



House of Lords  
House of Commons  
Ecclesiastical Committee

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# **Bishops and Priests (Consecration and Ordination of Women) Measure**

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## **233rd Report**

*Report, together with formal minutes, written evidence and transcript of the deliberation of the Ecclesiastical Committee*

*Ordered by the House of Lords  
to be printed 26 September 2014  
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## Ecclesiastical Committee

The Ecclesiastical Committee is a statutory Committee appointed under the Church of England Assembly (Powers) Act 1919.

It comprises thirty members, fifteen of whom are Members of the House of Commons, appointed by the Speaker, and fifteen of whom are members of the House of Lords, appointed by the Lord Speaker. The quorum is twelve.

Appointments to the Committee are generally made early in a Parliament. Unless the Speaker or the Lord Speaker decide otherwise, members appointed by them remain on the Committee for the life of the Parliament.

While its powers are those laid down by the Act, the procedures it has adopted are those of a Joint Select Committee.

### Current membership

#### HOUSE OF LORDS

Baroness Butler-Sloss  
Lord Davies of Coity  
Lord Elton  
Lord Glenarthur  
Lord Griffiths of Burry Port  
Baroness Harris of Richmond  
Lord Judd  
Lord Laming  
Lord Lloyd of Berwick (Chair)  
Lord Luke  
Baroness McIntosh of Hudnall  
Baroness Perry of Southwark  
Lord Plant of Highfield  
Lord Shaw of Northstead  
Lord Walpole

#### HOUSE OF COMMONS

Sir Tony Baldry MP  
Sir Peter Bottomley MP  
Mr Ben Bradshaw MP  
Alistair Burt MP  
Mr Frank Field MP  
Helen Goodman MP  
Sir Alan Haselhurst MP  
Sharon Hodgson MP  
Mr David Lammy MP  
Mr Gordon Marsden MP  
Sarah Newton MP  
Laura Sandys MP  
Mrs Caroline Spelman MP  
Mr Gary Streeter MP

### Remit

The Ecclesiastical Committee examines draft Measures presented to it by the Legislative Committee of the General Synod of the Church of England. It reports to Parliament on whether or not it considers the measures to be expedient.

It generally asks members of the General Synod to assist it in its deliberations. In some circumstances a conference of the Ecclesiastical Committee and the Legislative Committee may be convened.

The Church of England Measure on which the Committee has reported is presented to both Houses in its final form at the same time as the Committee makes its report.

Before the Measure becomes law, both Houses must approve motions that the Measure should be presented to the Sovereign for Royal Assent in the form that it was laid before Parliament.

Once both Houses have passed the necessary approval motions, the Measure is presented for Royal Assent and becomes law.

### Publications

The reports and proceedings of the Committee are published by The Stationery Office by Order of both Houses. All publications of the Committee are on the internet at [www.parliament.uk](http://www.parliament.uk)

### Contacts

All correspondence should be addressed to the Secretary of the Ecclesiastical Committee, Legislation Office, House of Lords, London, SW1A 0PW. The telephone number for general enquiries is 020 7219 3103.

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# 233rd Report of the Ecclesiastical Committee

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## Introduction

1. The Ecclesiastical Committee has met and considered the Bishops and Priests (Consecration and Ordination of Women) Measure referred to the Committee under the provisions of the Church of England Assembly (Powers) Act 1919.
2. The principal purpose of the Measure is to enable women to become bishops in the Church of England.
3. The Comments and Explanations provided by the Legislative Committee of the General Synod are printed with this Report. They give further details of the provisions of the Measure and the background.
4. The Committee asked representatives of the General Synod, including the Archbishop of Canterbury, the Most Revd and Rt Hon Justin Welby, a series of questions about the Measure. A transcript of the Committee's proceedings with the representatives of the General Synod is printed with this Report. References in this Report in the form "Q00" are to that transcript.

## The Measure

5. The Measure contains only four sections and one Schedule. The key provision is in section 1(1), which provides that "It shall be lawful for the General Synod to make provision by Canon for enabling women, as well as men, to be consecrated to the office of bishop".
6. The Comments and Explanations include, in Annex 4, the text of the Canon proposed to be made under the authority conferred by section 1(1) of the Measure.
7. Section 2 provides that the office of bishop is not a "public office" for the purposes of the Equality Act 2010. The Comments and Explanations describe section 2 as "a clarificatory amendment ... designed to make clear that the office of diocesan or suffragan bishop is not subject to sections 50 and 51 of the Equality Act, which are concerned with appointments to certain categories of 'public office'", and explain in paragraphs 72 to 85 why the amendment is thought necessary.
8. Section 3 and the Schedule repeal various provisions which will become redundant on the repeal, by section 1(3), of the Priests (Ordination of Women) Measure 1993.
9. Section 4 makes provision for the short title of the Measure, its commencement, and its geographical extent.

## **Context**

10. On 20 November 2012 a previous Measure on this subject did not secure the necessary two-thirds majority in all three Houses of the Synod.

11. Since then, as detailed in paragraphs 12 to 32 of the Comments and Explanations, further work has resulted in the agreement by the Synod of a package of proposals including this shorter Measure, an Amending Canon and an Act of Synod.

12. The package also includes a Declaration and draft dispute resolution procedure Regulations. The Declaration provides for parishes to request, and have made for them, special arrangements. It was made by the House of Bishops in May 2014 and is set out in Annex 5 to the Comments and Explanations. The Regulations will make provision for the resolution of disputes arising from the arrangements established by the Declaration. They will be made by the House of Bishops under the Amending Canon. The draft Regulations are set out in Annex 8 to the Comments and Explanations.

## **Consideration by the Committee**

13. The Committee discussed the Measure and its implications with the representatives of the Synod. The representatives explained the work that had been done since the failure of the previous Measure in 2012 (see in particular Q1–Q2); outlined the relationship between the Measure and the Canon (Q3); described the development of the Declaration and Regulations and the principles underlying them (Q4–Q7); and discussed in broader terms the implications and intended effect of the whole package being put forward by the Church (Q8–Q13). The representatives also explained why section 2 of the Measure, which amends the Equality Act 2010, had been included (Q14–Q15).

## **View of the Committee**

**14. The Committee is of the opinion that the Bishops and Priests (Consecration and Ordination of Women) Measure is expedient.**

# Minutes of Proceedings

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**Tuesday 22 July 2014**

Minutes of the meeting of the Ecclesiastical Committee held on Tuesday 22 July at 4.30pm in Committee Room 4A, House of Lords.

Present:

Baroness Butler-Sloss

Sir Tony Baldry MP

Lord Elton

Sir Peter Bottomley MP

Lord Glenarthur

Alistair Burt MP

Lord Griffiths of Burry Port

Mr Frank Field MP

Baroness Harris of Richmond

Helen Goodman MP

Lord Judd

Sarah Newton MP

Lord Laming

Lord Lloyd of Berwick

Baroness McIntosh of Hudnall

Baroness Perry of Southwark

Lord Plant of Highfield

Lord Walpole

Lord Lloyd of Berwick in the Chair.

Mr Peter Milledge, Counsel to the Chairman of Committees, in attendance.

Bishops and Priests (Consecration and Ordination of Women) Measure

The following representatives of the General Synod assisted the Committee in its deliberations:

The Most Revd and Rt Hon Justin Welby, Archbishop of Canterbury

The Rt Revd James Langstaff, Bishop of Rochester

The Ven. Christine Hardman, Prolocutor of the Lower House of the Convocation of Canterbury

Canon Margaret Swinson, Member of General Synod

Mr William Fittall, Secretary General: Archbishops' Council

Mr Stephen Slack, Chief Legal Adviser to the General Synod

The Committee deliberated.

It was moved that the Bishops and Priests (Consecration and Ordination of Women) Measure be deemed expedient.

The motion was agreed to.

The Committee adjourned.

# Legislative Committee of the General Synod: Comments and Explanations on the Bishops and Priests (Consecration and Ordination of Women) Measure

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## INTRODUCTION

1. The Legislative Committee of the General Synod ('the Synod'), to which the Measure entitled the Bishops and Priests (Consecration and Ordination of Women) Measure ('the Measure') has been referred, has the honour to submit the Measure to the Ecclesiastical Committee with these Comments and Explanations.
2. This paper is in five parts:
  - Part 1 (paragraphs 5 to 17) provides a brief background to the Measure.
  - Part 2 (paragraphs 18 to 32) summarises the proceedings in the Synod in respect of the Measure.
  - Part 3 (paragraphs 33 to 38) describes the provisions of the Measure.
  - Part 4 (paragraphs 39 to 67) describes the other arrangements that will be made in connection with the Measure.
  - Part 5 (paragraphs 68 to 85) considers the relationship between the Equality Act 2010 and the Measure.
3. The Annexes provide supporting material:

### *Background materials*

- Annex 1 provides an account of the discussion in the Church of England over gender and holy orders, including the events leading up to the introduction of the Measure;
- Annex 2 contains a comparison between the current package of proposals and the previous draft legislation; and
- Annex 3 contains the diocesan voting figures on the Article 8 reference to the dioceses for the draft Measure and associated Amending Canon.

### *Elements of the package of proposals*

- Annex 4 contains the text of the Canon, Amending Canon No.33, that will be made under the authority of the Measure ('the Amending Canon');
- Annex 5 contains the text of the House of Bishops' Declaration on the Ministry of Bishops and Priests ('the Declaration') (GS Misc 1076);

- Annex 6 contains the text of the Guidance note from the House on the Declaration (GS Misc 1077);
  - Annex 7 contains a note from the Archbishops of June 2014 (GS Misc 1079); and
  - Annex 8 contains the text of the draft Declaration on the Ministry of Bishops and Priests (Resolution of Disputes Procedure) Regulations 20— ('the disputes resolution procedure Regulations').
4. The Legislative Committee invites the Ecclesiastical Committee, having considered the material presented here, to issue a favourable report on the Measure. In the event of the Ecclesiastical Committee requiring any further explanation, the Legislative Committee stands ready to provide it.

## **PART 1: A BRIEF BACKGROUND TO THE MEASURE**

5. An account of the long process of discussion in the Church of England over gender and holy orders is set out in **Annex 1**.
6. In brief, it was in 1985 that the Synod gave Final Approval to the Deacons (Ordination of Women) Measure to enable a Canon to be made under which women could become deacons; and the first female deacons were ordained in 1987.
7. Then, in November 1992, the Synod gave Final Approval to the Priests (Ordination of Women) Measure 1993 ('the 1993 Measure') which enabled a Canon to be made opening the priesthood to women. The 1992 legislation left unchanged the position that only men could be bishops.
8. In addition to removing the legal obstacles to women becoming priests, the Synod put in place formal arrangements designed to make provision for those in the Church who could not accept that as a legitimate development. The parochial church council of a parish was able to pass Resolutions A and/or B, the effect of the first being that a woman could not lawfully celebrate at a service of Holy Communion in the parish and of the second that she could not become the incumbent of the parish.
9. In 1993 the Synod approved the Episcopal Ministry Act of Synod<sup>1</sup> 1993 ('the 1993 Act of Synod') which provided that parishes that had passed the resolutions could, in addition, petition the diocesan bishop for extended episcopal oversight (whether from a Provincial Episcopal Visitor – a 'flying bishop' – or from another bishop authorised to act on a diocesan or regional basis).

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<sup>1</sup> An 'Act of Synod' is an instrument or resolution of the General Synod, which is formally affirmed and proclaimed as the embodiment of the will or opinion of the Church of England, as expressed by the whole body of the Synod. Despite its name, it does not have legislative effect.



10. In 2000 the Synod resolved to ask the House of Bishops to initiate further theological study on the episcopate, focussing on the issues that needed to be addressed in preparation for the debate on women in the episcopate. In response a working party was formed under the chairmanship of the then Bishop of Rochester. Its report was published in November 2004.
11. The Synod 'took note' of the Rochester Report in February 2005 and in July voted to set in train the process for removing the legal obstacles to the ordination of women to the episcopate. After much debate over the possible content of the legislation a draft Measure and draft Amending Canon were introduced at the Synod's February 2009 group of sessions. Their detail continued to be the subject of intense debate throughout the process of Synodical scrutiny and eventually the draft Measure narrowly failed to secure the necessary two-thirds majority in all three Houses of the Synod at the end of the Final Approval debate on 20 November 2012.
12. In December 2012 the House of Bishops established a further working group to advise it on the preparation of fresh legislative proposals. The House considered the proposals made by the group (which had been developed following consultation and intensive facilitated conversations) in May 2013. The House recommended much simpler legislation than previously. There would still be arrangements for those whose theological convictions did not enable them to receive the episcopal or priestly ministry of women. But these would be set out in a 'House of Bishops' Declaration', which would, among other things, set out five guiding principles.
13. In July 2013, on a motion moved on behalf of the House, the Synod called for draft legislation to be introduced at the November 2013 group of sessions along these lines. It also proposed that the arrangements in the Declaration should be underpinned by a mandatory grievance procedure, overseen by an Independent Reviewer. It went on to call on the House of Bishops to bring forward for consideration at the February 2014 group of sessions a draft of the Declaration, to be made by the House, to accompany the legislation.
14. In the light of the July 2013 debate the Appointments Committee agreed to appoint a larger and more diverse Steering Committee than is usual for Synodical legislation. The 15 members appointed included some who had voted against Final Approval of the earlier draft Measure in November 2012 and had also voted against the option of simpler legislation in July 2013. The view was taken, however, that further facilitated conversations among a diverse group might produce a constructive way forward.
15. Intensive work by the Steering Committee in September and October 2013 led to the production of a report, draft texts of the Measure, the Amending Canon, the Declaration and (for the grievance procedure) the disputes resolution procedure

Regulations, which 13 of the 15 members of the Committee felt able to commend to the Synod and on which the two other members were able to abstain.

16. This detailed package of proposals was widely seen as a breakthrough and greatly influenced the subsequent consideration of the draft legislation in Synod.
17. **Annex 2** contains a comparison between the current package of proposals and the previous draft legislation.

## **PART 2: PROCEEDINGS IN THE SYNOD IN RESPECT OF THE MEASURE**

18. The Synod gave First Consideration to the Measure and the Amending Canon at the November 2013 group of sessions, leading to the Synod resolving that both '*be considered for revision in full Synod*'. For a number of reasons, including that they formed part of a larger package, the Steering Committee had recommended that the draft legislation be subject to revision in full Synod, without prior revision in a Revision Committee.
19. The Business Committee accordingly scheduled the Revision Stage for the February 2014 group of sessions. Notice was given of only two amendments, one of which was in the event withdrawn. The other sought to insert a provision concerning the effect, under the Equality Act 2010, of resolutions passed by parochial church councils that sought arrangements under the Declaration. It was lost, after having been opposed by the Steering Committee on the ground that if it were carried the Measure would be inconsistent with European law and could not be therefore allowed to proceed in the form it would take as amended.
20. At the conclusion of the Revision Stage, the Measure and the Amending Canon were referred to the dioceses in accordance with the requirements of Article 8 of the Synod's Constitution.<sup>2</sup>
21. To expedite that process, on completion of the Revision Stage the Synod resolved (on the recommendation of the Business Committee) to suspend Standing Order SO 90(b)(iii) of its Standing Orders, which requires (*inter alia*) that dioceses be given a minimum of six months to submit their responses to an Article 8 reference. The effect of doing so was to allow the Business Committee to require the Article 8 reference for the Measure and Amending Canon to be completed in sufficient time to allow their Final Approval Stage to be taken at the Synod's July

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<sup>2</sup> Article 8 of the General Synod's Constitution provides that a Measure or Canon providing for permanent changes in the Services of Baptism or Holy Communion or in the Ordinal, shall not be finally approved by the General Synod unless, at a stage determined by the Archbishops, the Measure or Canon, or the substance of the proposals embodied in it, has been approved by the majority of the dioceses at meetings of their diocesan synods, or, in the case of the Diocese of Europe, of the bishop's council and standing committee of that diocese. Under the Church Representation Rules, any matter referred to a diocesan synod under Article 8 is deemed to be approved if the houses of clergy and laity vote in favour of it.

2014 group of sessions, should a majority of the dioceses have approved the draft legislation.

22. In the Article 8 reference, diocesan synods were asked to consider a motion approving the proposals embodied in the Measure and the Amending Canon. Diocesan synods were asked to report the outcome of their consideration by 22nd May 2014. In the event, all of the 43 of the diocesan synods that debated the draft legislation approved it.<sup>3</sup> Of the members of diocesan houses of clergy voting 90% were in favour, as were 92% of the members of the diocesan houses of laity who voted. (The precise voting figures are set out in **Annex 3**.)
23. It was open to diocesan synods to consider motions arising out of the draft legislation, in addition to the motions required to indicate whether they approved it. None did so.
24. At the July 2014 group of sessions the Synod took note of a report on the diocesan voting in the Article 8 reference.
25. The Synod went on at the same group of sessions to complete the Final Drafting stage for the Measure and Amending Canon, in the course of which a number of essentially technical amendments were made to the Amending Canon.
26. In accordance with the requirements of Article 7 of the Synod's Constitution, the Measure and Amending Canon then stood committed to the House of Bishops, which met to consider it in the course of the July group of sessions.<sup>4</sup> It also considered a draft Act of Synod ('the Act of Synod') rescinding the Episcopal Ministry Act of Synod 1993, which had stood referred to the House under Article 7 following its preliminary consideration at the February 2014 group of sessions.
27. The House agreed to return the Measure, the Amending Canon and the Act of Synod to the Synod for Final Approval, without making any amendments to them, subject to the right of the Convocations of Canterbury and York to ask that they be referred to them for approval under Article 7.
28. In the event, the Convocations and House of Laity did not claim a reference under Article 7.

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3 The diocesan synod of the Diocese in Europe was unable to meet to consider the draft legislation within the time available to do so.

4 Under Article 7 of the General Synod's Constitution, any provision touching doctrinal formulae or the services or ceremonies of the Church of England or the administration of the sacraments or sacred rites thereof must, before it is finally approved by the General Synod, be referred to the House of Bishops, and must be submitted for final approval in terms proposed by the House of Bishops. Once the House of Bishops has proposed the terms in which the business is to be submitted for final approval, either of the Convocations of Canterbury and York or the House of Laity may require the business to be referred to the two Convocations sitting separately for their provinces and to the House of Laity. If such a reference is claimed, the business may not be submitted for final approval by the General Synod unless it has been approved, in the terms proposed by the House of Bishops, by each House of the two Convocations and by the House of Laity.

29. The debate on the motion for the Final Approval of the Measure, the Amending Canon and the Act of Synod accordingly took place at the July 2014 group of sessions. Both the Measure and the Amending Canon received the two-thirds majority support in all three Houses required for Final Approval.
30. The voting on the Measure at Final Approval was as follows:

	In favour:	Against:
Bishops	37	2
Clergy	162	25
Laity	152	45

10 abstentions were recorded.

31. The voting on the Amending Canon at Final Approval was as follows:

	In favour:	Against:
Bishops	37	2
Clergy	164	24
Laity	153	40

12 abstentions were recorded.

