure by which parochial church councils may request a male bishop or male incumbent/priest in charge is prescribed in the draft Measure. PCCs have the right to issue Letters of Request on grounds of theological conviction.

20. Diocesan bishops are required then to make a male bishop available in accordance with arrangements provided in the diocesan scheme. In the case of priestly ministry, any person exercising functions in relation to the appointment of an incumbent/priest in charge must take account of the issue of a Letter of Request during a Vacancy.
21. The draft Measure requires the House of Bishops to draw up a Code of Practice setting out guidance on the various matters specified in clause 5(1) of the draft Measure and ‘such other matters as the House of Bishops considers appropriate to give effect to this Measure.’
22. Anyone exercising functions, episcopal or otherwise, is required to have regard to the Code of Practice which, as well as having been made by the House of Bishops, will require the approval of the General Synod.
23. In order to understand the disputed clause 5(1)(c) in context it may be helpful to set out the entirety of clause 5(1) of the draft Measure. What it says is as follows:

**“5. Code of Practice**

- (1) *The House of Bishops shall draw up, and promulgate, guidance in a Code of Practice as to-*
  - (a) *the making of schemes under section 2,*
  - (b) *the exercise of episcopal ministry in accordance with the arrangements contained in such schemes,*
  - (c) *the selection of male bishops or male priests the exercise of ministry by whom is consistent with the theological convictions as to the consecration and ordination of women on grounds of which parochial church councils have issued Letters of Request under section 3,*
  - (d) *the exercise, by those involved in the making of an appointment of an incumbent of and a priest in charge of a benefice, of their functions in that regard where a Letter of Request is issued under section 3(3),*
  - (e) *the matters referred to in section 2(5)<sup>1</sup>, and*
  - (f) *such other matters as the House of Bishops considers appropriate to give effect to this Measure.”*

**Possible ways forward in relation to Clause 5(1)(c)**

***Option one - Retention***

24. Clause 3 provides that any Letter of Request for a male bishop or male incumbent must be issued on grounds of theological conviction – which, by implication, must relate to the ordained ministry of women.

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<sup>1</sup> Section 2(5) provides that where a diocesan scheme includes a statement by the diocesan bishop that he will not ordain women to the office of priest, the scheme must make provision for the ordination of female candidates for the office of priest in the diocese and for the support of the ministry of clergy who are women and for their pastoral care.

25. It will not, therefore, be lawful for a parish to ask for a male bishop simply out of misogyny, social conservatism, because it disapproves of a particular individual, or on grounds of theological conviction unrelated to the ordained ministry of women. This and other issues around the implications of clause 5(1)(c) are set out in the annex to GS 1708-09 ZZ, which explained its legal effect.
26. The insertion of the provision in May was an attempt to address on the face of the Measure a difficulty with which the Legislative Drafting Group, the Steering Committee, the Revision Committee, the Code of Practice Group and, indeed, the whole Synod have wrestled over the past few years.
27. This has its origins in the theological reasons which will lead conservative evangelicals on the one hand and traditional catholics on the other to be unable to receive the ministry of female bishops.
28. Their reasons are not identical, as was succinctly explained in the Revision Committee's report:
- “450 ... for those conservative evangelicals for whom headship arguments are significant, the crucial requirement is to have episcopal oversight from a man. By contrast, by virtue of their theology and ecclesiology, for the traditional catholics the requirement is that the bishop (and indeed the priest) must not only be a man but a man who has himself been ordained by a man.*
- 451 Indeed, some traditional catholics will go further and say that it must be a man who has been ordained by a man who does not ordain women. This, it is argued, is not because of any theology of a 'taint' but because by being part of an episcopal or presbyteral college with women, a bishop is necessarily in impaired communion with those of traditional catholic convictions.”*
29. The addition to the draft Measure of clause 5(1)(c) was, as the Archbishop of Canterbury explained to the Synod on 9 July, designed to achieve two objectives.
30. The first was essentially practical- *'willing the end by willing the means'*, as the Archbishop put it. Those who cannot receive the episcopal or priestly ministry of women want the legislation itself to give them some assurance that they will be properly provided for, rather than having to take the matter on trust.
31. Thus the provision was intended to ensure that guidance was given to diocesan bishops to provide male bishops and priests whose ministry would be received by those for whom it was intended. In the case of traditional catholic parishes this means the diocesan bishop doing more than selecting any available male bishop (or priest).
32. The second objective reflected a different kind of concern, initially articulated by the Archbishop of Canterbury at the Synod in February when he said:
- “...the phrase 'male bishop' in the draft Measure insufficiently recognises where that particular point comes in the argument people are trying to make. It doesn't go the root of it. In other words the*

