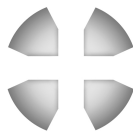


# **Vacancies in Society Parishes**

## **Advice from Forward in Faith**



**FORWARDINFAITH**  
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## Foreword

A parish vacancy can be a time of mixed emotions for the worshipping community and especially for its lay leaders, the churchwardens and PCC. There may be sadness at the departure of a much-loved priest – perhaps one who has served the parish faithfully for a long time. There may be feelings of challenge, if not stress, as people have to assume unfamiliar responsibilities. There may be fear that securing the appointment of the right successor, or even of a new priest at all, will be difficult. Some may be excited about the possibilities that the vacancy opens up; others may be worried about the changes that may be needed.

It is principally for laypeople who find themselves in this situation – but also for clergy and people who realize that a vacancy is likely to arise in the not-too-distant future, and may indeed arise unexpectedly at any time – that Forward in Faith has prepared this booklet.

In doing so we have been conscious that the context differs greatly from diocese to diocese and parish to parish. Some resolution parishes feel secure and valued. Others feel threatened – in some cases, at least, justifiably so. Some PCCs need to be supported in defending their position; others may need encouragement to adopt a less embattled stance. It is with this full range of different contexts and situations in mind that we have drafted the text.

There are also different levels of knowledge of the law regarding parish vacancies and appointments among PCC members and parish clergy – even, it must be said, among archdeacons. We hope that all will find here helpful information and advice.

Forward in Faith is grateful to those who have read and commented upon drafts of this booklet. They include three barristers (male and female) with expertise in aspects of church law, three archdeacons (male and female), and the members of the Council of Forward in Faith and the Council of Bishops of The Society.



## FOREWORD

I hope that the clergy and leading laypeople of all our Society parishes will study this booklet before a vacancy arises, and that they will find it helpful when the time for putting its contents into practice comes. In times of uncertainty, insecurity and change, remember that ‘God is faithful; by him you were called into the communion of his Son, Jesus Christ our Lord’ (1 Cor. 1.9).

✠ TONY WAKEFIELD  
The Rt Revd Tony Robinson  
Bishop of Wakefield  
Chairman of Forward in Faith

June 2018



## NOTES

### Notes

This booklet is written principally for parishes that are under the oversight of a member of the Council of Bishops of The Society, having passed a resolution under the House of Bishops' Declaration, though it may also be of wider use.

It gives factual information about the vacancy process, together with some general advice. Especially important points are indicated by this symbol in the margin: ! ► The key points in sections 1–8 are summarized in question-and-answer form in section 9. Some of the technical terms are explained in section 10 (Glossary). The booklet is also available online at [www.forwardinfaith.com/Advice.php](http://www.forwardinfaith.com/Advice.php), with hyperlinks to the relevant legal texts.

This booklet reflects the law as it stood in 2018: aspects of the law will doubtless change in future. In any event, a short booklet cannot offer a comprehensive statement of the law, or advice that covers every eventuality. Churchwardens should keep in close touch with their Society Bishop and his Bishop's Representative throughout the process. Their advice should be sought and followed.

Where difficulties arise, Forward in Faith stands ready to offer more specific advice. If contacting Forward in Faith for advice, please make sure that your Society Bishop and his Bishop's Representative know that you are doing so.

Further copies of the booklet may be obtained from:

Forward in Faith  
2A The Cloisters  
Gordon Square  
London  
WC1H 0AG

Telephone: 020 7388 3588  
Email: [admin.assistant@forwardinfaith.com](mailto:admin.assistant@forwardinfaith.com)