32. The Synod also gave Final Approval to the Act of Synod, for which only a simple majority was required, and went on formally to proclaim and affirm it as such.

### **PART 3: THE PROVISIONS OF THE MEASURE**

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

33. Subsection (1) makes it lawful for the General Synod to make provision by Canon to enable women to be consecrated as bishops. This provision will authorise the making of the Amending Canon, in so far as that makes provision for the ordination of women to the episcopate. (The text of the Amending Canon is set out in **Annex 4**.)
34. Subsection (2) continues the existing position with regard to the making of provision by Canon for the ordination of women to the priesthood.
35. Subsection (3) repeals the 1993 Measure in its entirety.

#### ***Section 2 – Amendment of Equality Act***

36. Section 2 amends the Equality Act 2010 by providing that the office of diocesan or suffragan bishop is not a ‘public office’ for the purposes of sections 50 and 51 of that Act. More is said about the relationship between the Measure and the Equality Act in Part 5 below.

### ***Section 3 and the Schedule – Repeals***

37. Section 3 and the Schedule repeal certain provisions of the Synodical Government Measure 1969, the Patronage (Benefices) Measure 1986, the Dioceses, Pastoral and Mission Measure 2007 and the Mission and Pastoral Measure 2011 on the basis that those provisions will become redundant as a result of the repeal of the 1993 Measure.

### ***Section 4 – Citation, commencement and extent***

38. Section 4 deals with citation, commencement and extent.

## **PART 4: THE OTHER ARRANGEMENTS TO BE MADE IN CONNECTION WITH THE MEASURE**

39. The Measure and the Amending Canon are essential parts of the package of proposals developed in connection with the consecration of women to the episcopate, providing as they do the legal authority needed for women to be consecrated as bishops. Additionally, however, the House of Bishops has made the Declaration; and, when the Amending Canon has been enacted, the House will also make the dispute resolution procedure Regulations.
40. As noted above, the other instruments have their origin in the report of the working group established by the House of Bishops after the defeat of the previous legislation.
41. At the July 2013 group of sessions the Synod called for the introduction of draft legislation in November 2013 to give effect to the first of the options canvassed by the working group “*with the addition of a mandatory grievance procedure*”, and went on to request the House of Bishops to bring forward for consideration at the February 2014 group of sessions “*a draft Act of Synod or draft declaration to be made by the House to accompany the draft legislation*”.
42. In fact, the Steering Committee appointed for the Measure and Amending Canon brought first drafts of both the Declaration and the disputes resolution procedure Regulations to the November 2013 group of sessions.<sup>5</sup> In doing so it stated that

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<sup>5</sup> Contained in the *Report from the Steering Committee for the Draft Legislation on Women in the Episcopate* (GS 1924).

*“It is important to underline that we believe they are an integral part of an overall, balanced package and need to be agreed before the Measure and Canon are brought to final approval.”*

43. At the November 2013 group of sessions the Synod welcomed the package of proposals put forward by the Steering Committee and invited the House of Bishops to bring to the Synod for consultation in February a draft declaration and proposals for a mandatory disputes resolution procedure which built on the agreement reached by the Steering Committee as a result of its facilitated discussions.
44. The House accordingly brought to the February 2014 group of sessions revised drafts of the Declaration and the resolution of disputes procedure Regulations<sup>6</sup>, both of which the Synod welcomed.
45. Consistently with the aim of the various elements of the package being known before the Synod gave Final Approval to the draft legislation, the House went on to make the Declaration, in the form welcomed by the Synod in February, at its meeting in May 2014. The intention is that it should make the dispute procedure Regulations as soon as practicable after the enactment of the Amending Canon (in discharge of the duty to do so imposed by the new Canon C 29 that the Amending Canon will introduce).

## The Declaration

46. The text of the Declaration is set out in **Annex 5**. The text of the Guidance to be given by the House of Bishops (referred to in paragraph 22 of the Declaration) is set out in **Annex 6**.
47. After a brief introduction, the Declaration begins by setting out (in paragraph 5) the ‘five guiding principles’ originally proposed by the working group and adopted, in a slightly revised form, by the House of Bishops. The House sees them as *“something around which those who share its continuing commitment to the breadth of the Church of England can gather”*. The guiding principles, which the House states *“need to be read one with the other and held together in tension, rather than being applied selectively”*, are as follows:
  - *“Now that legislation has been passed to enable women to become bishops the Church of England is fully and unequivocally committed to all orders of ministry being open equally to all, without reference to gender, and holds that those whom it has duly ordained and appointed to office are the*

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<sup>6</sup> Set out in *Women Bishops: Report from the House of Bishops* (GS 1932).

*true and lawful holders of the office which they occupy and thus deserve due respect and canonical obedience;*

- *Anyone who ministers within the Church of England must be prepared to acknowledge that the Church of England has reached a clear decision on the matter;*
- *Since it continues to share the historic episcopate with other Churches, including the Roman Catholic Church, the Orthodox Church and those provinces of the Anglican Communion which continue to ordain only men as priests or bishops, the Church of England acknowledges that its own clear decision on ministry and gender is set within a broader process of discernment within the Anglican Communion and the whole Church of God;*
- *Since those within the Church of England who, on grounds of theological conviction, are unable to receive the ministry of women bishops or priests continue to be within the spectrum of teaching and tradition of the Anglican Communion, the Church of England remains committed to enabling them to flourish within its life and structures; and*
- *Pastoral and sacramental provision for the minority within the Church of England will be made without specifying a limit of time and in a way that maintains the highest possible degree of communion and contributes to mutual flourishing across the whole Church of England.”*

48. Having then (in paragraphs 6 to 15) set out some of the implications of the principles of simplicity, reciprocity and mutuality espoused by the House, the Declaration goes on (in paragraphs 16 to 29) to address the making of arrangements for parishes which can ask for them, in relation to both episcopal and priestly ministry, by its parochial church council ('PCC') passing a resolution to that effect.
49. The Declaration does not attempt to define the additional characteristics of the bishops and priests whose ministry would be sought by those parishes for which maleness was a necessary, but not a sufficient, characteristic. Instead, it provides for consultation after a resolution has been passed so that the diocesan bishop can ascertain the nature of the theological conviction underlying the parish's decision and indicates that, in relation to priestly or episcopal ministry, the bishop (and others involved in parochial appointments) should pursue outcomes that do not conflict with the nature of the parish's conviction.
50. The Declaration does, however, address (in paragraphs 26 to 29) the choice of the male bishop by the diocesan bishop and the ministry that would be entrusted to him in relation to those parishes that had passed resolutions: paragraphs 27 to 29 set out a number of important expectations in that respect.

51. Paragraph 30 affirms the importance of there continuing to be members of the College of Bishops who can provide episcopal ministry to those parishes which ask for it under the Declaration. Attached as **Annex 7** is a note from the Archbishops which, in setting the framework for the July Final Approval debate, said more about two aspects of the implementation of paragraph 30.
52. Paragraphs 31 to 33 deal with the position in relation to cathedrals, chaplaincies and other non-parochial ministry and paragraphs 34 to 36 seek to offer some clarification in relation to the oaths of canonical obedience with a view to assisting those for whom taking the oath may raise issues once the episcopate has been opened equally to women and men.
53. Paragraphs 38 to 40 address the issue of assurance, including by the acceptance of a commitment on the part of the House to consult the General Synod before proposing changes to the Declaration and not to proceed with its proposals unless they command two-thirds majorities in all three Houses. (In fact, the House has also amended its own Standing Orders so as to impose an entrenched requirement to that effect.)
54. Paragraphs 41 to 43 deal with the transition from the previous regime to the new one, including by agreeing to treat resolutions made under the 1993 Measure as if they were made under the Declaration, for a period of two years after the date on which the Amending Canon is promulgated.

### ***The disputes resolution procedure Regulations***

55. The text of the disputes resolution procedure Regulations is set out in **Annex 8**. The Regulations will be made by the House of Bishops under the new Canon C 29 (to be inserted by the Amending Canon), which will require the House to make Regulations “*prescribing a procedure for the resolution of disputes arising from the arrangements for which [the Declaration] makes provision*”.
56. The Steering Committee recommended the use of an ombudsman-type scheme for resolving such disputes, which it saw as being procedurally simple, independent of those whose actions are being reviewed and expeditious. It believed that, even though it would not have the formality of a more tribunal- or panel-based process, such a system could nonetheless provide a trusted and authoritative way of determining whether the expectations set out in the Declaration had been honoured.
57. The Steering Committee considered that the success measure of such a scheme is not ultimately the number of cases it handles, but the impact it has in acting as an incentive to all concerned to resolve disagreements by discussion between themselves. Where cases do need to go through the review process it is important that the outcome secures closure.



58. Regulations 2 to 5 will provide for an 'Independent Reviewer', to be appointed by the Archbishops with the agreement of the Chairs of the Synod's Houses of Clergy and Laity. He or she would not necessarily have judicial experience but would need to be judicious. A knowledge of, and commitment to, the Church of England would be important; but the Reviewer should not be someone with other current national or diocesan responsibilities.
59. It might be that the work would prove too much for one, part-time, appointee undertaking the role on a *pro bono* basis, in which case the Regulations will allow for the possibility of one or more deputies to be appointed as well. However, it is thought that in the early days there would be advantages in one person having the opportunity to take an overview across the country as issues arise for the first time.
60. Regulation 7 requires the Independent Reviewer to act impartially and fairly and to have regard to the 'five guiding principles' set out in the Declaration.
61. Regulation 8 defines the scope of the grievance procedure, specifying that a grievance may be brought against an 'office holder'<sup>7</sup> in respect of any action taken under, or any failure to act in accordance with, those provisions of the Declaration which set out the arrangements for parishes and non-parochial places of worship.
62. Regulations 9 to 15 set out the procedure for bringing a grievance, which must be authorised by a resolution of the parochial church council.
63. Regulations 16 to 21 set out the procedure to be adopted by the Independent Reviewer once a grievance is brought. Regulation 20 requires the parties to provide such information, documents or other materials and to answer such questions, as the Reviewer thinks fit. Since the regulations will be made under a Canon (the new Canon C 29), any failure on the part of bishops and other clergy to comply with any such requirement would lay the cleric concerned open to a complaint under the Clergy Discipline Measure 2003. As the Synod desired, participation in the procedure is accordingly mandatory.
64. Regulations 22 to 26 deal with the issuing of the Independent Reviewer's decisions on grievances. Like other ombudsmen, the Reviewer will have no power to impose penalties as a result of his or her findings. And since the process is about ensuring that the relevant provisions of the Declaration are honoured, it is not for the Reviewer to substitute his or her judgement for decisions which it was properly for the bishop or other office holder to take. His or her role is to determine whether a grievance is justified (or partly justified).

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7 That is, any archbishop, bishop, archdeacon, rural dean or minister having the cure of souls.

65. However, the Independent Reviewer may include in his or her decision recommendations for addressing a grievance. And he or she will be required by Regulation 26 to publish his or her decisions unless he or she considers that there are good reasons for not doing so. The ability to publish reports critical of actions taken would in practice have a significant impact.
66. While grievances can only be brought by PCCs, Regulation 27 allows anyone to raise a concern with the Independent Reviewer about the operation of the Declaration. The concern can relate to any aspect of the declaration, to more than one act or omission under it and to more than one parish or diocese. This provision provides a mechanism for addressing wider concerns about the operation of the Declaration, for example where there were perceived systemic issues in one or more dioceses or some issue which merited attention nationally.
67. Regulations 30 to 32 require the Independent Reviewer to produce an annual report, which will provide an opportunity to give an overview of the work that he or she has undertaken during the year in question. (This is in addition to the presumption established by Regulation 26 that the reviewer's decisions in individual cases will be published, when necessary in an anonymised form.)

## **PART 5: THE EQUALITY ACT 2010**

### ***Introduction***

68. Section 2 of the Measure is a clarificatory amendment to the Equality Act 2010 (the 'Equality Act') designed to make clear that the office of diocesan or suffragan bishop is not subject to sections 50 and 51 of the Equality Act, which are concerned with appointments to certain categories of 'public office'. The reason section 2 is needed is that if those provisions applied, not all the arrangements that the Church intends to introduce would fall within the relevant existing exception under the 2010 Act. It has been included in the Measure with the agreement of the Government Equalities Office.

### ***Background***

69. The Church of England has lawfully enabled a diversity of conviction and practice to exist in relation to the ordained ministry of women since 1993. Initially that was secured partly because of the exception provided for all organised religion under section 19 of the Sex Discrimination Act 1975 and partly because of section 6 of the 1993 Measure (which was included because of doubts at the time as to whether section 19 was sufficiently broad). So for some years the Church of England benefitted from some provisions which were unique to it.

70. However, that position ended in 2005 when, to give effect to a European Directive, Parliament made new Regulations which replaced section 19 of the Sex Discrimination Act and, with the agreement of the Church of England, repealed section 6 of the 1993 Measure. Because of the drafting approach adopted in the new provision in the general law there was no longer any need for any Church of England-specific provision.
71. The present position is regulated by the Equality Act, which did not materially change the position, save in one respect which is considered in more detail in paragraph 72 onwards below. In particular, paragraph 2 to Schedule 9 of the Equality Act contains a provision in relation to organised religion which applies to the Church of England as to other denominations and faiths. Where an appointment is made to an office for the purposes of an organised religion, paragraph 2 allows the application of certain requirements (e.g. a requirement to be of a particular sex), if “*because of the nature or context of the [office], the requirement is applied so as to avoid conflicting with the strongly held religious convictions of a significant number of the religion’s followers.*”

### **Section 50 of the Equality Act**

72. Under section 50 of the Equality Act it is unlawful for a person with the power to make an appointment to a ‘public office’ to discriminate either in making the appointment or in the terms on which such an appointment is offered. A ‘public office’ for this purpose includes one “*made on the recommendation of or subject to the approval of a member of the executive*”<sup>8</sup>.
73. Though the position is not entirely free from doubt, in the view of the Legal Office (of the National Institutions of the Church of England) the office of a bishop does not fall within the definition of ‘public office’ contained in the Equality Act.
74. The basis for that view is that, since 2008 in relation to diocesan appointments<sup>9</sup> and 2010 in relation to suffragan appointments, one recommended name has been forwarded to the Prime Minister. In the case of diocesan appointments, this follows the statement in *The Governance of Britain – Constitutional Renewal*<sup>10</sup> that in future the Prime Minister would ask for only one name, which he or she would then forward to Her Majesty The Queen.
75. The position now, therefore, is that the Prime Minister does not exercise any choice in deciding the name that is put to Her Majesty. His or her role consists of advising The Queen to approve the choice made by the Crown Nominations Commission (in the case of a diocesan appointment) or by the diocesan bishop (in

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8 See section 50(2)(a).

9 In the case of diocesan vacancies the Crown Nominations Commission continues to identify the names of two appointable candidates, which are available to the Prime Minister in the unlikely event that the recommended candidate declines or is for some other reason unable to take up the appointment.

10 Cm 7342-1, paragraph 254.

the case of a suffragan appointment). The role of the Prime Minister is therefore a formal one that continues as a matter of constitutional propriety and to ensure that the Church of England has conducted the processes properly. The choice of person to be appointed is now the responsibility of the relevant bodies and persons within the Church of England.

76. It is the view of the Legal Office that the formal constitutional advice given by the Prime Minister is not such that a diocesan or suffragan bishop can be said to be appointed "*on the recommendation of, or subject to the approval of, a member of the executive*". The position is as described in paragraph 63 of *The Governance of Britain*, namely that the Prime Minister conveys to Her Majesty a recommendation that has been made by somebody else.
77. As a consequence, the Legal Office considers that the definition of 'public office' in section 50 of the Equality Act does not include the office of diocesan or suffragan bishop. If so, the arrangements proposed under the Declaration, would be wholly consistent with the Equality Act.
78. But, as noted above, the matter is not entirely free from doubt; and it would be highly undesirable for there to be any scope for the legal position to be subject to challenge in the courts in the context of the arrangements surrounding the opening of the episcopate to women.
79. The problem that section 2 is designed to tackle does not concern discrimination in the appointment process (the exception for organised religion generally under paragraph 9 of Schedule 2 that is described above already being capable of applying to that). Rather, it is about discrimination in relation to a person who is to be or who has actually been appointed to a public office.
80. The exception in Schedule 9 would, in particular, not allow a woman to be appointed a diocesan bishop on the understanding that, in relation to certain parishes, she would refrain from carrying out certain functions herself in the light of resolutions passed by parochial church councils under the Declaration, since those resolutions could be held to involve an element of gender discrimination.
81. Thus if diocesan bishoprics did fall within the definition of 'public office' it would not be lawful for the Church of England to create the expectation – as the Declaration does – that diocesan bishops would, in certain circumstances, invite other bishops to exercise ministry in parishes which, on grounds of theological conviction, did not wish to receive episcopal oversight from a woman.
82. It follows that if the Church of England is to have certainty in that connection, the Measure needs to contain some clarificatory provision; and that is the purpose served by section 2.

### ***The views of the Government***

83. The position in relation to section 50 of the Equality Act has been discussed with the then Prime Minister’s Appointments Secretary and the Government Equalities Office. They share the analysis of the legal position set out above and also recognise that express provision is needed in the Measure if there is to be certainty as to the position. Section 2 has accordingly been included in the Measure with their agreement.

***The effect of section 2***

84. Since, as explained above, the Legal Office does not consider the office of a bishop to fall within the definition of ‘public office’ contained in the Equality Act, it follows that it does not consider that section 2 of the Measure will in fact change the current legal position – in the sense that section 2 does no more than state, in terms, what we believe the current legal position to be. Thus, on this analysis, it will not deprive anyone of any protection from unlawful discrimination, whether in relation to gender or any other of the protected characteristics which they currently enjoy.
85. It is also worth underlining that section 2 will not have the effect of putting the Church of England in a special position. Rather, its effect will simply be that, in relation to possible discrimination claims, the Church of England is in the same position under the Equality Act as all other denominations and faiths where senior appointments are concerned.