*theological conviction is not about male bishops as such: it arises from certain other convictions.*”

33. The Archbishop developed this thought further in his contribution to the Synod on 9 July:
- “In the existing 2(1) of the Measure, there is no reference to the theological conviction or anything else about the ‘male bishop’ [clause 2(1)]. And the worry that some people have had is that the lack of any wording beyond that simple ‘male bishop’ phrase risks something quite serious. It risks suggesting—because no other criteria than ‘maleness’ are mentioned here, suggesting that any criterion other than maleness is irrelevant—that what we are accommodating in this is sheer unwillingness to see a woman in episcopal ministry. In other words, it risks accommodating precisely the kind of misogyny that I hope the Synod would have no time for. It is accommodating what we ought not to accommodate. The amendment proposed seeks to address that worry that, I have to say, is a real concern of my own.”*
34. Thus the second objective was essentially to provide some more explicit rationale for the provision made by the Measure by stating expressly that, at least for some, there were theological convictions that meant that maleness would be necessary but not sufficient.
35. The case for retaining clause 5(1)(c) would be, therefore, that it attempted expressly to fulfil both of these objectives. It could, however, be argued that legislation is generally about the achievement of practical objectives and that the first objective therefore lends itself more readily to legislative drafting.
36. As has been apparent at earlier stages of the legislative process, providing any sort of rationale, or criteria additional to maleness, on the face of the Measure is technically difficult as well as contentious. In addition, anything which appears to provide statutory recognition of particular convictions is seen by many as problematic.
37. The existing clause 5(1)(c) **does not** in fact allow parishes to ask that their bishop (or priest) should hold a particular set of beliefs, or subscribe to any statement of faith beyond what all bishops and priests have to affirm when making the Declaration of Assent. In addition, **it provides no basis for the making of guidance which would allow parishes to choose their own bishop or insist that the male bishop selected for them reflected their own churchmanship.**
38. This last is a particularly important point. Bishops are expected to minister to all the parishes within their care, whatever the churchmanship of the bishop or parish. It was never the purpose, or the effect, of clause 5(1)(c) that conservative evangelical parishes should be able to insist on ministry from conservative evangelical bishops, nor even that traditional catholic parishes should be entitled to be ministered to by traditional catholic bishops rather than simply someone with whom they were not in impaired communion.
39. Even so, the requirement that guidance be given on the exercise of ministry which is consistent with certain theological principles has been very strongly criticised by many who have previously supported the draft legislation. **There must be a real question, therefore, given the large majority in favour of an**

**adjournment on 9 July, whether simply retaining clause 5(1)(c) would enable the legislation to attract the necessary two-thirds majorities in November.**