## I Before the Vacancy

- I.1 PCCs should have the prospect of a future vacancy in mind long before it seems imminent. Some things that are done (or not done) before a vacancy arises will have a significant impact on what happens when it occurs.
- ! ► I.2 One example of this is the preparation of a Deanery Plan, approved by the Deanery Synod, for pastoral re-organization.<sup>1</sup> During a vacancy, a scheme may be proposed for the parish to share its vicar or rector with a neighbouring parish, for example. If such a proposal was already included in the Deanery Plan, it will be difficult to resist once the vacancy has arisen, because there is legally a ‘presumption in favour’ of a draft scheme that gives effect to proposals for pastoral re-organization that were included in a Deanery Plan.<sup>2</sup> It is therefore essential that PCCs engage fully in the process of consideration of any Deanery Plan that will affect their parish.
- ! ► I.3 In considering any Deanery Plan, one question to ask is whether it reflects the Church of England’s commitment in the Five Guiding Principles to enabling those who, on grounds of theological conviction, are unable to receive the ministry of women as bishops or priests, to ‘flourish within its life and structures’. Will the proposals that it contains tend to support the House of Bishops in its ‘duty to ensure that the welfare of the whole Church of England is sustained in all its theological depth and breadth’? Will they further ‘the Church of England’s wider commitment to sustaining diversity’?<sup>3</sup>
- I.4 We strongly urge that the parish priest of any parish of The Society, any parish whose PCC has passed a Resolution under the House of Bishops’ Declaration, and any parish served by priests of The Society inform the Society Bishop of a forthcoming vacancy at the earliest

1 Technical terms like this are explained in the Glossary (section 10 of this booklet).

2 Mission and Pastoral Measure 2011 ([www.legislation.gov.uk/ukcm/2011/3](http://www.legislation.gov.uk/ukcm/2011/3)), s. 11 and s. 26, as amended by the Mission and Pastoral etc. (Amendment) Measure 2018.

3 The House of Bishops’ Declaration on the Ministry of Bishops and Priests (see [www.forwardinfaith.com/Declaration.php](http://www.forwardinfaith.com/Declaration.php)), paras 4, 5, 14.

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opportunity (in confidence if necessary), so that the Bishop and the Bishop's Representative can offer support to the parish as required.<sup>4</sup> The parish priest should ensure that the churchwardens and the vice-chairman of the PCC have copies of this booklet and draw attention to this section of the booklet in particular.

- 1.5 The parish priest should make his churchwardens and PCC aware of
- the proper process that should be followed by the Diocese,
  - the need to resist any pressure that may be put upon them to make hasty decisions, in particular about the Resolution, and
  - the action to be taken should any representative of the Diocese attempt to persuade them to rescind or amend the Resolution or suggest that it would be to their advantage to do so (see para. 2.5 below).
- 1.6 During a vacancy the lay leadership of the parish will come to the fore. The churchwardens will have to bear additional responsibilities, not least as 'sequestrators' (see para. 2.1 below). The vice-chairman of the PCC will need to chair PCC meetings, including any Section 11 Meeting(s) (see section 5 below). He or she may be asked to chair a Section 12 Meeting (see section 6 below). Where it is known that a vacancy is likely to arise, it would be wise to choose for these important roles people who will have the attributes, skills and confidence to exercise them.
- 1.7 Ideally, they will need to be people who will not be overawed in dealings with bishops, archdeacons, patrons and diocesan officers, and are able and willing to stand up for the parish and resist undue pressure or inappropriate proposals. Equally, they should be people who are likely to gain the respect of those outside the parish with whom they have to deal, and who are capable of working constructively with them to secure the best outcome for the parish. The vice-chairman will need to be someone who has the skills and confidence to chair meetings.
- 4 In this booklet it is assumed that the diocesan or area bishop is not a bishop of The Society. Where the diocesan or area bishop is a bishop of The Society, the situation will differ in some respects.

## BEFORE THE VACANCY

- 1.8 The diocesan authorities may contact the churchwardens for a preliminary meeting before the vacancy notice (see para. 4.4 below) has been served – perhaps in order to explain the process to the PCC and answer any questions or queries. If the parish priest has not yet left the parish, such a meeting should only take place with his agreement. The Society Bishop and his Representative should be informed so that they can offer support. The churchwardens may wish to invite the Bishop’s Representative to attend the meeting to take notes. Any such meetings are simply for information and fact-finding: no decisions can or should be taken at them.