On behalf of the Legislative Committee

+ *Justin Cantuar:*

*Peter Bruinvels*

Chair

Deputy Chair

14th July 2014

## THE ANNEXES

### *Background materials*

**Annex 1:** account of the discussion in the Church of England over gender and holy orders, including the events leading up to the introduction of the Measure

**Annex 2:** comparison between the current package of proposals and the previous draft legislation

**Annex 3:** diocesan voting figures on the Article 8 reference to the dioceses for the draft Measure and Amending Canon

### *Elements of the package of proposals*

**Annex 4:** Amending Canon No.33

**Annex 5:** The House of Bishops' Declaration on the Ministry of Bishops and Priests (GS Misc 1076)

**Annex 6:** Guidance note from the House on the Declaration (GS Misc 1077)

**Annex 7:** Note from the Archbishops of June 2014 (GS Misc 1079)

**Annex 8:** Draft Declaration on the Ministry of Bishops and Priests (Resolution of Disputes Procedure) Regulations 20—

**A history of events leading up to the introduction of the Measure and the arrangements made in connection with it**

**Deacons and priests**

1. Bishop Archibald Tait, then Bishop of London, founded the Deaconess Community of St Andrew as long ago as 1861. Those who subsequently served the Church as deaconesses held office in the Church but until the 1980s the law permitted only men to be admitted to holy orders in the Church of England.
2. From around the time of the suffragette movement there were some within the Church of England who argued for the ordination of women but it was not until the second half of the twentieth century that the argument gained traction. In 1962 the Church Assembly voted for the matter to be studied. The resulting report, *Women and Holy Orders*, was published in 1966.
3. After some years of discussion, and following consultation with the dioceses, the General Synod (which had succeeded the Assembly in 1970) resolved in 1975 that “*there are no fundamental objections to the ordination of women to the priesthood*”. In the light of the balance of views emerging from the diocesan consultation it decided at that stage, however, not to proceed with the necessary legislation.
4. Subsequently, separate pieces of legislation were introduced into the Synod to enable women to become deacons and priests. The Synod gave Final Approval to a Measure to enable women to become deacons in 1985, the first deacons being ordained in 1987. In 1992 the Synod gave Final Approval to the Priests (Ordination of Women) Measure 1993 (‘the 1993 Measure’) which opened the priesthood to women.
5. In addition to removing the legal obstacles to women becoming priests, the Synod in 1992 put in place formal arrangements designed to make provision for those in the Church who could not accept this as a legitimate development. The decision to preserve a place for those opposed to the development was a significant one, and the process of working out just what the arrangements should be was almost as contentious as the decision to allow women to become priests itself.
6. The arrangements put in place from this point of view comprised:
  - legislative provision, agreed by the Synod in 1992 and subsequently endorsed by Parliament, for:
    - parishes to pass Resolution A, precluding a woman from presiding at Holy Communion and pronouncing the Absolution, and/or

- Resolution B, precluding the appointment of a female incumbent, priest in charge or team vicar<sup>11</sup>; and
- the payment of financial provision to those who resigned from ecclesiastical service, within 10 years of the promulgation of the Canon allowing the ordination of women as priests, on grounds of their opposition to that Canon<sup>12</sup>; and
  - the Episcopal Ministry Act of Synod ('the 1993 Act of Synod') agreed in 1993 which provided, additionally, that parishes could in addition petition their diocesan bishop for extended episcopal ministry, which would then be provided by a Provincial Episcopal Visitor or by another bishop from within the diocese or the region.<sup>13</sup>
7. The Ecclesiastical Committee pressed Church representatives hard on whether the safeguards for those opposed to the development were adequate and, in the course of the Committee's consideration of the 1993 Measure, Synod representatives explained that the Synod had removed time limits in earlier drafts so that "*protection for incumbents and in particular parishes, should remain in perpetuity for as long as anyone wanted it.*"<sup>14</sup> In relation to the 1993 Act of Synod the then Archbishop of Canterbury said "*it is our intention for this to be permanent and we are not thinking of rescinding it.*"<sup>15</sup>
8. A House of Bishops' paper, *Bonds of Peace*<sup>16</sup>, was issued in 1993 to explain the proposal of the House that the special arrangements already agreed in the legislation should be supplemented by those in the proposed Act of Synod. It stated that "*those who for a variety of reasons cannot conscientiously accept that women may be ordained as priests will continue to hold a legitimate and recognised place within the Church of England*".
9. In addition it noted that:
- "... giving space to one another, and remaining in the highest possible degree of communion in spite of difference are crucial, as we strive to be open to the insights of the wider Christian community. Though some of the means by which communion is expressed may be strained or broken, the need for courtesy, tolerance, mutual respect, prayer for one another, and a continuing desire to know one another and to be with one another, remain binding on us as Christians, no less within our own Church as in our ecumenical relations. The danger to be*

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11 Provisions of the Priests (Ordination of Women) Measure 1993.

12 Provisions of the Ordination of Women (Financial Provisions) Measure 1993.

13 Provisions of the Episcopal Ministry Act of Synod 1993.

14 203<sup>rd</sup> and 204<sup>th</sup> Reports of the Ecclesiastical Committee, p.66.

15 *Ibid*, p.134.

16 See *Ordination of Women to the Priesthood: Pastoral Arrangements - Report by the House of Bishops* (GS 1074), June 1993.



*avoided is that, where ecclesial communion is impaired, communities may begin to define themselves against each other and develop in isolation from each other ...*

<sup>17</sup>

10. It also noted that the Church of England's decision on ordination of women to the priesthood was part of a "*much broader and longer process of discernment within the whole Church*": a process sometimes referred to as 'reception'.<sup>18</sup> The Roman Catholic and Orthodox Churches maintain the view that only men may be admitted to the three orders of ministry; many Protestant Churches have admitted women to all areas of ministry.

### **The situation after 1993**

11. The first women were ordained as priests in March 1994. By 2013 women comprised 32% of all serving clergy (around 24% of stipendiary clergy) and 45% of those recommended that year for ordination training (37% of those recommended with a view to stipendiary ministry). In 2014 there were also 22 female archdeacons (18%) and 6 female cathedral deans (14%).
12. There remains a variety of perspectives as to the way in which the 1993 settlement has operated. Some of those unable on grounds of theological conviction to receive the development of female priests left the Church of England. In particular, 441 clergy resigned from ecclesiastical service and received financial provision under the Ordination of Women (Financial Provisions) Measure 1993.
13. Many others remained to play an active part in the life of the Church, however, taking advantage of the arrangements agreed in 1993. Thus according to the latest available figures there are 742 parishes (6%) where Resolution A is in force; 907 (7%) where Resolution B is in force; and 368 (3%) where a petition under the Act of Synod is in force.<sup>19</sup>
14. Over time the current situation has been seen as increasingly anomalous, with women being able hold some senior roles within the Church (such as dean and archdeacon) but not the office of bishop. Furthermore, aspects of the 1993 settlement have continued to be contested in principle; and concerns have continued to be expressed from different perspectives as to the way the arrangements work in practice. But the fact is that the approach taken in 1993 to try and preserve the breadth of the Church of England has allowed those who take diametrically

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17 *Bonds of Peace*, paragraph 3.

18 The concept of reception was further explored in the Rochester Report, paragraphs 3.6.1-37.

19 The figures need interpreting with some care because some parishes that have not had a vacancy for many years may not have considered whether to pass a resolution and it seems clear that many parishes where a serving diocesan bishop does not himself ordain women as priests have not felt it necessary to avail themselves of their petitioning rights under the Act of Synod.

opposing views of the priestly ministry of women to continue to work alongside each other within the one Church.

### The Anglican Communion

15. Within the Anglican Communion, the admission of women to the diaconate and priesthood was considered by both the 1968 and 1978 Lambeth Conferences and in other bodies of the Communion. It was recognised that decisions were for each province to take, having ‘sought and carefully considered’ advice from the instruments of Communion. The Lambeth Conference of 1988 extended this approach to the admission of women to the episcopate, resolving that each Province was free to decide for itself, while *“maintaining the highest possible degree of communion with Provinces which differ”*.<sup>20</sup>
16. In 1989 the Episcopal Church in the USA became the first Church within the Communion to admit a woman to the episcopate.<sup>21</sup> There have also now been women bishops in Australia, Canada, New Zealand, Ireland, South India and Southern Africa and in the extra-provincial Episcopal Church of Cuba. (There are also 12 other Churches, including Scotland and Wales, where there is no legal bar to such consecrations.) 11 women bishops attended the Lambeth Conferences in 1998 and 18 in 2008.
17. The 1998 Lambeth Conference passed a resolution calling on all Provinces:
- “...to uphold the principle of ‘Open Reception’ as it relates to the ordination of women to the priesthood ...”;*
- “... to affirm that those who dissent from, as well as those who assent to, the ordination of women to the priesthood and episcopate are both loyal Anglicans ...”;* and
- “... to make such provision, including appropriate episcopal ministry, as will enable them to live in the highest possible degree of communion possible ...”*.<sup>22</sup>

### The Rochester Report

18. In July 2000 the Synod resolved, on a private member’s motion from the Venerable Judith Rose, the then Archdeacon of Tonbridge, *“That this Synod ask the House of Bishops to initiate further theological study on the episcopate, focussing on the issues that need to be addressed in preparation for the debate on women in the episcopate”*.

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20 1988 Lambeth Conference resolution 1.1. This motion also set up what became known as the Eames Commission (1989-93).

21 Barbara Harris was consecrated Bishop Suffragan of the Dioceses of Massachusetts on 11 February 1989.

22 1998 Lambeth Conference Resolution III.2.

19. In response to this mandate a working party was formed under the chairmanship of Bishop Michael Nazir-Ali, then Bishop of Rochester. Its comprehensive report – *Women Bishops in the Church of England?*<sup>23</sup> (commonly referred to as ‘the Rochester Report’) – was published in November 2004. This 287 page document remains an indispensable source of reference.
20. The Synod ‘took note’ of the Rochester Report in February 2005 and in July 2005 voted to “*set in train the process for removing the legal obstacles to the ordination of women to the episcopate*”.
21. The debates since 2005 in connection with the opening of the episcopate to women have been as much about the arrangements to be made for those unable on grounds of theological conviction to receive the episcopal ministry of women as about the underlying question of principle. The focus of that debate has taken different forms at different stages in the process.

### **The Guildford Group and the Guildford/Gloucester Report**

22. Following the publication of the Rochester report the House of Bishops set up a working group consisting of the Bishops of Guildford, Blackburn, Lincoln and Willesden, with the Venerable Joy Tetley (the then Archdeacon of Worcester), to look further at the options for achieving the ordination of women to the episcopate.
23. This group – known as the Guildford Group – reported in January 2006.<sup>24</sup> It looked at three main options: a ‘single clause’ Measure; a Third Province – both of which had been widely trailed by respective constituencies; and a new option known as ‘transferred episcopal arrangements’ (‘TEA’). Under TEA parishes could opt to receive the ministry of a male Provincial Regional Bishop who would exercise pastoral and sacramental functions transferred (via the Archbishop) from the diocesan bishop (in whose diocese the parish would remain).
24. The Synod agreed in February 2006 that “*an approach along the lines of Transferred Episcopal Arrangements, expressed in a Measure with an associated Code of Practice, merits further exploration as a basis for proceeding*”. The House of Bishops asked the Bishops of Guildford and Gloucester to undertake further work in that connection. Their further report<sup>25</sup> sought to clarify aspects of TEA, about which some had expressed significant ecclesiological and practical reservations. It also put forward for discussion a further possible model – Special Episcopal Oversight (‘SEO’) – which, significantly, proposed that functions be delegated, rather than be transferred, to the male SEO bishop.

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23 *Women Bishops in the Church of England?*(GS 1557).

24 See *House of Bishops’ Women Bishops Group: Report to the General Synod from a working group chaired by the Bishop of Guildford* (GS 1605), January 2006.

25 See *Women in the Episcopate: Report to the House of Bishops from the Bishops of Guildford and Gloucester* (GS Misc 826), May 2006.

25. This report was submitted to the College of Bishops in June 2006. The College also heard at that point from Cardinal Walter Kasper (then President of the Pontifical Council for the Promotion of Christian Unity). He set out the fundamental opposition of the Roman Catholic Church to the ordination of women as bishops, and the possible implications of such a step for future Anglican-Roman Catholic relations.<sup>26</sup>
26. The College also heard from a group of senior female clergy and laity at the same meeting who were supportive of proceeding with the consecration of women. They had substantial reservations, however, over the acceptability in principle, or workability in practice, of TEA.
27. The House of Bishops, meeting immediately after the College, did not feel able to endorse a particular option for admitting women to the episcopate. The majority of the House, however, wished to affirm their support for the principle and to find a way of advancing the legislative process. Accordingly the House agreed to submit two motions to the Synod.
28. In July 2006 the Synod resolved, on the basis of a motion from the House:

*“That this Synod welcome and affirm the view of the majority of the House of Bishops that admitting women to the episcopate in the Church of England is consonant with the faith of the Church as the Church of England has received it and would be a proper development in proclaiming afresh in this generation the grace and truth of Christ.”*

29. The voting was as follows:

	In favour:	Against:
Bishops	31	9
Clergy	134	42
Laity	123	68

30. At the same group of sessions, the Synod passed a further motion, on the recommendation of the House of Bishops, setting up a Legislative Drafting Group with a brief which embraced both preparing the draft Measure and the Amending Canon necessary to remove the legal obstacles to the consecration of women to the office of bishop and also preparing

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<sup>26</sup> See *Resources for Reflection* (GS Misc 827), June 2006 & *Women in the Episcopate: An Anglican-Roman Catholic Dialogue* (GS Misc 885), 2008. Ecumenical Responses to the Rochester Report- including contributions from the Methodist and United Reformed Churches - can be found in GS Misc 807 (October 2005).

*“a draft of possible additional legal provision consistent with Canon A 4<sup>27</sup> to establish arrangements that would seek to maintain the highest possible degree of communion with those conscientiously unable to receive the ministry of women bishops”.*

### **The Manchester Group**

31. The Bishop of Manchester was asked to chair the Legislative Drafting Group, which started its work in January 2007. In its report of April 2008<sup>28</sup> it helpfully encapsulated<sup>29</sup> the heart of the difficulty with which the Synod had been wrestling in previous debates and indeed with which it has continued to wrestle subsequently. What it said was that the challenge was to find a way of proceeding that

*“(a) had ecclesiological integrity; (b) left space within the Church of England for those who in conscience could not accept the priestly or Episcopal ministry of women; and (c) avoided any flavour of discrimination or half-heartedness on the part of the Church of England towards women priests and bishops.”*

32. The report went on to set out and analyse the following three possible broad approaches (with variations within them):

- the simplest possible statutory approach with no binding national arrangements;
- legislation that would provide some basis for special arrangements for those unable to receive the ministry of women bishops (within the structure of the existing Church of England dioceses); and
- legislation that would create new structures within the Church of England for those unable to receive the ministry of women bishops.

33. A majority of the House of Bishops, at its meeting in May 2008, supported the second of these three approaches. It accordingly recommended that course to the Synod, on the basis that there should be a national Code of Practice to which all concerned should have regard, with arrangements that would entail the delegation (not transfer) of functions from the diocesan to a ‘complementary’ male bishop.

34. The motion brought by the House in consequence was passed by the Synod in July 2008 without major amendment. In its final form it read:

*“That this Synod:*

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27 The reference to Canon A 4 was intended to reflect the view that nothing be done to qualify the legal recognition of all those admitted to Holy Orders in the Church of England. A full analysis of the phrase ‘consistent with Canon A4’ can be found in paras 128-144 of the *Report of the Women Bishops Legislative Drafting Group* (GS 1685).

28 See *Report of the Women Bishops Legislative Drafting Group* (GS 1685, April 2008).

29 In paragraph 12.

- (a) *affirm that the wish of its majority is for women to be admitted to the episcopate;*
- (b) *affirm its view that special arrangements be available, within the existing structures of the Church of England, for those who as a matter of theological conviction will not be able to receive the ministry of women as bishops or priests;*
- (c) *affirm that these should be contained in a statutory national code of practice to which all concerned would be required to have regard; and*
- (d) *instruct the legislative drafting group, in consultation with the House of Bishops, to complete its work accordingly, including preparing the first draft of a code of practice, so that the Business Committee can include first consideration of the draft legislation in the agenda for the February 2009 group of sessions.”*

35. The voting was as follows:

	In favour:	Against:
Bishops	28	12
Clergy	124	44
Laity	111	68

One abstention was recorded in the House of Bishops, 4 in the House of Clergy and 2 in the House of Laity.

36. The Manchester Group duly completed its task in time for the draft legislation to be introduced to the Synod at the February 2009 group of sessions.<sup>30</sup>

### **The failed legislation**

37. At the February 2009 group of sessions the Synod gave First Consideration to the Measure and Amending Canon No. 30 and agreed that they should be committed to a Revision Committee. The Synod also had before it an illustrative draft, prepared by the Legislative Drafting Group, of the Code of Practice that would be required under the Measure.

38. The Revision Committee first met in May 2009 and reported in May 2010.<sup>31</sup> As required by the Synod’s Standing Orders, its task was to “*consider the Measure committed to [the Committee], together with any proposals for amendment, Clause by Clause*”. It received 297 submissions, of which 114 were from individual Synod members or groups including Synod members and others.

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30 See *Women in the Episcopate: Further Report from the Legislative Drafting Group* (GS 1707), December 2008.

31 See GS 1708-09Y.

39. These made a wide range of detailed suggestions. In addition, many argued for an alternative underlying approach to the legislation – a ‘single clause’ Measure (i.e. the simplest possible form of legislation); ‘statutory transfer’; a ‘society solution’; or additional dioceses.
40. After discussion the Revision Committee rejected all these alternative approaches. It concluded that arrangements for those who are unable on theological grounds to receive priestly and episcopal ministry from women should, as in the draft Measure committed to it, be based on delegation from the diocesan bishop and a statutory, national code of practice. The Committee did, however, make a number of significant changes to the draft Measure and Amending Canon.<sup>32</sup>
41. As revised by the Revision Committee, the draft Measure:
- imposed an obligation on every diocesan bishop (irrespective of gender) to make a scheme, following consultation with the diocesan synod, containing arrangements for delegating the exercise of episcopal ministry relating to the celebration of the sacraments and pastoral care to a male bishop;
  - entitled a parish to issue a ‘Letter of Request’ to the diocesan bishop seeking the ministry of a male bishop under such arrangements;
  - entitled a parish to issue a ‘Letter of Request during a Vacancy’, asking the diocesan bishop that only a male priest be appointed as incumbent or priest in charge; and
  - required the House of Bishops to draw up a Code of Practice, with the approval of the General Synod, giving guidance on various matters arising under the Measure and to which anyone exercising functions in the Church of England would have to ‘have regard’.
42. At the July 2010 group of sessions, at which the Revision Stage for the draft legislation was taken, amendments which would have created additional dioceses or involved transfers of jurisdiction were defeated by a wide margin.
43. At the same group of sessions the Archbishops proposed amendments which would have had the effect that male bishops ministering to parishes that had issued a Letter of Request would have exercised ‘co-ordinate jurisdiction’ with the diocesan bishop, that is jurisdiction conferred directly by the Measure rather than by way of delegation from the diocesan bishop. Guidance on the arrangements for co-ordinating the exercise of episcopal ministry would have been included in the Code of Practice. However, the Archbishops’ principal amendment was defeated, on a Division by Houses, in the House of Clergy.<sup>33</sup>

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32 Full details can be found in its report (GS 1708-09Y).

33 The House of Bishops voted 25-15 in favour, the House of Clergy 90-85 against (with 5 recorded abstentions) and the House of Laity 106-86 in favour (with 4 recorded abstentions).