***Option two - Deletion***

40. Some of the concern about clause 5(1)(c) has been about the fact that the (all male) House of Bishops made such a significant change so late in the process. In addition, in the light of the failure of attempts to find a satisfactory solution to the ‘necessary but not sufficient’ issue at earlier stages of the legislative process there was a view that inserting a new provision with little prior consultation was a mistake.
41. Some of the criticisms suggested that clause 5(1)(c) would make it harder for the provision made for parishes which issued Letters of Request to change over time. This is not an entirely easy criticism to interpret since there was already no ‘sun-set clause’ in the legislation; and the requirements for diocesan schemes and to provide male bishops and incumbents / priests in charge in response to Letters of Request have no time-limit.
42. Moreover, any implication that the provision made for those who cannot receive the episcopal or priestly ministry of women should be temporary has tended to reinforce their desire to have dependable provision in the legislation itself.
43. There were, however, a number of other specific criticisms, for example that:
  - The reference to ‘theological convictions’ went beyond the requirement already contained in clause 3 of the draft Measure that Letters of Request had to be on grounds of ‘theological conviction’. Elevating theological convictions into something that appeared to determine how a diocesan bishop should respond to a Letter of Request was perceived as an unacceptable innovation and a potentially unhelpful precedent. The Church of England should, so it was argued, be making pastoral provision for those unable to receive the ordained ministry of female bishops and priests, without apparently giving statutory legitimation to particular reasons for holding that position.
  - The phrase ‘consistent with’ was seen as too constraining. To some it seemed to fetter the discretion of the diocesan bishop too tightly. There was concern that the diocesan bishop might need to try to find someone whose ministry was consistent with any and every theological conviction concerning the ordination of women, whatever they were.
  - In relation to the rest of the draft Measure the Synod had already had the benefit of illustrative draft text in the illustrative draft Code in GS Misc 1007 but there was no illustrative draft text to show what form the guidance under clause 5(1)(c) might take.
44. The House will, therefore, clearly have to weigh whether it would, in all the circumstances, be best simply to remove clause 5(1)(c). This will need to involve an assessment of the adverse impact of its removal on those for whom the provision was intended and of the consequences of not attempting to address the ‘necessary but not sufficient’ issue on the face of the Measure.

45. It would also need to weigh the fact that the provision was welcomed by some who, while they are supportive of the principle of women being bishops, have been hesitant about supporting legislation that does not go as far as possible to provide a place for those who are unable to support the principle.
46. As with option one, there is, therefore, a judgement to be reached about whether this option would enable the Measure to achieve two-thirds majorities in November.

### **Option three - Replacement of 'consistent with'**

47. One possibility in relation to the replacement of the present clause 5(1)(c) would involve retaining the concept of 'theological convictions' but substituting a different expression for the words '*is consistent with*'.
48. The rationale for this would be to reduce the apparently tight linkage between the theological convictions underlying Letters of Request and the exercise of ministry by the male bishop or priest. It would allay concerns expressed about the extent to which the discretion of diocesan bishops was being fettered. It would, if desired, be possible to include within the provision considerations as to the process for, as well as the substance of, selection.
49. A way of achieving this would be to reformulate clause 5(1)(c) as follows:
 

*“(c) the manner in which arrangements for the selection of male bishops and male priests are to [respect] [take account of] the theological convictions as to the consecration and ordination of women on grounds of which parochial church councils issue Letters of Request under section 3;”*
50. A choice would need to be made as between 'respect' and 'take account of' ('respect' is less prescriptive than 'is consistent with', which is itself not synonymous with 'identical with' or 'agreeing in every detail with'). It is slightly stronger than 'take account of'.
51. The fact that this formulation would leave the phrase 'theological convictions' in the clause may, however, prove an insuperable objection for some.

### **Option four - Focus on broad subject area (and perhaps process)**

52. An alternative, and much more radical, possibility would be to prune the provision significantly, removing any indication as to the criteria the Code would employ in giving guidance on the selection of male bishops and male priests.
53. The provision would then simply identify the broad *subject* on which guidance needed to be given (i.e. the selection of male bishops and male priests) without providing any statutory pointer as to what the content of that guidance might be.
54. The provision might in addition say something about process. A reference to consultation with PCCs between the issue of the Letter of Request and the selection of the male bishop or priest would provide an indication that there were considerations concerning the parish which would not be apparent simply from the Letter of Request itself.