## 2 Ministry during the Vacancy

2.1 When a benefice (i.e. the office of rector or vicar of one or more parishes) is vacant, the ‘sequestrators’ are the churchwardens of each parish and the rural or area dean. The diocesan bishop, as the Ordinary who has jurisdiction over all parishes in the diocese, may appoint one other person as an additional sequestrator. (On occasion it has been found helpful for the Society Bishop’s Representative to be appointed as an additional sequestrator under this provision.) In a team ministry, the other ministers in the team replace the rural dean.<sup>5</sup> The sequestrators are in charge of the parish during the vacancy. The churchwardens should keep in touch with their Society Bishop.

! ▶ 2.2 During a vacancy it is the responsibility of the sequestrators jointly (not the rural dean alone) to identify priests to conduct services. The churchwardens should seek the advice of the Society Bishop’s Representative. Ideally, the priests who conduct services should be priests of The Society. Where that is not possible, another male priest ordained by a male bishop is acceptable, providing that in his interaction with parishioners he does nothing to undermine the resolution passed by the PCC.

2.3 In most cases, the PCC will have adopted Forward in Faith’s draft statement setting out the theological conviction underlying the resolution, which concludes:

We request that episcopal sacramental and pastoral ministry in this parish be entrusted to a bishop who ordains only men to the priesthood.

2.4 This request flows from a theology of communion. Full communion with a bishop involves being able to receive all of his sacramental acts. When a bishop ordains a woman to the priesthood, the ministry of that female priest (and hence the sacramental action of the

5 Church of England (Miscellaneous Provisions) Measure 1992 ([www.legislation.gov.uk/ukcm/1992/1](http://www.legislation.gov.uk/ukcm/1992/1)), s.1.

## MINISTRY DURING THE VACANCY

bishop in ordaining her) cannot be received in a resolution parish. When people cannot receive the ministry of someone whom a bishop has ordained to the priesthood, their relationship of communion with that bishop is less than full. The aspiration underlying the resolution is to receive episcopal ministry from a bishop with whom all in the parish enjoy full communion.

2.5 Sometimes diocesan and suffragan bishops who ordain women to the priesthood seek to preside at the Eucharist in a resolution parish, on the basis that presiding at the Eucharist is a priestly, not an episcopal ministry. We must respectfully point out that this view is incorrect. When a bishop presides at the Eucharist in a church within his diocese, that is always an episcopal act: when he comes to the church, he is always the (or a) bishop of the diocese – never simply a visiting priest. Presiding at the Eucharist is part of his episcopal ministry.

2.6 If a bishop who ordains women to the priesthood presides at the Eucharist in a parish whose PCC has passed a resolution under the House of Bishops' Declaration on the basis of the theological conviction outlined above, his action in doing so is a breach of the House of Bishops' Declaration. The diocesan bishop has entrusted the parish to the oversight of another bishop – an act of self-limitation that he should respect. For him to preside at the Eucharist without prior contact with the bishop to whom he has entrusted oversight of the parish would also be a discourtesy.

! ▶ 2.7 Where, during a vacancy, a bishop who ordains women to the priesthood indicates an intention to preside at the Eucharist in a resolution parish that is under the oversight of a Society bishop, the churchwardens should respectfully point out that this would be a breach of the House of Bishops' Declaration and ask the bishop concerned to be in touch with the Society Bishop urgently. They should also themselves inform the Society Bishop.

### 3 The Resolution

3.1 Para. 21 of the House of Bishops' Declaration states:

Parishes which have passed a resolution should review it from time to time, especially when a vacancy in a parish arises.

3.2 If it is known that a vacancy is about to arise, there is nothing to prevent such a review occurring before the parish priest leaves. It would then not be necessary for the review to be repeated during the vacancy.