44. The draft legislation went on to complete its Revision Stage with only minor amendments being made to the draft Measure as agreed by the Revision Committee.
45. At the conclusion of the Revision Stage, the draft Measure and draft Amending Canon were referred to the dioceses in accordance with the requirements of Article 8 of the Synod's Constitution. 42 out of 44 diocesan synods voted in favour of the motion.
46. It was open to diocesan synods to consider motions arising out of the draft legislation, in addition to the motions required to indicate whether they approved it. A number did so, as follows:
- Motions calling on the House of Bishops to amend the draft legislation in the way proposed by the Archbishops at the July 2010 group of sessions were carried in 6 dioceses and lost in 4.
  - Motions calling on the House of Bishops to amend the legislation in other respects were carried in 5 dioceses and lost in 27.
  - A motion calling for the General Synod to debate a motion inviting the House of Bishops not to amend the legislation was carried in 1 diocese.
  - Motions concerning the Code of Practice under the Measure were carried in 3 dioceses.
47. At the February 2012 group of sessions the Synod took note of a report on the diocesan voting in the Article 8 reference. It also debated a 'following motion' which had been carried in substantially the same form in five diocesan synods. Following amendments which in part reflected a following motion carried in another diocesan synod, the Synod passed the motion in the following form:

*"That this Synod:*

*(a) noting the significant support the draft Bishops and Priests (Consecration and Ordination of Women) Measure has received in the Houses of Bishops, Clergy and Laity of diocesan synods, and*

*(b) desiring that the draft Measure be returned to the Synod for consideration on the Final Approval Stage substantially unamended so that it can be seen if the proposals embodied in it in the form in which it has been referred to the dioceses can attain the level of support required to achieve Final Approval,*

*request the House of Bishops in the exercise of its power under Standing Order 60(b) not to amend the draft Measure substantially."*



48. The Synod went on at the same group of sessions to complete the Final Drafting stage for the draft legislation, in the course of which a number of essentially technical amendments were made to it.
49. In accordance with the requirements of Article 7 of the Synod's Constitution, the draft Measure then stood committed to the House of Bishops. At its meeting in May the House made two amendments to it. The first, which embodied one of the three principles agreed by the House in December 2011 and set out in the Archbishops' foreword to the report from the Code of Practice Working Group, inserted a new clause 5(1)(c) to the Measure. This required the Code to give guidance of a particular kind on the selection of male bishops and priests under the Measure, thereby making it plain that, at least for some, there are theological convictions that mean that maleness is a necessary, but not a sufficient, characteristic of the bishops and priests ministering to them. The second amendment, to clause 8(2) clarified the meaning of 'delegation'.
50. The House went on to agree that the draft legislation be returned to the Synod for Final Approval, subject to the right of the Convocations of Canterbury and York to ask that it be referred to them for approval under Article 7.
51. The Convocations and House of Laity having claimed a reference under Article 7, the draft legislation was considered and approved by them at meetings held immediately before the July 2012 group of sessions.
52. The draft legislation was accordingly laid before the Synod for Final Approval at that group of sessions. However, following the moving of the motion for the Final Approval of the draft Measure, the Synod resolved (by 288 votes to 144, with 15 recorded abstentions) to adjourn the debate to enable the House of Bishops to reconsider the first of the two amendments it had made in May, that to clause 5(1)(c).
53. The House met for that purpose on 12 September 2012. It had before it the responses from Synod members to a consultation document sent to them on 25 July canvassing various possible alternative versions of clause 5(1)(c) as well as the arguments for removing it entirely or leaving it unchanged.
54. At its meeting, the House decided to modify the amendment it had made in May. The new text reflected a drafting approach suggested by a member of the House of Clergy in response to the consultation document.
55. The Convocations and House of Laity having decided not to call for a further Article 7 reference, the debate on the motion for the Final Approval of the draft Measure, in the form it took as amended by the House in September, was resumed at the November 2012 group of sessions. The motion for the Final Approval of the draft

Measure was lost, as a result of its narrowly failing to secure the necessary two-thirds majority in the House of Laity.

56. The voting on the Measure at Final Approval was as follows:

	In favour:	Against:
Bishops	44	3
Clergy	148	45
Laity	132	74

Two abstentions were recorded, in the House of Bishops.

57. As a result of the failure of the motion for the Final Approval of the draft Measure, the corresponding motion in relation to the draft Amending Canon was not moved.

### **The development of new proposals**

58. At its meeting in December 2012 the House of Bishops acknowledged the profound and widespread sense of anger, grief and disappointment felt by many in the Church of England and beyond at the decision of the Synod not to give final approval to the proposed legislation to enable women to become bishops. It went on to commit itself to bringing the elements of a new legislative package to the Synod in July 2013.

59. To that end it established a working group drawn from all three Houses and representing a broad spread of opinion in relation to the ordained ministry of women. In commissioning the work of the group, the House offered the view that, to command assent, new proposals would need:

- greater simplicity;
- a clear embodiment of the principle articulated by the 1998 Lambeth Conference *“that those who dissent from, as well as those who assent to, the ordination of women to the episcopate are both loyal Anglicans”*;
- a broadly-based measure of agreement about the shape of the legislation in advance of the actual legislative process; and
- to enable the Church of England to resolve this unfinished business through its own processes as a matter of great urgency.

60. The new working group issued a consultation document in February 2013 following facilitated conversations with people drawn from a wide range of viewpoints. It received 376 responses. They demonstrated almost universal support for the proposition that it would not be sensible to try to amend the defeated legislation and that a new approach was needed. They also supported the proposition that a complete package ought to be available before a new Measure reached the Final Approval Stage.

61. The working group reported to the House in February 2013, having engaged in further, intensive facilitated conversations. In response to the second of the criteria established by the House, it identified a “*vision as something around which all those who aspire to keep the Church of England as a broad church might gather*” containing five elements.
62. It also identified three further principles which in its view any new legislation should embody – those of “*simplicity; reciprocity; and mutuality*”. Finally, the working group set out four possible approaches to the types of arrangements that might, consistently with the principles it had identified, be put in place.
63. The House considered the working group’s report at its meeting in May 2013. The House endorsed the five elements of the group’s ‘vision’ (subject to the making of two amendments in the way it was expressed).
64. It went on to endorse the first of the options for arrangements identified by the working group, involving the simplest form of Measure and Amending Canon and the repeal of the 1993 Measure and the 1993 Act of Synod, accompanied by some form of Declaration by the House (or a new Act of Synod) making arrangements for those unable on grounds of theological conviction to accept the priestly and episcopal ministry of women.
65. The House also signalled that it attached importance to including in a Declaration or Act of Synod a mediation process for addressing grievances from parishes which believed they had not been treated consistently with the principles and arrangements agreed nationally.
66. Following the participation of members of the Synod generally in facilitated discussions at its residential group of sessions at York in July, a motion mandating the introduction of draft legislation in the form the House proposed was accordingly moved on its behalf at that group of sessions and carried in the following form (having been amended to include reference to a mandatory grievance procedure and the continued use of facilitated discussions):

*‘That this Synod:*

- (a) reaffirm its commitment to admitting women to the episcopate as a matter of urgency;*
- (b) instruct the Appointments Committee to appoint this month a Steering Committee to be in charge of the draft legislation required to that end;*
- (c) instruct the Business Committee to arrange for the First Consideration stage for that draft legislation to be taken at the November 2013 group of sessions, so that the subsequent stages can follow the timetable set out in paragraph 141 of the annex to GS 1886;*

- (d) *instruct the Steering Committee to prepare the draft legislation on the basis described in paragraphs 79-88 of the annex to GS 1886 as 'option one' with the addition of a mandatory grievance procedure for parishes in which diocesan bishops are required to participate and invite the House of Bishops to bring to the Synod for consideration at the February 2014 group of sessions a draft Act of Synod or draft declaration to be made by the House to accompany the draft legislation; and*
- (e) *urge that the process of facilitated conversations continue to be used at significant points in the formulation and consideration of the draft legislation'.*

67. In the light of the Synod debate the Appointments Committee agreed to appoint a larger and more diverse Steering Committee than is usual for Synodical legislation. The 15 members included some who had voted against final approval of the earlier draft Measure in November 2012 and had also voted against the option of simpler legislation in July 2013.
68. Facilitators worked with the Steering Committee, chaired by the Bishop of Rochester, in September and October 2013. The Steering Committee were able to agree a report and drafts of the Measure, the Amending Canon, the Declaration and the disputes resolution procedure Regulations. Of the 15 members of the diverse group, 13 felt able to commend these to the Synod and two other members abstained.
69. This detailed package of proposals and the degree of support achieved were seen as a significant breakthrough. The Measure and Amending Canon were introduced for First Consideration at the November 2013 group of sessions under cover of a report from the Steering Committee.

**A comparison between the current package of proposals and the previous draft legislation**

The current package of proposals and the earlier, unsuccessful, draft legislation share the common objective of opening all three orders of ministry in the Church of England to everyone irrespective of gender, whilst continuing to allow space within the Church of England for those whose theological conviction does not enable them to receive that development.

In addition, the Measure, like the earlier draft Measure, involves no change in the office of bishop or in the structures of the Church of England. In particular, neither Measure has proposed any change of jurisdiction or in the position of the diocesan bishop as the Ordinary.

The new package and the earlier proposals do, however, differ in a number of significant respects:

- The previous draft legislation required each diocese to draw up its own scheme, under which arrangements would be provided for those parishes which requested them on theological grounds. Concerns were expressed about how such schemes would work in practice. The new legislation does not provide for diocesan schemes.
- The previous draft legislation was shaped around an obligation on the House of Bishops to prepare a statutory Code of Practice, which was to have been subject to the approval of the Synod. The draft Measure required everyone exercising functions to have regard to the provisions of the Code of Practice. Concerns were expressed during the Final Approval debate that, whilst the House of Bishops had already produced an illustrative draft Code of Practice, the Synod was being asked finally to approve the legislation without being sure what the final form of the statutory Code would be.
- In contrast, the new legislation does not provide for a statutory Code of Practice. Because the proposed arrangements are now to be set out in the Declaration, there could be certainty about their form before Synod was invited to give Final Approval of the Measure and the Amending Canon. This is because the Declaration, unlike the statutory Code of Practice, could be made by the House of Bishops before Final Approval of the legislation.
- The introduction of a disputes resolution procedure involving an independent reviewer provides a means of raising concerns where bishops or others are thought not to have acted in accordance with the Declaration and the five guiding principles which it enshrines. The previous draft legislation made no provision for independent review. In addition, the fact that the disputes resolutions procedure is

contained in Regulations made under Canon means that participation in the procedure will be mandatory.

## ANNEX 3

**Diocesan voting figures on the Article 8 reference to the dioceses**

DIOCESE	BISHOPS			CLERGY			LAITY			C/L*
	AYES	NOS	ABS	AYES	NOS	ABS	AYES	NOS	ABS	
Bath and Wells	1	0	0	59	3	1	57	1	0	C
Birmingham	1	0	0	33	2	1	37	0	1	C
Blackburn	2	1	0	31	19	2	50	14	1	C
Bradford	1	0	0	31	0	1	37	0	2	C
Bristol	2	0	0	13	0	0	21	2	0	C
Canterbury	1	0	0	34	3	1	52	3	1	C
Carlisle	2	0	0	33	1	0	37	2	1	C
Chelmsford	4	0	0	50	7	0	55	11	1	C
Chester	2	0	0	37	10	3	48	7	3	C
Chichester	1	1	1	36	22	2	54	20	0	C
Coventry	2	0	0	21	0	1	33	0	0	C
Derby	2	0	0	25	3	0	25	5	1	C
Durham	2	0	0	32	2	0	49	2	1	C
Ely	1	0	0	33	3	0	41	5	2	C
Europe	0	0	0	0	0	0	0	0	0	N/A
Exeter	1	0	0	42	11	2	53	5	2	C
Gloucester	2	0	0	35	0	0	45	1	1	C
Guildford	1	0	0	34	3	2	36	1	3	C
Hereford	1	0	0	35	0	0	33	0	1	C
Leicester	2	0	0	29	6	0	42	2	1	C
Lichfield	3	0	0	44	2	0	44	9	3	C
Lincoln	1	0	0	57	3	0	43	2	1	C
Liverpool	1	0	0	45	1	1	50	0	2	C
London	3	0	0	40	10	7	43	17	1	C
Manchester	3	0	0	37	8	2	45	6	2	C
Newcastle	2	0	0	41	2	1	36	3	1	C
Norwich	3	0	0	37	4	1	31	2	0	C
Oxford	3	0	0	47	3	0	57	1	3	C
Peterborough	1	0	0	45	2	2	40	4	7	C
Portsmouth	1	0	0	36	1	2	31	1	3	C
Ripon and Leeds	1	0	0	37	0	0	35	1	2	C
Rochester	1	0	0	44	7	3	46	6	4	C
Salisbury	2	0	0	35	0	3	48	1	2	C
Sheffield	2	0	0	24	8	1	29	8	0	C
Sodor and Man	1	0	0	18	2	0	35	0	1	C
Southwark	3	0	0	45	6	0	62	6	4	C
S'well & N'gham	0	0	0	29	2	0	29	1	0	C
St Albans	3	0	0	46	3	1	65	0	4	C
St Eds. & Ipswich	1	0	0	48	0	2	62	0	1	C
Truro	2	0	0	26	1	0	37	2	0	C
Wakefield	1	1	0	41	8	2	30	9	1	C
Winchester	2	0	0	37	5	1	45	4	0	C
Worcester	2	0	0	23	0	0	36	1	0	C
York	2	0	0	32	1	0	40	1	4	C
<b>Totals</b>	<b>75</b>	<b>3</b>	<b>1</b>	<b>1557</b>	<b>174</b>	<b>45</b>	<b>1824</b>	<b>166</b>	<b>68</b>	

\* C = Carried L = Lost

## ANNEX 4

**Amending Canon No. 33****(Of the consecration of bishops, Of the quality of such as are to be ordained deacons or priests, Of women deacons, Of women priests, Of ministers exercising their ministry, Of admission and institution, Of the House of Bishops' Declaration on the Ministry of Bishops and Priests)**

1. Canon C 2 (Of the consecration of bishops) is amended as follows –
  - (a) The following paragraph is inserted at the beginning –
 

“1. A man or a woman may be consecrated to the office of bishop.”;
  - (b) Paragraphs 1 to 5 are re-numbered 2 to 6; and
  - (c) For paragraph 6, as re-numbered, there is substituted the following paragraph –
 

“6. In the forms of service contained in *The Book of Common Prayer* or in the Ordinal words importing the masculine gender in relation to bishops are construed as including the feminine.”.
  
2. Canon C 4 (Of the quality of such as are to be ordained deacons or priests) is amended as follows –
  - (a) The following paragraph is inserted at the beginning –
 

“1. A man or a woman may be ordained to the office of priest or deacon.”;
  - (b) Paragraphs 1 to 4 are re-numbered 2 to 6; and, accordingly, in paragraph 4, as re-numbered, for “3A” there is substituted “5”, and in paragraph 5, as re-numbered, for “3” there is substituted “4”;
  - (c) At the end there are added the following paragraphs –
 

“7. A deaconess who is licensed or holds a bishop’s permission to officiate, and in either case satisfies the requirements of this Canon as to the persons to be ordained as deacons, may apply to a bishop for his or her consent to her ordination as a deacon for service in the diocese of that bishop, and the bishop may give that consent notwithstanding –



- (a) that she has not after applying to be so ordained been further examined concerning her knowledge of Holy Scripture or of the doctrine, discipline and worship of the Church of England, or
  - (b) that she has not exhibited to the bishop any certificate or other document which is required to be so exhibited under Canon C 6.
8. Where a bishop is ordaining a woman according to the Order for the Making of Deacons in the Ordinal attached to *The Book of Common Prayer* it is lawful for the bishop to use the variations to that service set out in the schedule to this Canon.
9. The Archbishops of Canterbury and York may jointly authorise forms of service for deaconesses to be ordained deacon, being forms of service which in both words and order are in their opinion reverent and seemly and are neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.
10. In the forms of service contained in *The Book of Common Prayer* or the Ordinal words importing the masculine gender in relation to priests or deacons are construed as including the feminine.

#### The Schedule

- 1. For the prescribed Epistle, namely either 1 Timothy 3.8-13 or Acts 6.2-7, there may be substituted either Isaiah 6.1-8 or Romans 12.1-12 or such other lections as may from time to time be duly authorised.
- 2. For the prescribed Gospel, namely Luke 12.35-38, there may be substituted Mark 10.35-45 or such other lection as may from time to time be duly authorised.”.
- 3. Canons C 4A (Of women deacons) and C 4B (Of women priests) are revoked.
- 4. In Canon C 8.2(a) (Of ministers exercising their ministry) all the words after the word “officiates” are omitted.
- 5. In Canon C 10 (Of admission and institution) paragraph 2A is omitted.
- 6. After Canon C 28 there is inserted the following Canon –

“Canon C 29 (*Of the House of Bishops’ Declaration on the Ministry of Bishops and Priests*)

1. The House of Bishops shall be under a duty to make Regulations prescribing a procedure for the resolution of disputes arising from the arrangements for which the House of Bishops' declaration on the Ministry of Bishops and Priests makes provision.
2. The House of Bishops may, by Regulations, amend any Regulations made under paragraph 1.
3. Any Regulations made under paragraph 1 shall be laid before the General Synod.
4. Any Regulations made under paragraph 2 must be approved by a majority of two-thirds of each House of the General Synod present and voting.”

**The House of Bishops' Declaration on the Ministry of Bishops and Priests**  
**(GS Misc 1076)**

**Introduction**

1. The character and calling of the Church of England are set out in the Preface to the Declaration of Assent, which all clergy are required to make at ordination and subsequently on admission to any office. As part of the One, Holy, Catholic and Apostolic Church it is called to proclaim afresh in each generation the faith uniquely revealed in the Holy Scriptures and set forth in the catholic creeds.
2. Those who serve the Church of England in holy orders are required to affirm their loyalty to this 'inheritance of faith' and bring 'the grace and truth of Christ to this generation.' Bishops have a particular responsibility to gather God's people and build up the Body of Christ. We have each promised at our consecration to promote peace and reconciliation in the Church and to seek to unite its members in a holy fellowship of truth and love.
3. The opening of all orders of ministry equally to women and men is a significant moment in the long history of this part of the Church Catholic. It brings with it new opportunities for building up the Body of Christ and proclaiming the good news of the kingdom.
4. It also brings with it a particular responsibility for us, as a House of Bishops. As well as seeking to channel and nurture the energy and renewal that will flow from this development we have a duty to ensure that the welfare of the whole Church of England is sustained in all its theological depth and breadth. We accordingly commend this declaration to all members of the Church of England so that the good gifts that God has given to all His people may be used to His glory.