55. Such a formulation might be along the lines either of:
- “(c) the selection of male bishops and male priests to exercise ministry in parishes whose parochial church councils issue Letters of Request under section 3;”*
- or, if something about process were included:
- “(c) the selection, after consultation with parochial church councils who issue Letters of Request under section 3, of male bishops and male priests to exercise ministry in the parishes of those councils.”*
56. The downside of this approach is that it would provide no assurance that the guidance would result in the provision of ministry that parishes would be able to receive - particularly traditional catholic parishes, for which a male bishop or priest would be necessary but not sufficient.
57. And while those who would have preferred no clause 5(1)(c) might be content with it they might also be concerned that its vagueness as to the criteria for selection made this approach more problematic than simple deletion.

**Option five - Focus on suitability/appropriateness**

58. A further approach, which would incorporate elements of option four but attempt to avoid some of its downsides, would be to build specifically into the provision a reference to the ‘suitability’ or ‘appropriateness’ of the person selected for the particular context in which he was to exercise ministry.
59. A possible formulation along these lines might be as follows:
- “(c) the selection, following consultation with parochial church councils who issue Letters of Request under section 3, of male bishops and male priests, the exercise of ministry by whom appears to the persons making the selection to be [suitable][appropriate] for the parishes concerned.”*
60. Again, as with option four, this approach identifies the broad subject on which guidance must be given. And, as in its second variant, it builds in a reference to process- there has to be consultation with the relevant PCC to discover more than is apparent from the Letter of Request before a male bishop or priest is selected to exercise ministry there.
61. But it goes a step further in identifying an objective, namely that the person selected by the diocesan bishop (or in the case of a parochial appointment, by those with the relevant responsibilities) should be ‘suitable/appropriate’.
62. The advantage of this approach is that it would signal on the face of the Measure that for some parishes more was at stake than simply being offered the ministry of any male bishop or priest. Thus, for the first time, there would be an acknowledgement of the much discussed ‘necessary but not sufficient’ issue.
63. The potential downside is that words such as ‘suitable’ or ‘appropriate’ are very broad unless related to particular criteria. The nature of the guidance given in the Code of Practice would, therefore, be of particular importance.
64. As between ‘suitable’ and ‘appropriate’ either would be possible. In legislative drafting ‘appropriate’ is generally used as a convenient shorthand to avoid



spelling out what is clear but complex to spell out in full (so that, for example, Acts of Parliament may refer to ‘the appropriate minister’ or ‘appropriate authority’ where from the context it is clear which one is being referred to).

65. ‘Suitable’ tends to be used when the emphasis is on provision which reflects particular contexts or needs (for example ‘suitable alternative accommodation’).
66. The guidance given in the Code of Practice would need to be framed in terms which avoided carrying any implication that the parish could regard as ‘unsuitable/inappropriate’ anyone who did not match their expectations in all respects.
67. Equally it would need to provide confidence to parishes that they would receive episcopal or priestly ministry that would be effective in their circumstances, given the nature of their convictions concerning the ordained ministry of women.

### **Option six - Revised formulation of what parishes need**

68. A sixth approach would be to employ a formulation which defined the basis for the criteria for selection on which the Code would give guidance and did so by reference not to ‘theological convictions’ but to their outworking in practice.
69. A possible formulation along these lines would be as follows:

*“(c) the selection of male bishops and male priests the exercise of ministry by whom [respects] [takes account of] the position, in relation to the celebration of the sacraments and other divine service and the provision of pastoral care, of the parochial church councils who issue Letters of Request under section 3;”*
70. Again, as in option three, a choice would be needed as between ‘respects’ and ‘takes account of’. In addition, the shift from ‘theological convictions’ to the parochial church councils’ *“position, in relation to the celebration of the sacraments and other divine service and the provision of pastoral care”* – which employs words already used in clause 2(1) – goes more to the making of practical arrangements amid particular concerns rather than a more abstract recognition of particular convictions.
71. In informal conversations at York the question was raised whether an alternative approach, directed to the same end as this formulation, might be to borrow from section 11 of the Patronage Benefices Measure 1986 the phrase ‘conditions, needs and traditions of the parish’. This would mean the Measure employed a phrase already widely used and understood in another context.
72. The difficulty, however, is that when used in the 1986 Measure the expression ‘conditions, needs and traditions of the parish’ is specifically about parochial appointments and covers a much wider range of considerations than is relevant in the draft Measure.
73. Moreover, there is some danger in applying to the selection of bishops a phrase which was formulated in relation to the exercise of patronage in respect of parochial benefices and is meant to encapsulate the churchmanship of the parish. The use of the expression would leave the basis for the criteria for

selection on which the Code was to give guidance considerably wider than is called for in the present context.