**Statement of guiding principles**

5. The House reaffirms the five guiding principles which it first commended in May 2013 when submitting legislative proposals to the General Synod for the consecration of women to the episcopate and which the Synod welcomed in its resolution of 20 November 2013. They need to be read one with the other and held together in tension, rather than being applied selectively:
  - **Now that legislation has been passed to enable women to become bishops the Church of England is fully and unequivocally committed to all orders of ministry being open equally to all, without reference to gender, and holds that those whom it has duly ordained and appointed to office are the true and lawful holders of the office which they occupy and thus deserve due respect and canonical obedience;**

- **Anyone who ministers within the Church of England must be prepared to acknowledge that the Church of England has reached a clear decision on the matter;**
- **Since it continues to share the historic episcopate with other Churches, including the Roman Catholic Church, the Orthodox Church and those provinces of the Anglican Communion which continue to ordain only men as priests or bishops, the Church of England acknowledges that its own clear decision on ministry and gender is set within a broader process of discernment within the Anglican Communion and the whole Church of God;**
- **Since those within the Church of England who, on grounds of theological conviction, are unable to receive the ministry of women bishops or priests continue to be within the spectrum of teaching and tradition of the Anglican Communion, the Church of England remains committed to enabling them to flourish within its life and structures; and**
- **Pastoral and sacramental provision for the minority within the Church of England will be made without specifying a limit of time and in a way that maintains the highest possible degree of communion and contributes to mutual flourishing across the whole Church of England.**

#### **Simplicity, reciprocity and mutuality**

6. The House believes that the outworking of these principles needs to be accompanied by **simplicity, reciprocity and mutuality**.
7. The **simplicity** of the legislation now agreed by the General Synod is reflected in the fact that it makes no changes to the structures of the Church of England, leaves unaltered the position of each diocesan bishop as Ordinary and preserves the historic requirement for canonical obedience to the diocesan bishop ‘in all things lawful and honest’ and for the taking of oaths acknowledging this duty<sup>34</sup>.
8. The practical arrangements to be made for parishes which, on grounds of theological conviction, are unable to receive the priestly or episcopal ministry of women need to be made with the same principle of simplicity in mind.
9. **Reciprocity** means that everyone, notwithstanding differences of conviction on this issue, will accept that they can rejoice in each other’s partnership in the Gospel and cooperate to the maximum possible extent in mission and ministry.

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<sup>34</sup> Canon C 1.3 provides that “According to the ancient law and usage of this Church and Realm of England, the priests and deacons who have received authority to minister in any diocese owe canonical obedience in all things lawful and honest to the bishop of the same ...”. By way of acknowledgement of that duty, under Canon C 14 clergy are required on various occasions to make or reaffirm the Oath of Canonical Obedience to their diocesan bishop. But we are advised that, in the light of the decision of the Privy Council in *Long v Bishop of Capetown* (1863), the duty of obedience does not require the cleric to comply with any and every direction given by the bishop; rather, it requires the cleric to obey such directions as the diocesan bishop is authorised by law to give.

There will need to be an acknowledgement that the differences of view which persist stem from an underlying divergence of theological conviction.

10. In particular reciprocity will mean that those of differing conviction will do all within their power to avoid giving offence to each other. There will need to be sensitivity to the feelings of vulnerability that some will have that their position within the Church of England will gradually be eroded and that others will have because not everyone will receive their ministry.
11. Now that the Church of England has admitted women to the episcopate there should within each diocese be at least one serving bishop, whether the diocesan or a suffragan, who ordains women to the priesthood. This has a bearing on the considerations that the Crown Nominations Commission and diocesan bishops will need to take into account when considering diocesan and suffragan appointments.
12. In addition, dioceses are entitled to express a view, in the statement of needs prepared during a vacancy in see, as to whether the diocesan bishop should be someone who will or will not ordain women. In dioceses where the diocesan bishop does not ordain women he should ensure that a bishop who is fully committed to the ordained ministry of women is given a role across the whole diocese for providing support for female clergy and their ministry.
13. All bishops have a shared responsibility for the welfare of the whole Church of England. It will be important that senior leadership roles within dioceses continue to be filled by people from across the range of traditions.
14. **Mutuality** reflects the Church of England's wider commitment to sustaining diversity. It means that those of differing conviction will be committed to making it possible for each other to flourish. All should play a full part in the lives of the deaneries and dioceses and be prepared to engage with the diocesan bishop whoever he or she is.
15. Equal treatment, for example in relation to resource issues and the discerning of vocations to the ordained ministry, is essential irrespective of convictions in relation to gender and ministry. In discerning vocations bishops will continue not to discriminate on the grounds of a candidate's theological conviction on his issue. In addition, ordination services for deacons and priests should be planned and conducted in a way that is consistent with the five guiding principles set out in paragraph 5 above.

#### **Arrangements for parishes**

16. The House is committed to enabling parishes in one part of the country to receive broadly comparable and consistent arrangements to those provided in another, notwithstanding differences in the culture and ethos of particular dioceses or the approach of the relevant diocesan bishop.

17. The practical outworking of the arrangements may vary according to local circumstances but the approach commended in the following paragraphs will, in the view of the House, enable all dioceses and parishes to act consistently with the guiding principles set out above and the requirements of the law, including the Equality Act 2010.
18. The responsibility for signalling that a parish wishes to take advantage of arrangements available to those whose theological conviction leads them to seek the priestly or episcopal ministry of men rests with the relevant parochial church council ('PCC').<sup>35</sup>
19. A meeting of a PCC to consider a motion seeking arrangements of this kind should either be one held under section 11 of the Patronage (Benefices) Measure 1986 or one for which the secretary of the PCC has given members at least four weeks' notice of the place and time of the meeting and the motion to be considered. Given the importance of the issue such a motion should have been passed either (a) by a majority of those present at a meeting at which at least two-thirds of the members of the PCC who are entitled to attend are present or (b) by a majority of all the members of the PCC.
20. The recommended form of the resolution to be passed by the PCC is as follows: ***"This PCC requests, on grounds of theological conviction, that arrangements be made for it in accordance with the House of Bishops' Declaration on the Ministry of Bishops and Priests."*** A PCC which has passed a resolution should send a copy of it to the diocesan bishop, archdeacon, diocesan registrar and registered patron.
21. Parishes which have passed a resolution may rescind it at any time. The same procedures as are set out in paragraphs 18-19 should apply in relation to a PCC meeting which is to consider a motion rescinding a resolution. Parishes which have passed a resolution should review it from time to time, especially when a vacancy in a benefice arises.
22. The House recognises that the nature of the theological conviction on the ordained ministry of women which underlies a decision to pass such a resolution will vary according to the tradition of the parish concerned. Where a resolution has been passed, and before clergy are appointed to the parish or a bishop chosen by the diocesan bishop to provide oversight, there will, therefore, need to be consultation between bishop and parish to ascertain the nature of that conviction so that the resolution can be implemented effectively. The House will provide guidance for bishops and parishes to help facilitate these conversations.

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<sup>35</sup> In the case of a guild church designated and established under section 4 of the City of London (Guild Churches) Act 1952 the responsibility rests with the guild church council and what is said in paragraphs 16 to 29 applies to guild churches and guild church councils as it applies to parishes and PCCs, with the necessary modifications.

23. Anyone involved in making appointments to ordained parochial roles, whether of incumbents, priests in charge or assistant curates, or in exercising the power conferred by Canon C 8.2(a) to allow occasional ministry in a parish, should do everything possible to achieve an outcome that does not conflict with the nature of the conviction on this issue underlying the PCC's resolution. Where a clerk in holy orders is the registered patron of a benefice in right of his or her office, he or she should not limit his or her selection of candidates to those of a particular sex except in circumstances where a parish has passed a resolution.
24. In the event that any difficulties arise between a patron and a parish following the passing of a PCC resolution, the diocesan bishop should do all in his or her power to achieve an outcome that respects the declared view of the parish and protects the parish representatives from having to resort to their own power of veto under the Patronage (Benefices) Measure 1986. The archbishop of the province should also seek to achieve such an outcome in the event of the right of presentation lapsing to him or her under the 1986 Measure.
25. In the case of multi-parish benefices the needs of parishes in the benefice that have not passed a resolution should be weighed alongside those of any parish that has when decisions are taken about appointments to the benefice.
26. The choice of a bishop to undertake ministry in respect of a parish which has passed a resolution is for the relevant diocesan bishop to make, again with a view to avoiding conflict with the theological conviction on this issue underlying its resolution. In all cases the choice should be made from among the male bishops who are members of the House of Bishops of the diocesan synod of that or another diocese of the Church of England.
27. As noted in paragraph 16, parishes which pass a resolution in one part of the country are entitled to expect equivalent treatment to that provided in another. In all cases the diocesan bishop should seek to ensure that pastoral and sacramental ministry is provided in accordance with the guiding principles set out in paragraph 5 above.
28. In addition the diocesan bishop and the bishop invited to minister to the parish should explore how they can best cooperate in a variety of ways to contribute to its welfare, resourcing and mission and in its relationship with the diocese.
29. The precise extent of the ministry entrusted to the bishop is for the diocesan to determine and is likely, for practical reasons to vary according to the pattern of episcopal ministry in that diocese and the extent of the bishop's other commitments. But the expectation is that there will be many similarities with the range of responsibilities carried by any suffragan bishop within a diocese.

### The College of Bishops

30. The House affirms the importance of there continuing to be consecrations of bishops within the Church of England to enable such ministry to be provided. The fact that the sees of Ebbsfleet and Richborough in the diocese of Canterbury and Beverley in the diocese of York remain in existence will provide one of a range of means by which the Archbishops will ensure that a suitable supply of bishops continues where it would not be secured in other ways. The House also accepts that the presence in the College of Bishops of at least one bishop who takes the Conservative Evangelical view on headship is important for sustaining the necessary climate of trust.

### Arrangements in relation to other places of worship

31. The cathedral is the seat of the bishop, who has the right to officiate there in accordance with the cathedral's constitution and statutes. It is for this reason that, while some cathedrals are also parish churches, the House does not believe that the arrangements set out in the preceding paragraphs for the passing of resolutions can apply to cathedrals.
32. The House does not believe that gender or theological conviction in relation to the ordained ministry of women should be an obstacle to appointment as dean or cathedral canon. What matters is that all appointed to cathedral ministry are willing to work together in close partnership and with the highest possible degree of communion in the interests of the institution that they serve.
33. Given the great variety of non-parochial places in which regular worship and ministry take place it is not sensible to try and generalise about the arrangements that should be made in relation to them beyond affirming that the guiding principles set out in paragraph 5 above are of as much relevance to them as to the rest of the Church of England.

### Oaths

34. At ordination and on taking up any office in the Church of England priests and deacons are required under Canon C 14 to swear or affirm that they will "*pay true and canonical obedience to the Lord Bishop of C and his successors in all things lawful and honest.*" Bishops are similarly required to take an oath of due obedience to the archbishop of the province. Clergy and bishops also take an Oath of Allegiance to the Queen and make the Declaration of Assent.
35. These Oaths and the Declaration are important because they each involve recognition that a person does not exercise ministry in isolation or on their own authority but within a framework of relationship with others and within the tradition of faith as the Church of England has received it. The House acknowledges that the taking of the oath to the diocesan bishop or the oath of due



obedience to the archbishop may, in future, raise issues for those who, for theological reasons, remain committed to a male episcopate and priesthood.

36. Nevertheless, the House believes that all ministers of the Church of England will be able, in good conscience, to take the oath. Doing so adds nothing legally to the duty of canonical obedience, which already exists in law. Rather, it is a recognition of the pattern of relationships which underpins the exercise of ministry by those who make and receive the oath. It follows from the guiding principles set out in paragraph 5 above, and the spectrum of Anglican teaching and tradition which they acknowledge, that the giving and receiving of the oath does not entail acting contrary to theological conviction.

### **Grievances and mediation**

37. Canon C 29 requires the House to make Regulations prescribing a procedure for the resolution of disputes arising from the arrangements for which this declaration makes provision. In accordance with that requirement the House has made the Declaration on the Ministry of Bishops and Priests (Resolution of Disputes Procedure) Regulations 201-, the text of which is set out in the Annex to this declaration. Participation in the procedure is mandatory for those clerical office holders against whom a grievance may be brought under it.

### **Providing assurance**

38. This declaration has been prepared in connection with legislation to admit women to the episcopate, proposals for which have been the subject of extensive debate in the Church of England over a number of years. It flows from the House's desire to establish a climate of trust within which there can be mutual flourishing, notwithstanding the differences of conviction which will continue to exist on this issue. The present members of the House, like the members of the General Synod, cannot give binding commitments which would prevent their successors from considering matters afresh in the light of experience and new developments. Nevertheless, the House accepts its responsibility for creating and sustaining the necessary confidence that the arrangements set out in this declaration can be relied on and will prove durable.
39. Adjustments may prove necessary in the light of experience and be uncontentionous. But the House undertakes that, should it be minded to propose changes to this declaration, it will consult the General Synod and will not proceed with its proposals unless they command two-thirds majorities in all three Houses.

### **Transitional provisions**

40. The intention is that the repeal of the Priests (Ordination of Women) Measure 1993 and the rescinding of the Episcopal Ministry Act of Synod 1993 will have effect on the day that Amending Canon No 33 is promulgated – from that day PCCs

will no longer be able to pass resolutions A or B or petition for extended episcopal ministry under the 1993 Act of Synod.

41. Instead, it will be open to PCCs to pass resolutions under the terms of this Declaration. Since such resolutions are not made under legislation, PCCs do not have to wait for the coming into force of the Bishops and Priests (Consecration and Ordination of Women) Measure and Amending Canon No 33 before passing them: they can do so from the point at which this Declaration is made. However, as the new arrangements will not take effect until the Amending Canon is promulgated, any resolution will not be acted upon until the Canon is promulgated; and, similarly, any resolutions under the 1993 Measure or Act of Synod will continue in force until that point.
42. Additionally, the House of Bishops acknowledges that PCCs may want some time to consider the options open to them. To allow for an orderly transition the House has agreed, therefore, that resolutions passed under the 1993 Measure or petitions made under the 1993 Act of Synod should be treated for two years after the date on which the Amending Canon is promulgated as if they were resolutions passed under paragraph 20.

**Guidance note from the House on the Declaration (GS Misc 1077)****Statement of guiding principles**

The House reaffirms the five guiding principles which it first commended in May 2013 when submitting legislative proposals to the General Synod for the consecration of women to the episcopate and which the Synod welcomed in its resolution of 20 November 2013. They need to be read one with the other and held together in tension, rather than being applied selectively:

- **Now that legislation has been passed to enable women to become bishops the Church of England is fully and unequivocally committed to all orders of ministry being open equally to all, without reference to gender, and holds that those whom it has duly ordained and appointed to office are the true and lawful holders of the office which they occupy and thus deserve due respect and canonical obedience;**
  - **Anyone who ministers within the Church of England must be prepared to acknowledge that the Church of England has reached a clear decision on the matter;**
  - **Since it continues to share the historic episcopate with other Churches, including the Roman Catholic Church, the Orthodox Church and those provinces of the Anglican Communion which continue to ordain only men as priests or bishops, the Church of England acknowledges that its own clear decision on ministry and gender is set within a broader process of discernment within the Anglican Communion and the whole Church of God;**
  - **Since those within the Church of England who, on grounds of theological conviction, are unable to receive the ministry of women bishops or priests continue to be within the spectrum of teaching and tradition of the Anglican Communion, the Church of England remains committed to enabling them to flourish within its life and structures; and**
  - **Pastoral and sacramental provision for the minority within the Church of England will be made without specifying a limit of time and in a way that maintains the highest possible degree of communion and contributes to mutual flourishing across the whole Church of England.**
1. In [2014] the General Synod approved legislation enabling women to become bishops and removing all gender distinctions in the canons of the Church of England in relation to the ministry of bishops, priest and deacons.

2. As part of the package of proposals of which the legislation was part, the House of Bishops agreed a *Declaration on the Ministry of Bishops and Priests* designed to sustain the diversity of the Church of England and the mutual flourishing of its constituent parts. The Declaration embodies five guiding principles which have been endorsed by the General Synod. A copy of the five principles is set out above.
3. The Declaration acknowledges that some PCCs may wish to pass a resolution to take advantage of arrangements available to those who, on grounds of theological conviction are unable to receive the ministry of women bishops or priests.
4. Where a PCC has passed the requisite resolution it is the responsibility of the diocesan bishop to put the arrangements in place after consultation with the PCC. The purpose of that consultation is to enable the diocesan bishop to ascertain the nature of the theological conviction underlying the resolution so that the resolution can be implemented effectively.
5. This guidance note, promised in paragraph 22 of the Declaration, is designed to help facilitate those conversations between bishops and parishes where resolutions have been passed.

### **Passing a resolution**

6. Under paragraph 19 of the Declaration a resolution should be passed at a meeting held under section 11 of the Patronage (Benefices) Measure 1986 or at a meeting of which the secretary of the PCC has given members at least four weeks' notice of the place and time of the meeting and of the motion to be considered.
7. A decision to pass a resolution has significant consequences for the exercise of ministry in the parish. It is good practice, therefore, for the PCC to enable members of the wider church community to submit views before any meeting at which a resolution is to be considered.
8. The recommended form of the resolution is:
 

**'This PCC requests, on grounds of theological conviction, that arrangements be made for it in accordance with the House of Bishops' Declaration on the Ministry of Bishops and Priests.'**
9. Under the terms of the Declaration any resolution should have the support of either (a) a majority of those present at a meeting at which at least two-thirds of the members of the PCC who are entitled to attend are present or (b) a majority of all the members of the PCC.
10. It is important to note that the resolution should be founded on theological conviction in relation to gender and ordained ministry. Considerations such as the personality or theological stance of the diocesan bishop, social conservatism or a desire to distance the parish from the policies of the diocese- for example in

relation to pastoral reorganisation, parish share and the deployment of clergy- are not relevant.

11. In considering whether to pass a resolution it is for each PCC member to consider what weight to give to his or her own theological conviction as against the conviction of others in the church community . If a resolution is passed the PCC needs to be able to articulate for the bishop the nature of the conviction which, in its view, underlay the decision.
12. In accordance with paragraph 20 of the Declaration, a copy of any resolution passed should be sent to the diocesan bishop, archdeacon, diocesan registrar and registered patron.

### **Conversations between the bishop and the PCC**

13. In its Declaration the House of Bishops acknowledged that the needs of parishes would vary, depending on the nature of the theological conviction that had prompted the PCC to pass the resolution. Thus, for example, in some cases the issue will be one of 'headship' and the need will be for ministry from a male incumbent / priest in charge or bishop. With PCCs where the theological conviction reflects Traditional Catholic concerns there will be additional considerations. It is for the PCC to nominate one or more of its members to articulate on its behalf to the bishop the particular needs of the parish in the light of the theological conviction that underlies the resolution, so that the resolution can be implemented effectively.
14. In relation to episcopal ministry, it is for the diocesan bishop to decide who should minister to a parish where a resolution has been passed. In accordance with the principles set out in the House of Bishops' declaration the diocesan bishop will seek to ensure that pastoral and sacramental ministry is provided in a way that maintains the highest possible degree of communion and contributes to mutual flourishing.
15. He or she will choose the bishop from among those who are members of the House of Bishops of one of the diocesan synods of the Church of England - in other words, from among serving rather than retired bishops.
16. It is for the diocesan bishop, in the light of the five guiding principles and following consultation with the bishop, to determine the precise extent of the ministry to be entrusted to the latter in relation to a parish where a resolution has been passed. The expectation is that there will be many similarities with the range of responsibilities carried by any suffragan bishop in a diocese.
17. The aim will be to ensure cooperation in a variety of ways so as to contribute to the welfare, resourcing and mission of the parish and its relationship with the diocese. The position of the diocesan as Ordinary and chief pastor is unaltered.