74. As noted in paragraph 38 above it was no part of the House of Bishops' thinking in May to constrain the diocesan bishop's decision in relation to a Letter of Request such that a parish could closely define the particular churchmanship tradition of the male bishop or priest.
75. Thus while the case for borrowing the phrase 'conditions, needs and traditions of the parish' may merit further reflection, its very breadth means that it is not tailored to the present context and may give rise to some unintended consequences.

### **Option seven - Option six plus some process**

76. This option is a variant of option six. Rather than simply requiring guidance to be given as to selection, it would also involve the Code giving guidance on the *procedure* by which bishops would go about selecting male bishops and male priests for parishes who issue Letters of Request.
77. This would mean that the phrase "*the selection of male bishops and priests the exercise of ministry by whom ...*", which some have found problematic, would disappear.
78. This formulation would read:

*"(c) the manner in which arrangements for the selection of male bishops and male priests are to [respect] [take account of] the position, in relation to the celebration of the sacraments and other divine service and the provision of pastoral care, of the parochial church councils who issue Letters of Request under section 3."*

### **The Code of Practice**

79. The process for producing a Code still has some way to go. The illustrative draft contained in GS 1007 will require further work, if and when the Measure has received final approval, before the House can bring a final version to the Synod for approval. Any consideration of the text must at this stage, therefore, be provisional.
80. Paragraphs 38-40 of the illustrative draft in GS Misc 1007 offer guidance on identifying the bishops who are to exercise episcopal ministry by delegation. For ease of reference a copy of paragraphs 38-40 is annexed to this paper.
81. In addition, paragraphs 126-127 include guidance for how patrons, bishops, the archbishop and parish representatives should act when a Letter of Request has been issued by a parish during a vacancy for an incumbent or priest in charge. Again, for ease of reference these two paragraphs are set out in the annex to this paper.
82. In paragraphs 46-60 of its covering report, the Working Group set out its thinking in relation to the choice of the male bishop and explained why it had not been able to offer a recommendation on the matter. It went on, however, in paragraph 58 to flag the possibility of inserting, after paragraph 40 of the illustrative draft Code, a provision that read:

*“A diocesan scheme should provide that the arrangements for bishops who will exercise their ministry by delegation respect the theological convictions concerning ordained ministry which formed the basis upon [which] the Letter of Request was issued.”*

83. The Group went on to say in paragraph 60:

*“We record this possible formulation not to commend it but to show our workings in the hope that they will be of assistance for those who will have to wrestle with these issues further in the light of our report. Some of us continue to believe that a formulation of this kind does not go far enough and others remain of the view that the Code should remain silent on this point.”*

84. In relation to the choice of male priests for parishes where a Letter of Request during a Vacancy had been issued, the Group was less equivocal. Paragraph 126 of the illustrative draft Code refers to all those involved in parochial appointments discharging their responsibilities

*“in such a way that the appointment of a male priest as incumbent or priest in charge ... respects the theological convictions concerning ordained ministry which formed the basis upon which the Letter of Request during a Vacancy was issued.”*

85. Unless clause 5(1)(c) is simply deleted from the Measure without replacement the question in relation to the identification both of male bishops and priests will no longer be whether there should be something in the Code but what precisely it should say.

86. Getting the drafting right at this stage is complicated by the fact that the wording of the Code will need to supplement and be consistent with whatever wording has by then been decided on for what would be section 5(1)(c).