18. In relation to priestly ministry, the responsibility for appointments rests with a range of people depending on the nature of the post (incumbent, priest in charge, assistant curate) and the identity of the patron. The Declaration urges them all to do everything possible to achieve an outcome that does not conflict with the nature of the theological conviction underlying the PCC's resolution.
19. Paragraph 25 of the Declaration acknowledges that, when it comes to decisions about the appointment of clergy to multi-parish benefices, the needs of parishes that have not passed a resolution should be weighed alongside those of any parish that has.
20. Given the diversity of situations in multi-parish benefices it is not possible, nationally, to give guidance that will cover all situations. The aim should be to explore options that will avoid, on the one hand, a single parish being able to frustrate the wishes of the others in the benefice and, on the other, that parish being denied the pastoral and sacramental provision that the PCC has sought.
21. Where a resolution is passed by a parish in a multi-parish benefice, the diocesan bishop will consult with representatives of the other parishes in the benefice in relation to the practical arrangements that need to be made to give effect to the resolution.

### **Review**

22. Under paragraph 21 of the Declaration a PCC that has passed a resolution is expected to review it from time to time especially when a vacancy arises in the benefice. The process for convening a meeting with a view to rescinding a resolution and the majority required are the same as for passing the original resolution (see paragraphs 6-9 above).

### **Disputes**

23. Where a PCC that has passed a Resolution considers that the diocesan bishop has not responded consistently with the terms of the House of Bishops' Declaration it may bring a grievance to the Independent Reviewer appointed under the Regulations for the Resolution of Disputes.
24. In addition it is open to any person to raise a concern in writing with the Independent Reviewer in relation to any aspect of the operation of the Declaration.
25. If a patron is minded to offer an appointment inconsistently with a resolution the parish representatives are entitled to look to the diocesan bishop to use his or her powers under the Patronage (Benefices) Measure 1986 to withhold his or her consent rather than having to do so themselves.

**Women in the Episcopate: A note from the Archbishops (GS Misc 1079)**

*A note from the Archbishops*

1. A year ago it was with some trepidation that the Synod was preparing to meet for the first time since the end of the unsuccessful legislative process the previous November. Now the situation looks very different. The facilitated conversations last July, the work of the Steering Committee last autumn, the imaginative decision for the revision process of the legislation to be committed to the whole Synod, and the large majorities in the November and February Group of Sessions, have created a new sense of hope and expectation.
2. Since February all 43 dioceses that were able to consider the draft legislation have given their approval. In diocesan houses of clergy 90% of those who cast a vote supported the legislation and in the houses of laity 92% did so.
3. In May, the House of Bishops made *The House of Bishops' Declaration on the Ministry of Bishops and Priests (GS Misc 1076)*, in the form welcomed by the Synod in February. The Declaration notes the significance of opening all orders of ministry equally to women and men and the opportunities this presents for building up the Body of Christ and proclaiming the good news of the kingdom.
4. The House amended its standing orders to provide that the *Declaration* cannot be amended unless a draft of the proposed amendment has first been approved by two-thirds majorities achieved in each House of the Synod. It also agreed the guidance note (GS Misc 1077) promised under paragraph 22 of the Declaration.
5. In May we also consulted the House about two issues on which particular responsibilities fall to us by virtue of the offices that we hold. These concern the outworking of paragraph 30 of the Declaration in relation to consecration arrangements and the presence in the College of at least one bishop who takes the Conservative Evangelical view on headship.
6. On the first, we recognise that, once the episcopate is open equally to all irrespective of gender, there will be some bishops who will be unable in conscience to participate in the laying on of hands at some services. There will also be new bishops who, because of the theological convictions held by them and those to whom they will minister, will have concerns about who presides and shares in the laying on of hands at their consecration.
7. Arrangements for consecration services are and will remain the personal responsibility and decision of the Archbishop of the Province, as is made clear in

the Royal Mandate. After careful thought and prayer we do not believe that an attempt to offer detailed prescriptions as to how consecration services should be conducted in every circumstance would help to establish the relational framework offered by the five guiding principles.

8. The proper place for the working out of details is in conversation between those concerned, and especially between any new bishop and the Archbishop of the Province. This is in the spirit of the analogous discussions between a parish that has passed a resolution and their diocesan bishop.
9. As Archbishops we will exercise that responsibility in ways that exemplify the five guiding principles, enabling bishops to serve across the spectrum of our teaching and tradition. Any special arrangements to which we may agree in particular cases will arise out of a spirit of gracious generosity, and will involve only such departures from the norm as are necessary to fulfil the spirit and purpose of the Declaration and to maintain the peace and unity of the Church. No consecration duly performed by either Archbishop as principal consecrator would be invalid.
10. On the second issue touched on in paragraph 30, it is evident that to date the normal processes for appointing diocesan and suffragan bishops have not delivered the aspiration to appoint a bishop who holds the Conservative Evangelical view on headship. It is also unclear whether the processes are capable of doing so within a reasonable timescale.<sup>36</sup>
11. We are therefore now consulting others with a view to ensuring that the aspiration is met within a matter of months. We recognise that, as stated in paragraph 30, such an appointment “is important for sustaining the necessary climate of trust”.
12. In the light of the decisions already taken and these clarifications now offered we believe that the circumstances now exist for the Synod to approach the final stages of the legislative process in July in a spirit of generosity and hope. As each member weighs his or her own responsibility in relation to the final approval debate we need each to consider how we can contribute to the well-being and unity of the Church, and the fruitfulness of our response to God’s call.
13. “Make every effort to keep the unity of the Spirit through the bond of peace.”

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<sup>36</sup> GS 1650 - *Talent And Calling*; Recommendation 8 of the Report (in 4.4.1) reads:

*“We recommend that bishops should be asked to indicate which (if any) of those currently on the List from their dioceses are from a conservative evangelical background. Bishops should be asked positively to look for clergy from this constituency who might either be qualified for inclusion on the Preferment List or might be developed in such a way that they might be qualified later on.”*

The Report’s recommendations were debated and endorsed at the July 2007 Group of Sessions. The voting was AYES: 297; NOES: 1. Those responsible were invited to give effect to the recommendations and the Archbishops’ Council was asked to report to Synod during 2008 on progress with implementation. GS1680, which reported back to Synod in February 2008, did not address this particular recommendation.



+ Justin Cantuar:  
Eboracensis

+ Sentamu

June 2014

## ANNEX 8

**The draft Declaration on the Ministry of Bishops and Priests (Resolution of Disputes Procedure) Regulations 20—**

**THE DECLARATION ON THE MINISTRY OF BISHOPS AND PRIESTS (RESOLUTION OF DISPUTES PROCEDURE) REGULATIONS 20—  
Regulations made by the House of Bishops under Canon C 29**

1. The House of Bishops makes these Regulations under Canon C 29.

**Appointment of Independent Reviewer**

2. The archbishops must appoint a person to act as Independent Reviewer for the purposes of these Regulations. The appointment must be made with the concurrence of the Chairs of the Houses of Clergy and Laity of the General Synod.
3. The archbishops may also appoint one or more persons to act as Deputy Independent Reviewers for the purposes of these Regulations, with the concurrence of the Chairs of the Houses of Clergy and Laity of the General Synod. If any Deputy Independent Reviewer is appointed, he or she will perform such of the Independent Reviewer's functions as the Independent Reviewer may from time to time determine. Any Deputy Independent Reviewer will also undertake the functions of the Independent Reviewer in the event that he or she is unable to do so for any reason.
4. The Independent Reviewer, and any Deputy Independent Reviewer, shall hold office for such period as the archbishops may determine, with the concurrence of the Chairs of the Houses of Clergy and Laity of the General Synod.
5. The Independent Reviewer, and any Deputy Independent Reviewer, may be removed from office by the archbishops, with the concurrence of the Chairs of the Houses of Clergy and Laity of the General Synod, only on grounds of incapacity, misconduct or other good cause.
6. Subject to Regulation 5, the terms on which the Independent Reviewer, and any Deputy Independent Reviewer, will hold office shall be determined by the archbishops.

**Exercise of the Independent Reviewer's functions**

7. In exercising his or her functions, the Independent Reviewer must:
  - (a) act impartially and fairly; and

- (b) have regard to the ‘five guiding principles’ referred to in paragraph 5 of the House of Bishops’ Declaration.

### **Scope of the grievance procedure**

8. A grievance may be brought in relation to any office holder in respect of:
  - (a) any action taken by the office holder under paragraphs 16 to 29 inclusive or 33 of the House of Bishops’ Declaration; and
  - (b) any failure on the part of the office holder to act in accordance with paragraphs 16 to 29 inclusive or 33 of the House of Bishops’ Declaration.

### **Bringing a grievance**

9. Before bringing a grievance a PCC must give the office holder in respect of whom it wishes to bring a grievance a reasonable opportunity to address the grievance.
10. A PCC may bring a grievance by giving written notice of its desire to do so to the Independent Reviewer.
11. The bringing of a grievance must be authorised by a resolution of the PCC passed either:
  - (a) by a majority of those present at a meeting at which at least two-thirds of the members of the PCC who are entitled to attend are present; or
  - (b) by a majority of all the members of the PCC.
12. A PCC may normally bring a grievance only if it does so within three months of the action or omission in question.
13. In exceptional circumstances, and if he or she is satisfied that there is good reason to do so, the Independent Reviewer may allow a PCC to bring a grievance where the action or omission in question took place more than three months previously.
14. The notice given by the PCC of its desire to bring a grievance must specify:
  - (a) the office holder in respect of whom the grievance is brought;
  - (b) the nature of the act or omission in question; and
  - (c) the nature of the PCC’s grievance in relation to that act or omission.
15. The PCC must send a copy of its notice to:
  - (a) the diocesan bishop; and
  - (b) (if different) the office holder in respect of whom the grievance is brought.

### **Consideration of grievances by the Independent Reviewer**

16. The Independent Reviewer may decline to deal with a grievance if, in his or her opinion:

- (a) it does not fall within Regulation 8;
  - (b) it is vexatious or malicious; or
  - (c) there has been undue delay in bringing it.
17. If the Independent Reviewer declines to deal with a grievance, he or she must provide the parties and the diocesan bishop (if he or she is not one of the parties) with a written explanation of the reasons for that decision.
18. Once the Independent Reviewer has accepted a grievance he or she must carry out a review to decide whether the grievance is justified, partly justified or unjustified.
19. Subject to Regulation 21, the Independent Reviewer must either complete his or her review within two months of receiving the written notice from the PCC or, if he or she is unable to do so, must give the parties reasons for his or her inability to do so and complete the review as soon as possible thereafter.
20. The process for a review will be as follows:
- (a) The Independent Reviewer must decide what further information (if any) he or she needs in order to be able to conduct the review. Subject to the requirements of the general law, the Independent Reviewer may require the parties, within such reasonable period as he or she may specify, to:
    - (i) provide such information, documents or other materials; and
    - (ii) answer such questions
 as he or she thinks fit.
  - (b) Subject to the requirements of the general law, the Independent Reviewer may disclose to all the parties any information, documents or other materials which have been disclosed by any of them.
  - (c) The Independent Reviewer may at any time give the parties the opportunity to comment on representations received.
  - (d) The Independent Reviewer may hold an oral hearing.
  - (e) The Independent Reviewer may appoint one or more experts to advise him or her.
21. The Independent Reviewer may at any time seek to achieve a settlement of the grievance which is acceptable to the parties, by some means other than the completion of the review (whether through a process of mediation conducted by some other person or persons or otherwise).

#### **Independent Reviewer's decision on a review**

22. On the conclusion of his or her review the Independent Reviewer will issue a decision. The decision must be in writing and give the reasons for it.
23. Before issuing a decision, the Independent Reviewer may send a draft of it to the parties for the purpose of enabling them to identify any errors of fact or making

representations as to the practicality of any recommendation the Independent Reviewer proposes to make.

24. If the Independent Reviewer considers that the grievance is justified or partly justified, he or she may include in the decision recommendations for addressing the grievance.
25. The Independent Reviewer must send a copy of his or her decision to each of the parties and to the diocesan bishop (if he or she is not one of them).
26. The Independent Reviewer must publish his or her decision on a review (including any recommendations he or she has made) unless he or she considers that there are good reasons for not doing so. Decisions may be published in an anonymised form if the Independent Reviewer considers that to be in the interests of the parties or any other person.

### **Raising of concerns about the operation of the House of Bishops' declaration**

27. Any person may raise a concern, in writing, with the Independent Reviewer in relation to any aspect of the operation of the House of Bishops' Declaration. Any such concern may relate to more than one act or omission under the House of Bishops' Declaration and to more than one parish or diocese.

### **Undertaking of inquiries**

28. Following the raising of one or more concerns under Regulation 27, the Independent Reviewer may undertake an inquiry into the subject matter of such concern or concerns.
29. When conducting an inquiry under Regulation 28, the Independent Reviewer may:
  - (a) require any office holder, subject to the requirements of the general law and within such reasonable period as he or she may specify, to:
    - (i) provide such information, documents or other materials; and
    - (ii) answer such questions as the Independent Reviewer thinks fit; and
  - (a) appoint one or more experts to advise him or her.

### **Independent Reviewer's annual report**

30. Following the end of each calendar year the Independent Reviewer must provide an annual report to the archbishops on the exercise of his or her functions during that year.
31. The annual report must contain information about:
  - (a) grievances with which the Independent Reviewer has declined to deal;
  - (b) grievances in respect of which the Independent Reviewer has carried out reviews;

- (c) decisions (including recommendations) made by him or her following such reviews;
  - (d) the extent to which any recommendations made by him or her have been acted upon;
  - (e) concerns received by the Independent Reviewer about the operation of the House of Bishops' Declaration; and
  - (f) inquiries undertaken by the Independent Reviewer as a result of the expression of such concerns.
32. The annual report must be published, in such manner as the archbishops, with the concurrence of the Chairs of the Houses of Clergy and Laity of the General Synod, may determine.

### Interpretation

33. In these Regulations:

- (a) 'the archbishops' means the Archbishops of Canterbury and York;
  - (b) 'the diocesan bishop' means the bishop of the relevant diocese;
  - (c) 'the House of Bishops' Declaration' means the House of Bishops Declaration on the Ministry of Bishops and Priests made by the House of Bishops on [--] 20[--], as from time to time amended;
  - (d) 'the Independent Reviewer' means the person appointed by the Archbishops of Canterbury and York under Regulation 2 to act as the Independent Reviewer;
  - (e) 'office holder' means any archbishop, bishop, archdeacon, rural dean or minister having the cure of souls;
  - (f) 'PCC' means:
    - (i) the parochial church council of a parish (other than a parish of which a cathedral is the parish church);
    - (ii) the guild church council of a guild church; and
    - (iii) the governing body for any non-parochial place; and
  - (g) 'the parties' means (i) the PCC bringing the grievance and (ii) any office holder in respect of whom it is brought.
34. Functions conferred upon the archbishops under these Regulations must be performed by them jointly, save that:
- (a) in the event of one of the archbishops being incapacitated through illness; or
  - (b) during a vacancy in one of the sees
- the functions may be performed by the other of the archbishops.

These Regulations were made by the House on [--] 20[--].

# Deliberation

WITH THE ASSISTANCE OF REPRESENTATIVES OF  
THE GENERAL SYNOD

TUESDAY 22 JULY 2014

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Present	Lord Lloyd of Berwick (Chairman) Sir Tony Baldry Sir Peter Bottomley Alastair Burt Baroness Butler-Sloss Lord Elton Mr Frank Field Lord Glenarthur Helen Goodman	Lord Griffiths of Burry Port Baroness Harris of Richmond Lord Judd Lord Laming Baroness McIntosh of Hudnall Sarah Newton Baroness Perry of Southwark Lord Plant of Highfield Lord Walpole
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## Examination of Witnesses: Deliberation of the Bishops and Priests (Consecration and Ordination of Women) Measure

MOST REVD AND RT HON JUSTIN WELBY, Archbishop of Canterbury, RT REVD JAMES LANGSTAFF, Bishop of Rochester, VEN CHRISTINE HARDMAN, Prolocutor of the Lower House of the Convocation of Canterbury, CANON MARGARET SWINSON, Member of the General Synod, WILLIAM FITTALL, Secretary General, Archbishops' Council, and STEPHEN SLACK, Chief Legal Adviser to the General Synod

**Q1 The Chairman:** Archbishop, may I welcome you and your colleagues to this meeting of the Ecclesiastical Committee and thank you for coming. Perhaps you might start by introducing the other members of the team.

*The Most Revd and Rt Hon Justin Welby:* Good afternoon. Those with me are the Venerable Christine Hardman, Prolocutor of the Lower House of the Convocation of Canterbury; William Fittall, Secretary General; James Langstaff, Bishop of Rochester; and Margaret Swinson, who is based in Liverpool and was on the steering committee for the legislation. As far as I can tell, she ran most of the Liverpool diocese, and certainly ran me; and Stephen Slack, who is head of our Legal Office.

**The Chairman:** Normally, we would go straight into the Measure, but as there are quite a large number of members of the public present, I thought it might be helpful if I explained to them the procedure we are following, because I cannot believe they would otherwise understand it. To address them very briefly, the procedure we are following is a very restricted one. It is laid down in an Act of Parliament nearly 100 years old called the Church of England Assembly (Powers) Act 1919. The Measure, which we will be considering today, has already been the subject of a great deal of hard work in the Synod since December 2012. But last Monday it received final approval in the Synod, but it cannot become law until it has been approved by both Houses of Parliament and received Royal Assent. Today, we are carrying out the very first stage of the journey through Parliament. Our function, as I say, is very limited. Having heard what

the Legislative Committee of the Synod has to say to us, we will have to decide whether in our view the Measure is expedient—that is the key word—especially with regard to the constitutional rights of Her Majesty's subjects. There is no provision in the Act of 1919 for us to amend the Measure; nor is there any provision for members of the public to take part in these proceedings, but they are very welcome to stay, and I hope they will.

Returning to the Measure, perhaps I can start by saying that we have all read, as you would expect, the Comments and Explanations, and we have at least dipped into the eight annexes. I am sure I am speaking for every one of us when I say that we have found the Comments and Explanations an extremely impressive document. It seems to cover absolutely everything. Above all, we are grateful to the Legislative Committee of the Synod for getting the Comments and Explanations to us as quickly as they have. I think we got them last Tuesday, which has meant that we have had a week in order to consider them. In my view, that has been long enough.

It seemed to us that the best way of dealing with the material before us is to take matters in the same order as you take them in paragraph 2 of the Comments and Explanations on page 2. We will come back to what is the crucial document later on, namely the Declaration of the House of Bishops made in May of this year, but we start by asking you to describe the debate that took place in the Synod on Monday of last week. What was the feeling that was generated?

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*The Most Revd and Rt Hon Justin Welby:* Thank you very much, Chairman. So that the Committee knows who else is here, Alexander McGregor is behind me at the far end on my right and your left; Chris Packer is Legislative Counsel to the General Synod; Peter Bruinvels chaired the Legislative Committee last Monday, and to him we are grateful for getting the papers to you. He was very much involved in that and we are grateful to him. David Porter, who is behind me at this end, on your right and my left, was responsible for leading the mediation work that brought this process through. I would also like to place on record my gratitude, and the gratitude of all of us, for your willingness to arrange today's session so close to the final approval vote in York, and to affirm, as we said to you, that we knew that if we did not get started until the autumn we risked losing momentum and might not make it for the November group of sessions of the Synod so as to be able to enact the Canon when we meet on 17 November. But that is entirely dependent on the judgment of this Committee and the decisions that would then be for the House of Commons and House of Lords.

You commented on the eight annexes. We have tried to make them complete. I know that they are a huge amount of reading, and it is very good of you to have read them so quickly. My predecessor Rowan Williams said that he could not understand why a 'yes or no' question—should we have women bishops?—had generated arguments of length and complexity that made the Schleswig-Holstein question look relatively simple.

The annexes you have were absolutely central to the package that the Synod agreed last week. The debate was of a particular form that meant there could be no closure until everyone had spoken. You were not allowed to move to next business or do anything else than limit the time for which each person spoke. I think about 74 people spoke from a Synod of a little over 400 people, and this was not the first time we had had this discussion. On this particular Measure it was the third time, and on previous Measures and discussions of this subject going back over 30 years we have had this debate at some length.

However, we did go through the whole process with great care last Monday, chaired by Archbishop Sentamu, the Archbishop of York, the other President of the Synod, and the result of that was that we achieved majorities in all three Houses of the Synod: 95% in the House of Bishops; 87% in the House of Clergy; and 77% in the House of Laity, the pass mark being two-thirds. Therefore, we were comfortably through on all of them.

It is worth emphasising that the debate last week was not whether women should or should not be bishops—that was decided some time ago—but whether this particular form of the process was the best and most appropriate way of dealing with it.

It is also worth saying—this was said in the debate, and in reporting on it I need to affirm that very clearly—that inevitably in such a long drawn-out discussion, following the failure of the Measure in November 2012 by six votes in the House of Laity, we have not ended up where any of the main groups in the Church, left to themselves, would have chosen. The traditionalists would have preferred structural solutions with additional diocese or provinces, or transfers of jurisdiction between bishops. Other groups, for example WATCH—Women and the Church—always argued that there should be as little as possible written down, and that we should simply change the law and rely on individual bishops to make pastoral provision locally as a matter of grace and courtesy. In many ways that would obviously be an ideal way forward, but we need to bear in mind that a culture of suspicion has developed—I do not think that is putting it too strongly—which, despite the remarkable work in the 18 months or so since the failure of the previous Measure in November 2012, has not been completely removed. It has been substantially reduced.

Even now, I am sure you will have heard from those who regretted that such-and-such an element did not feature in the overall package, and we have to bear in mind that, when people feel that for theological reasons they are correct in a particular approach, they tend to have fairly strong views about it. My experience in office would have convinced me of that, even if I did not know it before.

The Bishop of Rochester on my right chaired the steering committee with enormous skill, and it was their report last October that constituted the breakthrough. Thirteen of the 15 members were prepared to commend it. It was very unusual to have 15 members on a steering committee. We put in everyone right across the spectrum, so that the steering committee was a microcosm of the Synod. That was a deliberate process so that all the arguments were in the steering committee.

A year ago we also had a day in the Synod of facilitated discussion in small groups, which had never been done before, organised by David Porter, with a very significant number of facilitators from around the country. I am not exaggerating when I say that that has completely changed the atmosphere among the vast majority of the Synod's members, not only on those matters but generally in the way we deal with one another. For a number of people, it was the first time they had met those with whom they disagreed.

It was on the back of that that we managed to secure an acceleration of the process through the Synod, including obtaining the approval of all 43 dioceses who voted on the package. After we got through the previous round in February, normally we would have had to wait until November for the process of obtaining the approval of the dioceses



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to be completed. But on this occasion the Synod agreed to suspend the relevant provision in its Standing Orders. If I remember rightly, that required a three quarters majority, which we got—it was 90.3% on that occasion—and, as a result, we were able to shorten the consultation period and take the remaining stages over the last series of Synod meetings a week ago.

In the intervening few months, a majority of dioceses had to vote in favour or against in their diocesan Synods. Forty-three of the 44 met. The one that did not was Europe, which extends from Vladivostok to Casablanca, and therefore meetings are a touch difficult to arrange. All 43 voted in favour; in November 2012, 42 had voted in favour. There is much more that I could say, but I hope that gives you reasonable scope for consideration, and we are ready to take all your questions. I must say that after two years on the Parliamentary Commission on Banking Standards, it is a very uncomfortable feeling to be sitting here rather than there.

**The Chairman:** Archbishop, we are very grateful for all you have said so far. Before asking for questions, I remind Members that if they have a relevant interest they would have to declare it.

**Q2 Mr Field:** Archbishop, you referred to the enlarged steering committee and said there was unanimity except for two people.

*The Most Revd and Rt Hon Justin Welby:* It was 13 out of 15.

**Mr Field:** Did the two represent a particular interest?

*The Rt Revd James Langstaff:* Yes.

**Mr Field:** Can you tell us what the interest was?

*The Rt Revd James Langstaff:* They were the two members who came from what is loosely or colloquially called the headship evangelical perspective. They participated very fully in the work of the steering committee, and the end product would not be the same as it is but for their contribution. I am being corrected.

*William Fittall:* Thirteen supported it and two abstained; they did not vote against. One was a headship evangelical from reform, and one was a traditional Catholic. The reason they abstained was that they believed the mandate given to the group by the Synod in July had been too narrow in terms of the range of legislative options.

**Q3 The Chairman:** With that start, can we turn to the Measure itself? The first thing one notices looking at the Measure is its extraordinary simplicity. That made me wonder whether the simplicity might be in a sense deceptive. We would be interested to know how what is contained in the Measure ties in with what is contained in the Amending Canon, whose number I cannot remember. Can you answer that question?

*The Most Revd and Rt Hon Justin Welby:* I think Stephen might be the best person to deal with that.  
*Stephen Slack:* In essence, the effect of the Measure is to make it lawful for women to be consecrated to the episcopate. That is the effect of the principal substantive provision in Section 1(1) of the Measure. That is required in order to enable the making of a Canon that will permit women to be consecrated as bishops. The point is that under the Submission of the Clergy Act 1533 a Canon cannot make provision that is contrary to the Royal Prerogative, or the customs, laws or statutes of the land. The position under ecclesiastical common law is that a woman cannot be consecrated as a bishop. Therefore, to allow the making of a Canon that changes that common law position one has to have the authority of a Measure. It is Section 1(1) of the Measure that provides that authority. That is essentially the key aspect of the Measure. The other documentation around it deals with the arrangements being made to take account of the consequence of that provision.

**The Chairman:** They are all contained in the Amending Canon as I follow it, or most of them.

*Stephen Slack:* No. The Canon is concerned to make the provision that allows women to be consecrated as bishops, but it also goes on to make additional provision requiring the making of regulations for a disputes resolution procedure. That is another part of the package, but alongside that you have the House of Bishops Declaration, which in a sense is the key document.

**The Chairman:** On this occasion the regulations were put into the Canon rather than the Measure itself?

*Stephen Slack:* Yes. They will be regulations made by the House of Bishops under the new Canon C 29. That will not come into effect unless and until Amending Canon No. 33 is promulgated—that is, formally made by the General Synod—but when that has happened the House of Bishops will exercise the power and discharge the duty, which that new Canon lays down, to make regulations for the disputes resolution procedure. That is a matter simply for the members of the House of Bishops. There is no requirement for the Synod to approve those regulations; it will be a decision reached by a simple majority of the members of the House of Bishops when the time comes.

**The Chairman:** That was the great advantage of this way of approaching it, as I understand it.

*Stephen Slack:* Yes. The advantage of that is that, in effect, the form of the disputes resolution procedure regulations was known at the point at which the General Synod was invited to give final approval to the Measure. That is a very significant point of distinction between these proposals and the failed legislation, because the failed legislation involved the making of a Code of Practice to which people were required to have regard. The terms

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of that were not known for certain at the time the Synod was asked to give final approval. On this occasion the complete package is effectively on the table now.

**Q4 The Chairman:** I think we follow that. Having had that explanation of how the Canon fits in with the Measure, could we turn to what is obviously a crucial document in the whole of the discussions that have taken place—that is, the Declaration of the House of Bishops made in May of this year? For this purpose, we ought to look at annex 5, which contains the Declaration. It is summarised in the first half of the Comments and Explanations, and it is set out in annex 5. What importance do you attach to the fact that this Declaration was made in May of this year in arriving at agreement in the Synod in July?

*The Most Revd and Rt Hon Justin Welby:* First, the Declaration had been floated around since just before Christmas last year, so it was not bounced on people in May; there had been a good deal of preparation and thinking about it. Secondly, the Declaration is the key document. With its five principles, it is the essential document for the whole conduct of this process. Without it, I have no doubt at all that the Measure would have failed.

**The Chairman:** Because it is so important I think you should, if you would be so good, go through it with us, not word for word but in particular why the statement of guiding principles was so important in reaching agreement.

*The Most Revd and Rt Hon Justin Welby:* Perhaps I may start and then hand over to the Bishop of Rochester. Why it was so important is that it is about confidence. It is about trying to create in the Church, over the very long term, sufficient confidence and trust in one another based on principles, not detailed rules and regulations, to enable the Church to flourish in all its parts and not find itself constantly embroiled from now to eternity in litigation and legal problems.

The five principles are exactly that. They step back from detailed provision and make five fairly general statements, which start by saying this is a definitive decision. The first two statements are effectively saying this is a definitive decision. This is not qualified in any way. A bishop is the same type of bishop. Whether they are a man or woman bishop makes no difference whatsoever; they are a bishop. It then recognises that ecumenical and intra-Anglican communion processes are going on that raise issues, and the last two principles affirm the recognition of those who, for theological reasons, are unable to accept this step, and commit the Church to seeking, as it says, the highest possible degree of communion and mutual flourishing for all within the Church.

It is theologically based on an understanding of the uniting work of Christ and the Holy Spirit in

creating the bond of peace within the Church, which we are to live out, rather than develop or create ourselves. Therefore, it is a theologically-based statement about our unity in Christ and an aspiration to live that out rather than regulate it out. With your permission, perhaps I can ask whether the Bishop of Rochester has anything to add to that.

*The Rt Revd James Langstaff:* It is worth reminding the Committee that these principles, though they are in a document that comes from the House of Bishops, emerged from a wider consultative process. These principles emerged in their original form from the piece of work done after November 2012 and before the present formal legislative process began. That led to them coming to the General Synod in their first form in July 2013, so there has been quite a lot of sighting of these principles along the way, and they emerged out of the wider consultations that took place in the aftermath of the November 2012 failure of the previous legislative package.

Each of us on the steering committee would probably have reservations about some sentence, full stop or statement somewhere in here; in other words, they are designed to be encompassing of the range of views. There is probably no one who would sign up to every bit of it with absolute enthusiasm, but they have emerged as a composite set of principles that hang together and have to be taken as a whole. It is intended to express, as the Archbishop has said, something of that desire to make a very clear statement about the normative position, which is that women are now able to be bishops on the same terms as men, assuming Parliament concurs, but also to recognise that there are those within the Church who have a conscientious opinion that is different from that. It is to hold all of that together in one place, so those principles are the lynchpin of the whole thing.

**The Chairman:** Before we go on with the declaration, we come back particularly to paragraphs 11, 16, 20 and 27. Are there any questions that Members of the Committee would like to put?

**Q5 Lord Elton:** I note in the first line of paragraph 11 the word “should”. I was expecting it to be “must”. Is there a reason for that? It says, “Now that the Church of England has admitted women to the episcopate there should within each diocese be at least one serving bishop”, et cetera.

*William Fittall:* I think that is really about the register of the language in this document. This is not a piece of legislation or regulation; it is a Declaration. Therefore, throughout the document it uses that sort of “should” language rather than the more prescriptive form you would use for legislation. I do not think it is any more than that.

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**Q6 Helen Goodman:** I would like to begin by congratulating everybody who has secured this result in Synod, and to thank both the front-room and back-room people for securing this decision. From the perspective of the ordinary person in the parish, I understand that you had to make a package and that reassurances had to be offered on both sides, but I am slightly concerned by paragraph 21: “Parishes which have passed a resolution should review it from time to time.” That could mean anything from every 18 months to once every 15 years. Coupled with the words in paragraph 7 of the guidance that consultation with members of the Church in the parish is desirable, but not required, I have a concern. I have experience, and I know others have also, of decisions being taken without everybody in a parish being conscious of what has been decided, and then they seem to have been decided for an indefinite period. I am sure this point has been made in other fora, but I wonder what your response to this is, and whether, if it looks as if these processes are being abused, you might revisit them.

*The Most Revd and Rt Hon Justin Welby:* The best person to answer this is someone who has operated similar sorts of things in other areas, which is an archdeacon. Very conveniently, we have one here.

*Ven Christine Hardman:* It is an important question under both the legislation that is operating at the moment with Resolutions A and B for women priests and the proposed new arrangements. There have always been tensions about the requirement of parishes to review resolutions they have or have not passed. As an archdeacon in south-east London, I knew that many PCCs felt pretty offended at having even to discuss it when they probably had a woman who was their incumbent, so there are tensions on both sides about the frequency in looking at this. You are quite right that “from time to time” is an indeterminate notion. As William has said, we want to keep the tone of this as a Declaration and not legislation, so it is not too prescriptive, but does say “especially when a vacancy in a benefice arises”. I think that does give in most places the guarantee that within a reasonable number of years this issue will be looked at.

**Helen Goodman:** Are you talking about a vacancy at parish level?

*Ven Christine Hardman:* I am referring to an incumbent. When the vicar leaves the PCC, under the Patronage (Benefices) Measure, has a lot of work to do in looking at the resolutions or wondering whether they now need them on either side. That is something that should be done when a vacancy occurs. This does not prescribe that, but it suggests it ought to be done.

As to who makes the decisions and wider consultation, at the heart of governance of the Church of England is the responsibility, at the annual parochial church meeting, for the lay

members to elect lay people to represent them on the parochial church council. Very serious decisions about the life of the Church are the responsibility of those members of the parochial church council. The PCC has to make a huge number of very important decisions. That is how we govern ourselves. We are not governed by a whole congregation but by representatives of the laity on the PCC. It is in the guidance notes to this that it is good practice for members of the PCC to consult more widely with the members of congregation, and I imagine that will happen in more cases than not, but it is important to be clear about responsibility in the Church of England resting with the PCC.

**Helen Goodman:** So the resolution is passed by the PCC, not at the annual meeting?

*Ven Christine Hardman:* Indeed. That has been the case up to now with Resolutions A and B under the Priests (Ordination of Women) Measure, and for a whole number of other important decisions in the Church of England it is the PCC that carries that responsibility. The annual meeting carries the responsibility of electing proper people to that PCC.

*William Fittall:* We have put a special majority of the PCC in here. The vote will not carry by just a simple majority of the people who turn up. Either it has to be an absolute majority of the membership of the PCC or a majority at a meeting at which two-thirds of the members are present.

Up to now, under the old regime a lot of parishes, as Christine has said, have had to consider this, even when it is not an issue for them at all. All of that is now swept away. There is no default that every parish has to consider it. You get into this only if the parish has chosen to pass a resolution and it has to review it. For 90% of the parishes for whom this is not an issue, it will not arise any more.

**Q7 Lord Glenarthur:** Archbishop, turning to paragraph 22 of appendix 5, is it possible to describe a little more about the words in the top line “the nature of the theological conviction”, and how that will be addressed by those who have the difficult task of doing so, if there is an issue within a PCC that drives it in a different direction? It seems to me that this goes to the very nub of the issue in a sense, and it is going to be quite difficult to handle. I apologise for not giving notice, but I had not really articulated in my own mind quite what the question was until I got here today. If you could help on that, I would find it most useful.

*The Most Revd and Rt Hon Justin Welby:* There are two main streams of theological conviction and probably 200,000 tributaries. I will not go through all of them, but there are several people holding several views simultaneously. The two main streams are from what is colloquially called the High Church or traditional Catholic end, where the conviction is that, since Christ within the Gospels

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chose only men as apostles, and since Christ is represented at the altar by the priest, it is necessary for the priest to be a man, and that also affects the Episcopal succession, because it springs from a group of men. I am wildly oversimplifying and could go on for a long time on this. The other end, known as a complementarian, or more colloquially a headship, position, which is held by some, not all, conservative evangelicals, is the view that the teaching of some passages of scripture, notably Paul's letters to the Corinthians and to Timothy, proscribe women from holding leadership positions or teaching in the Church.

*William Fittall:* There is a practical point. Paragraph 22 is not envisaging that there is a complicated viva that the parish reps are subjected to by that decision. The practical arrangements do depend a little bit on which of those streams it is.

*The Most Revd and Rt Hon Justin Welby:* If it is one stream, they would want a bishop who came within that tradition; if it was another stream, they would want a bishop who came within that tradition.

*The Rt Revd James Langstaff:* In that sense, this is more permissive than what we have at the moment, because potentially a diocesan bishop, given a variety of parishes in his or her diocese and requesting a different person to have oversight of them, could have more than one bishop who they use depending on the nature of the theological convictions in particular places.

**Lord Glenarthur:** That is very helpful, but in the end it comes down to the last sentence: "The House will provide guidance for bishops and parishes." To help facilitate this conversation, how do you envisage those sorts of conversations going, or is it too early to judge? I do not know how many parishes would be involved.

*The Most Revd and Rt Hon Justin Welby:* Nor do we at the moment. It is quite early to judge. I think annex 6, page 39, gives some guidance notes on the declaration.

*The Rt Revd James Langstaff:* And specifically in paragraph 13 and onwards on page 40.

*The Most Revd and Rt Hon Justin Welby:* Among those who are going to be involved in this will be the relevant area dean, the relevant archdeacon and either a suffragan or diocesan bishop, depending on how that particular diocese works. It is very possible that other people will be brought in to help elucidate what is going to work best for the flourishing of that parish. The key thing under the Declaration is to look for the flourishing of that Christian community.

**Q8 Sir Peter Bottomley:** I ought to say in advance that for six years I served as a trustee of Christian Aid with Dr Kenneth Slack and Charles Elliott. I was chairman of the Church of England Children's Society, and I have done one or two other things for the Church, including chairing the review of the

Churches' Main Committee. The sorts of things I really want to say I shall keep for the debate in the House of Commons on the presumption that this Measure will be found expedient. Am I right in thinking that in effect Parliament has a choice: either to go along with what the bishops and archbishops have led the Church of England to agree or strike out the provision that allows the Church of England to be disqualified from the general law on equality?

*The Most Revd and Rt Hon Justin Welby:* No, Sir Peter, you are not right in saying that. Parliament is being invited to agree something that has been agreed by 43 dioceses with over 90% of those voting in those diocesan Synods voting in favour, by the whole of the General Synod by an overwhelming majority, as well as by the archbishops and bishops.