87. A formulation along the lines of that offered by the Code of Practice Working Group at paragraph 58 of their report could go with an approach along the lines of that at option three above. It would also be compatible with either version of option four.

88. In the case of option five, an alternative version would be preferable. There would also need to be a revised version of paragraph 97 (which could incorporate some of the elements from paragraph 91 below), with consequential amendments to paragraphs 126 and 127. The text to go in after paragraph 40 might be along the lines of the following:

*“A diocesan scheme should provide that the arrangements for selecting bishops who will exercise their ministry by delegation will enable parishes to receive ministry that is [suitable] [appropriate] to their circumstances given the basis on which the Letter of Request was issued.*

*This does not mean that the arrangements should allow a parish to choose its own bishop or insist that the person selected should be of its own churchmanship. But they should provide for the diocesan bishop, through consultation with the PCC, to seek to establish the nature of the conviction that underlies the Letter of*

*Request, and, in the light of that, to select someone whose ministry can be effective in that context.”*

89. Different words would be needed in relation to options six and seven or if the House decided to retain 5(1)(c) as it is.
90. In relation to options six and seven the text that would go in after paragraph 40 might be along the lines of:

*“A diocesan scheme should provide that the arrangements for selecting bishops who will exercise their ministry by delegation [respect] [take account of] the position, in relation to the celebration of the sacraments and other divine service and the provision of pastoral care, of the parochial church councils who issue Letters of Request.”*

91. Paragraph 97 would then be replaced (and there would be corresponding amendments to paragraphs 126 and 127 in relation to priestly ministry) by the following:

*“Before sending the PCC the written notice setting out the arrangements to give effect to the Letter of Request, the diocesan bishop should inform him - or herself, by consulting the PCC of the parish (either personally or through a representative), of its position in relation to the celebration of the sacraments and other divine service and the provision of pastoral care.*

*The Measure does not allow parishes to ask that their bishop should hold a particular set of beliefs, or subscribe to any statement of faith beyond what all bishops have to affirm when making the Declaration of Assent. Nor does it allow parishes to choose their own bishop or insist that the male bishop selected for them reflects their own churchmanship.*

*In determining what arrangements to set out in the written notice the diocesan bishop should seek to accommodate the parish’s concerns relating to holy orders and the exercise of ordained ministry of women so far as those matters are relevant to the parish’s position in relation to the celebration of the sacraments and other divine service and the provision of pastoral care. But the diocesan should not take into account other, unrelated matters. In practice, the needs of conservative evangelical parishes, and traditional catholic parishes, in this respect are unlikely to be identical.”*

## **Process**

92. This discussion document was commissioned by the House of Bishops Standing Committee at a meeting on 9 July following the Synod debate. The Committee entrusted the work to the episcopal members of the Steering Committee (the Bishops of Manchester and Dover) and of the previous Code of Practice Working Group (the Bishops of Chichester, Coventry and St Edmundsbury and Ipswich), working in consultation with the other members of the Steering Committee.