**Sir Peter Bottomley:** We talk often about what WATCH—Women and the Church—say and their continuing concerns that they want this Measure agreed and enacted. We often listen to the minority of parishes, and probably the minority of people within parishes, who have had difficulty in accepting that we should treat women and men the same, which was something we managed to do over race about 40 or 50 years ago. Is it fair for those who watch us to understand that most people in the Church of England, and most parishes in the Church of England, get on perfectly well, they do not need special provisions, and they will trust the bishops to get it right within dioceses as appropriate, which is roughly what the Second Church Estates Commissioner said in December 2012?

*The Most Revd and Rt Hon Justin Welby:* It is certainly fair to say that the overwhelming majority of parishes will just get on with it. I entirely agree with that. Ten years' experience in parishes has always taught me to be careful about using the words "trust" and "bishops" in the same sentence, but, insofar as anyone, as far as I can tell, trusts the bishops, I agree with you.

**Q9 Lord Judd:** As somebody who strongly welcomes this overwhelming decision and says it is about time too, I nevertheless feel that we are formally in Parliament in a slightly difficult situation. As somebody who enthusiastically wants to and will endorse this, I nevertheless recognise that a lot hangs on what comes out of the Canon. I perceive a situation in which a woman bishop is not on the same basis—that is the deal, really—as a male bishop, because she has to accept that in certain circumstances she does not have the all-pervading authority and responsibility that other male bishops would have, because somebody else can come along and look after the interests of some of her diocese. Frankly, I do not see how it can be handled in any other way, because if we respect and want to care for those who have that minority position there has to be some sort of deal. It would

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be good to know a bit more about what was going to be involved in the Canon so we know what we are endorsing.

*The Most Revd and Rt Hon Justin Welby:* The text of the Canon is in annex 4. In addition, it is not just women who will find they have petitioning parishes; the vast majority of bishops of all sorts will find they have petitioning parishes. As Bishop of Durham and Bishop of the diocese of Canterbury I have had petitioning parishes. It does not apply only to women bishops; it is universal across the Church. The Bishop of Rochester would also like to respond to your point.

*The Rt Revd James Langstaff:* It is worth reminding the Committee that part of the basis of the whole arrangement is that the diocesan bishop, whether male or female, remains the one who has full canonical authority within their diocese. Another bishop exercising ministry, for example in response to a parish requesting it, can do so only at the invitation of the diocesan bishop, and within the terms framed by the diocesan bishop for that particular situation. The diocesan bishop retains the ultimate authority.

For some people, that was a step too far. They found it really difficult because they wanted a formal delegation of authority, but this package does not provide for that formal delegation of authority.

**Lord Judd:** We have the Canon. What we are being asked to accept—I would like to have it clearly stated on behalf of the Church—is a situation in which all things are not the same for men and women bishops.

*The Most Revd and Rt Hon Justin Welby:* The archdeacon would like to respond to that, but that is not the case.

*Ven Christine Hardman:* One of the little known and little sung good things about Amending Canon No. 33 is this: up until now we talk in our Canons about women priests and women deacons. It is not entirely obvious from the way Canons are presented, but from now on we will talk about bishops, priests and deacons. The gender of the bishop, priest or deacon will no longer be like some separate species where you have bishops and women bishops, or priests and women priests. We will have priests, bishops and deacons. Therefore, whatever one might think about the other arrangements, the Canon itself is a huge improvement and certainly does not enshrine any distinction between men and women, so I am really pleased about this.

**Lord Judd:** Can I register that one Member of this Committee applauds the fact that a deal has been done and we are moving forward? I am really glad about that. That will not hold me back from voting, but I would like to underline that, looked at from another planet, it might well seem that, yes, a deal has been done, but the deal is that women are not on exactly the same footing as men.

**The Chairman:** I think Baroness Butler-Sloss would like to follow up that question.

**Q10 Baroness Butler-Sloss:** Since a gender point is being made, I respectfully but profoundly disagree with Lord Judd, as indeed does Baroness Perry. I was very pleased to hear that the diocesan bishop, man or woman, will in every sense be the bishop in charge of the diocese. That seems to me to be the answer to the point being made. Archbishop, could I ask a practical question, looking at paragraphs 11 and 30 of annex 5. The point about paragraph 30 is about one bishop who takes the conservative evangelical view. There is a fairly complicated process for appointing diocesan bishops, but practically how on earth are you going to get the right people to the right place? As an example, you have to have one bishop of a particular viewpoint; presumably, you would need to have other bishops of rather different viewpoints, but how do you plant them into the diocese? How is it going to work?

*The Most Revd and Rt Hon Justin Welby:* Thank you for the question. Like all things in the Church of England, it is very simple—I do not believe I am under oath. Under paragraph 30 we have undertaken to approach the Dioceses Commission to see if we can use a vacant suffragan see for the appointment of someone holding the conservative evangelical view on headship. This was promised long, long ago in various ways. One of the things that both the Archbishop of York and I feel about this, as did the House of Bishops, is that, if we are going to create a climate of trust, there are some things we like doing—I am not talking about this necessarily—and other things we do not; there always will be in the Church in different areas. We have to keep our word on everything we promise. If you stop doing that, people will not believe you on anything, so where we have made a promise we need to keep it.

In terms of other dioceses and appointments to posts, other than those reserved specifically for those of a particular theological opinion, it is quite a challenge. You have put your finger on a very difficult point. There are some absolutely outstanding clergy in both the traditional Catholic and complementarian evangelical groups. We will have to develop not just saying it but processes and procedures to make sure they are considered fairly and equally to see if they are the most appropriate person for a given post. It might be a suffragan see or a diocesan see. It has to be fair and seen to be fair. If they are the most appropriate, they will get it; if they are not, they will not. That is a big culture change. I do not hide from you that it is going to be a difficult process to put in place and it will take quite a long time, but we are working away at it. Paragraph 30 is a different kind of animal.

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*William Fittall:* Could I add one point as a matter of clarification, because sometimes it is easy to overlook? The traditional Catholics and the complementarian evangelicals are not asking for equal and opposite things; they are asking for slightly different things. For the headship evangelicals, the issue is that we have 110 bishops in the Church of England and not one of them is from that tradition, so their issue is that at national level they do not have anybody in the collective body of bishops. They are not saying that in relation to oversight of their parishes it must be a headship evangelical bishop who does it. I think that does ease quite a lot of the practical problems Baroness Butler-Sloss has referred to. For the traditional Catholics, the issue is rather more complex. Because of the theology, they want a man who is ordained by men. Therefore, you have a more difficult question about the identity of the bishop, or priest in the case of the parish priest, who can minister in a way that is acceptable to that parish. There is a bit of asymmetry between those two traditions, which means that at the practical level it is not quite as complicated for some as you might think.

**Baroness Butler-Sloss:** You are going to have to keep a list, are you not?

*The Most Revd and Rt Hon Justin Welby:* Another list!

**Q11 Mr Field:** Archbishop, can you explain the difficulty I have as to why there is so much fuss over this Measure? I was part of Synod when we debated women priests. When that debate occurred there seemed to me to be unanimity that the key decision to be made was whether women would be made priests. After that stage women might become archdeacons, bishops or archbishops, but they were merely adding responsibilities. The key divide between the laity and the elect was the priesthood. Going back to Lord Glenarthur's question about theological convictions, to what extent are just good old differences of opinion now dressed up as great theological questions when some people do not want to accept the logical outcome of the decision Synod took yonks ago to ordain women as priests?

*The Most Revd and Rt Hon Justin Welby:* Why is there a fuss? You probably have to ask those who are opposed. I am not really fully qualified to answer that, not least because I am in favour of the ordination of women to the episcopate. On different sides there are different rules. Within the complementarian evangelical side, you find a sense that, if there is a woman as a priest in the next-door parish, they are not in charge of you, but, if they are over the whole diocese, then they are, so that is a complication. From the traditional Catholic point of view, a lot of it comes down to sacramental assurance.

*Canon Margaret Swinson:* I, too, was with you. I was on the revision committee for that legislation. There are a number of things that have changed. The first, for me, was that the ordination of women to the priesthood was not an issue from a complementarian evangelical perspective at the time that we passed the legislation. There was a degree to which, for pragmatic purposes, that legislation did not allow women to be bishops, because it would not have passed. A pragmatic decision, to some degree, was taken in that revision committee to include a clause that said that the law continued to be that women could not be bishops. On the point about Catholics, at that time, within 12 or 18 months of us taking that vote, the majority of them said to me, "We would not vote against women becoming bishops", but we are now looking at a different group of people, who have, to some degree, felt let down in various ways by the last however many years, partly because we have been seeking to operate in a legislative mode, rather than the mutual mode that we are offering in this package of legislation. That has helped to move people, in a sense, into their corners rather than helping them to be together in the middle. I think those things have contributed to the fact that there has been this level of fuss this time.

*The Rt Revd James Langstaff:* It is worth saying that, if you look at the diocesan Synod votes out there, in lots of places, there is not a lot of fuss.

**The Chairman:** Time is moving on. We must therefore try to limit any further questions to those who have not already asked a question. Lord Griffiths is one.

**Q12 Lord Griffiths of Burry Port:** If a non-Anglican may be allowed to comment on what seems a very Anglican debate, I have found myself wondering what would have happened if the Church of England had been in existence in the first five centuries of the Christian era, when the Church was trying to formulate a Christological statement that would include everybody across the Mediterranean world and came up with the Nicene Creed. I think there would have been special measures to cope with those of theological convictions other than the ones that won, and Arius, for whom incidentally I have a lot of sympathy, may have had a better hearing than he has had.

I live in the Diocese of London, and I see the intricate way that our bishop has tried to deal pragmatically with all these issues on the ground, with parishes, with areas. He has dealt with it intricately and incomprehensibly, because I do not think anybody outside the Church of England understands what he is trying to do. He has been honourable and done extraordinarily well, but nobody understands it. I am fearful that the measures, as I have read them here, will simply lead to wider incomprehension on the part of the public

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at large. Increasingly, in days when the Church is in decline, the public at large counts for rather more than it did when we were strong and could make the rules and abide by them.

My question really is: how are you going to manage this piece of legislation? It is wonderful. I congratulate you on it, I really do. How are you going to manage it in the world at large? How are you going to present it to the public so that they have a chance of getting a handle on it?

*The Most Revd and Rt Hon Justin Welby:* I entirely agree with your compliments to the Bishop of London, probably the greatest in that diocese for a very long time. He has done extraordinary work there. I think it is very straightforward. This is a very short Measure, with an expression of love and concern for those who struggle with it, and that is how we present it: that we are a family, not a political party. We do not chuck people out who disagree with us. Therefore, we seek to bring forward ways of living and being in which—except on the absolute essentials, in which I would include the Nicene Creed—we find ways of accommodating difference and disagreement, continuing to debate, discuss and disagree, seeking constantly to move towards a point where we are in unity and knowing that, at the end of all things, we will be in unity and unanimity in the face of Christ. That is how I explain it: it is love.

**Lord Griffiths of Burry Port:** I wish you well.

*The Most Revd and Rt Hon Justin Welby:* I think people generally understand a commitment to loving those with whom you disagree.

**Q13 Lord Plant of Highfield:** You may just have answered my question. Let me put it anyway, because I think it is quite an important one. We have heard several people on both sides of the room, as it were, talk about the arrangements that have been arrived at as a sort of deal. If you like, it is a *modus vivendi* document. As everybody has said, we are very pleased that that is coming about, but a deal or a *modus vivendi* is not going to enthuse people whose basic convictions are at stake in all this: “Why should I accept this deal? Why should I agree to this *modus vivendi*?”

You have to turn a *modus vivendi* or a deal into something that is principled, it seems to me, and addresses the principles people have in their religious convictions. What you just said, Archbishop, if I may be so bold, goes quite close to what I was thinking would be an answer to the question. The question still is there, I think: how do you transform a deal into something that we can be proud of and accept from our own conscientious theological positions?

*The Most Revd and Rt Hon Justin Welby:* It comes back, really, to what I just said, I think. Love one another. Wash each other’s feet. Love your neighbour. Love your enemy. It does not leave

many people out, and, if we had done that in the 18th century, then you would not be a Methodist.

*The Rt Revd James Langstaff:* In terms of the words that are here, the fact that we are saying, at the same time, that the Church of England is fully and unequivocally committed to all of its ministry being open equally to all, and that pastoral and sacramental provision for the minority will be made without specifying a limit of time, encapsulates that. That is our conviction. We dare to believe that, by doing something like this, we might be showing something to the wider world as well about how you can have deeply held differences of conviction and yet remain together.

**Lord Plant of Highfield:** It might be best not to dwell too much on the idea of a deal.

*The Rt Revd James Langstaff:* I do not think we would see it as a deal.

*The Most Revd and Rt Hon Justin Welby:* It is not a deal, it is a promise to seek to love one another. We can talk endlessly about the provision for those who disagree, but at its heart is a very simple statement that women will be bishops, full stop.

**Q14 The Chairman:** Good. Thank you very much. Now we turn, regretfully, to Section 2 of the Measure, which is rather dull stuff, if I may say so, in comparison. Perhaps someone on behalf of the Legislative Committee could explain, very briefly, what the present position is and why this provision is required.

*The Most Revd and Rt Hon Justin Welby:* I will ask Stephen to answer that, if he might.

*Stephen Slack:* This is, as Members of the Committee will see, a rather technically complex area, which we have tried to explain in as simple terms as we can in paragraph 68 onwards, on page 11 of the Comments and Explanations. Perhaps, rather than taking the Committee through the logic of those paragraphs step by step, I can at least begin with some general comments to contextualise the explanation. First of all, it is not a question of the Church of England seeking some special provision over and above the framework of law that applies to other churches and religious faiths so far as equality is concerned. What Section 2 does is to make it clear—it is essentially a clarificatory provision—that additional requirements, which apply only to public offices under the Equality Act, do not apply in this instance, so that the Church of England is in the same position under the Equality Act so far as senior appointments are concerned as all other denominations and faiths.

Secondly, as the Comments and Explanations explain, our view as lawyers acting on behalf of the Church is that episcopal offices are already outside the definition of public office in the Equality Act. We explain the reasons for that quite carefully in the Comments and Explanations. We do not believe we are changing the law, but, given the absence

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of judicial decision on this point, one cannot be absolutely certain that that is indeed the position. This is not an area or a time where it is sensible to have uncertainty and the consequent risk of litigation.

As to why the provision is needed, the clarification is not about legitimising discrimination in appointments processes. There is a general exception in paragraph 2 of Schedule 9 to the Act that already deals with that, in relation to organised religion generally. To the extent that there is a question in relation to certain posts, it is not affected by this. The issue here is simply that, under the House of Bishops' Declaration, there will be an expectation that a woman appointed as a diocesan bishop, and, indeed, in some cases, a man as well, will agree that certain functions will be carried out by another bishop on her or his behalf where a parish has passed a resolution. Even though there was no discrimination in the appointments process, there would therefore be a difference of treatment in the terms in which the appointment was offered, effectively. The difficulty is that the exception in paragraph 2 of Schedule 9 does not apply to that sort of situation, so some special provision is required, and that is what Section 2 provides.

Finally, since others have raised it, I should also add that the fact that bishops of the Church of England are stated by the Measure not to be holders of a public office for the purposes of the Equality Act, for a very narrow statutory purpose, does not, of course, mean that we no longer regard bishops of the Church of England as being public figures or having a public role. They very much do, and perhaps it is worth pointing out in that connection that life peerages are also excluded from the definition of "public office" for the purpose of the Equality Act. No one would suggest that members of the House of Lords are not exercising an important public function.

**The Chairman:** I think you have persuaded us. It is a complicated matter. We are told that this is necessary. Are there any questions that anybody would like to ask?

**Q15 Baroness McIntosh of Hudnall:** May I ask one question, which probably relates slightly back to the discussion we have just had? I was just looking through the text to see whether, in fact, it would be possible for a parish to request the ministrations of a woman as opposed to a man. If that were the case, would the Church be obliged to provide, under these provisions, the requisite bishop?

*William Fittall:* I think the answer is "no", because the approach that was taken throughout, within the steering committee, was that the only thing that was legitimate here was theological conviction, not social conservatism, or any other sort of attitude. Twenty years ago, there were some people who resisted women becoming the vicar because it

just had not happened before. We were very clear that the only arrangements that were going to be legitimate here had to be grounded on theological convictions.

This is quite important in terms of discrimination and attitude to equality. We are not seeking to legitimise a situation in which people prefer to have a man or prefer to have a woman. As far as we are concerned, you are a bishop, you are a priest, you are a deacon, and that is it. You do not look behind it. I do not think there is anybody in the Church of any conviction who thinks a man cannot be a bishop, priest or deacon. Therefore, it does have to be on basis of theological conviction. You cannot say, "I would, as a matter of preference, think that this parish at this point needs a woman", or, indeed, "needs a man". You cannot decide to have a man because you just think you would like to have a man. The bishop will have to be satisfied, without conducting a great viva, that this is a matter of conviction; it is not just something people are doing as a matter of convenience.

**Baroness McIntosh of Hudnall:** May I just be clear? That is a very clear explanation of the position. Are there any implications within that for the way in which the Equality Act impacts on the decisions that are about to be taken? I only ask because I think, if we have not asked the question, that perhaps we should not be surprised if somebody else does.

*William Fittall:* One broader thing to say about the Church of England and the Equality Act is that posts of incumbents are not caught by the Equality Act now, unless they happen to be Crown livings. We have already, as a matter of policy—and the House of Bishops endorsed this—said, in relation to parochial appointments, that people should approach this as if the Equality Act applied. Those principles are sound, and we commend them. For example, the provision under Section 159 of the Equality Act permitting positive action is something that people will have in mind in the Church now as women are eligible to become bishops for the first time. Now, the positive action provisions in the Equality Act are quite narrow; they allow you to put more effort into training and so on, and, in particular, they also enable you, in the case of a tie break, where you have insufficient diversity, to lean in favour of the underrepresented group. The spirit of that is very much something that we would want to have in mind and encourage the Crown Nominations Commission and bishops appointing suffragans to have regard to. We will do that as a matter of policy, because we think it is right to follow the principles of the Equality Act, even though, technically, that does not apply already to quite a number of our posts.

**The Chairman:** I think we have kept you, if I may say so, long enough. We would now like to ask you to retire but remain in the corridor, together with



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members of the public, while we consider what our decision should be.

*The Committee went into private deliberation.*

*The Committee resumed.*

**The Chairman:** It is unusual for us to make our announcement in the presence of the Legislative Committee, but this seems to be an exceptional case where we should do just that. The Second Church Estates Commissioner proposed a motion that we should regard this Measure as expedient, and that motion received unanimous support. With that, what I probably have to do before coming round to shake your hands is to say how deeply indebted we are to you.

*The Most Revd and Rt Hon Justin Welby:* No, the other way round.

**The Chairman:** No, this way round. I can assure you that we are always impressed by the documents we receive, but on this occasion both the documents themselves and the way you have answered questions on the documents has, in my view, been quite exceptional. We are very, very grateful.

*The Most Revd and Rt Hon Justin Welby:* We are very grateful. I would like to say again how grateful we are to you for meeting out of time and at such short notice. We deeply appreciate it. Thank you very much indeed.

**The Chairman:** That brings it to an end.

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