93. The Standing Committee has subsequently agreed that the document should be issued to all Synod members so that **diocesan bishops can take soundings with them as best they are able over the coming weeks.**
94. The Steering Committee and the three bishops from the Code of Practice Group will be meeting again on the morning of 30 August and would be grateful for **feedback and further suggestions from members of the House of Bishops, in the light of their soundings, by Friday 24 August.**
95. In addition, as the Archbishop of York said from the chair on 9 July, **Synod members are welcome to send any comments or suggestions to me. My e-mail address is "[william.fittall@churchofengland.org](mailto:william.fittall@churchofengland.org)". Again the deadline is 24 August** (I am away after today until Monday 13 August and shall not be responding to messages until then).
96. Following advice from the meeting on 30 August the Standing Committee of the House will circulate a more focused paper which will be shared with the College of Bishops at its meeting on 10-12 September and will then form the basis for decisions by the House of Bishops on the afternoon of Wednesday 12 September.
97. The paper from the Standing Committee will report on the response to the possible replacements for 5(1)(c) set out in this paper and identify possible ways forward in the light of that response. It will, however, be open to members of the House to move amendments of their own for debate on 12 September – with the terms of the amendment(s) cleared in advance with Standing Counsel.
98. It will also be open to a member of the House to propose that clause 5(1)(c) should be deleted without replacement. Further guidance on timing and process will be given to members of the House at the beginning of September.
99. The House will need to have a discussion of illustrative wording for the Code of Practice on 12 September. But, whereas with the legislation the decision reached by the House that day will be final and will determine what the Synod has to vote on in November, the process in relation to the wording for the Code is much more informal at this stage.
100. It will, therefore, be open to the House on 12 September to have a discussion on the content of the Code and then to agree that further drafting can be done in the light of the discussion before being signed off on behalf of the House by the Archbishops and the Standing Committee.
101. The Standing Committee also agreed that it would be crucial for members of the House of Bishops to arrange to meet their General Synod representatives in the period between 12 September and the November meeting of the Synod in order to explain the decisions reached by the House and help Synod members prepare for the Final Approval debate in November.

## **Conclusion**

102. Members of the Synod are invited to:

- (1) **Note the framework within which this final phase of the legislative process has to be approached (paragraphs 1-23);**
- (2) **Offer views on the possible options set out above and on any further possibilities which they believe to merit consideration (paragraphs 24-78);**
- (3) **Consider possible ways of supplementing the illustrative draft Code (paragraphs 79-91);**
- (4) **Let me have comments by 24 August, in time for a meeting of the Steering Committee and the Bishops of Chichester, Coventry and St Edmundsbury and Ipswich on 30 August (paragraph 92-95);**
- (5) **Note the process thereafter (paragraphs 96-101).**

**William Fittall**

**Secretary General**

**25 July 2012**

**Extracts from the illustrative draft Code of Practice in GS Misc 1007**

38. The Measure requires that bishops to whom delegation takes place under a diocesan scheme should be (a) a male and (b) a member of the House of Bishops of the diocesan synod of the diocese concerned or some other diocese.<sup>19</sup> The purpose of the latter requirement is to ensure that the bishops acting under a diocesan scheme are not retired: a bishop who is not a diocesan or suffragan bishop can only be a member of the House of Bishops of a diocesan synod if ‘working’ in the diocese.

39. A diocesan scheme must accordingly provide for episcopal ministry to be exercised by a male bishop<sup>20</sup> who is:

- the diocesan bishop of another diocese of the Church of England;
- a suffragan bishop of the diocese;
- a suffragan bishop of another diocese of the Church of England;
- an assistant bishop of the diocese who is a member of the House of Bishops of the diocesan synod of the diocese; or
- an assistant bishop of another diocese of the Church of England who is a member of the House of Bishops of the diocesan synod of that other diocese.

*The choice of bishop to exercise episcopal ministry by delegation*

40. The diocesan scheme should provide either —

- that, unless the diocesan bishop makes alternative provision in a particular case<sup>21</sup>, episcopal ministry exercised by delegation will be exercised by a bishop or bishops identified in the diocesan scheme; or
- that it will be for the diocesan bishop to identify, in the written notice sent to the secretary of the PCC under section 1(8) of the Measure, which particular bishop should exercise episcopal ministry by delegation under the diocesan scheme in relation to any particular parish whose PCC has issued a Letter of Request after taking account of the theological convictions on the grounds of which the Letter of Request was issued.

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126. All such persons should respect the decision of the parish by exercising their respective responsibilities in such a way that the appointment of a male priest as incumbent or priest in charge (as the case may be) respects the theological convictions concerning ordained ministry which formed the basis upon which the Letter of Request during a Vacancy was issued.

127. To that end, a diocesan bishop who receives a Letter of Request during a vacancy should inform him- or herself by consulting the PCC of the parish (either personally or through a representative) of the nature of the theological convictions on the grounds of which the Letter of Request during a Vacancy has been issued.