! ▶ 3.3 The processes for passing a Resolution laid down in the Declaration should *not* be followed in the case of a review. All that is needed is for the Agenda of a normal PCC meeting (called and held in accordance with the Church Representation Rules) to include as an agenda item 'To review the Resolution under the House of Bishops' Declaration'. If the PCC is content with the working of the Resolution, the Minutes of the PCC should simply record that a discussion took place and include a distillation of the view arrived at.

3.4 If, however, there is to be a fresh vote on an existing Resolution, whether with a view to rescinding it or to strengthening it, the procedures laid down in the Declaration and described in sections 5–7 of the Forward in Faith booklet *Passing Resolutions under The House of Bishops' Declaration: Advice to PCCs and Parish Priests*<sup>6</sup> will need to be followed. Note that para. 19 of the Declaration says that the requirement of four weeks' notice does not apply if a Resolution is to be voted upon at a PCC meeting held under Section 11 of the Patronage (Benefices) Measure 1986 (for which, see section 5 of this booklet).

6 The Advice Booklet is available, together with a checklist for chairmen and secretaries of PCCs, a sheet for calculating dates by which notice must be given, and a table for calculating the majority needed to pass a Resolution, here: [www.forwardinfaith.com/Advice.php](http://www.forwardinfaith.com/Advice.php).

## THE RESOLUTION

- ! ► 3.5 If, at any point in the process, attempts are made to persuade the churchwardens, the lay representatives or the PCC that the PCC should rescind or amend the Resolution, or it is suggested that this would be to the parish's advantage, this would be contrary to the House of Bishops' Declaration. Such statements
- are not directed towards sustaining 'the welfare of the whole Church of England ... in all its theological breadth and depth' (para. 4) or enabling those who, on grounds of theological conviction, are unable to receive the ministry of women bishops or priests 'to flourish' (para. 5, principle 4);
  - do not display 'sensitivity to the feelings of vulnerability that some will have that their position within the Church of England will gradually be eroded' (para. 10);
  - may conflict with the requirement that 'equal treatment, for example in relation to resource issues ... is essential irrespective of convictions in relation to gender and ministry' (para. 15); and
  - do not contribute to the establishment of a 'climate of trust within which there can be mutual flourishing' (para. 38).
- 3.6 If such statements are made, the person making them should, in fairness, be given an opportunity to withdraw them and apologise. If they are made in a meeting, and are not withdrawn, the meeting should immediately be adjourned. In all cases the Society Bishop, the Bishop's Representative (if not present) and the Forward in Faith office should be informed. If the statements are not withdrawn, it may be necessary for the PCC to submit a grievance to the Independent Reviewer.

## 4 The Process for Appointing an Incumbent

- 4.1 The process for the choosing a new incumbent (rector or vicar) is laid down in the Patronage (Benefices) Measure 1986.

[Under s. 35, some of the provisions do not apply to benefices in the patronage of the Crown (including benefices to which appointment is made by the Lord Chancellor, and Duchy of Lancaster and Duchy of Cornwall benefices), though in practice the process followed is similar in many respects.]

[See Schedule 2 of the Measure for multi-parish benefices, benefices held in plurality, benefices with a team council or a joint PCC, and benefices where the PCC is the patron.]

- 4.2 Where a benefice (the office of rector or vicar) is vacant or is shortly to become vacant, the diocesan bishop may suspend presentation to the benefice. If this happens, an incumbent (rector or vicar) cannot be appointed. Instead the bishop may appoint a priest-in-charge. In doing so, the bishop may follow a process similar to that for appointing an incumbent, but the legal rights conferred by the Patronage (Benefices) Measure do not apply. (For more information, see section 8 below.)

- 4.3 If presentation has not been suspended, the 'designated officer of the diocese' has to send a 'vacancy notice' to the secretary of each PCC for the benefice 'as soon as practicable' after receiving notice from the bishop. Where the vacancy is caused by the incumbent's death, the bishop must give such notice 'as soon as practicable after he becomes aware of the vacancy'; in other cases, he must 'give such notice [that a vacancy is about to arise] as he considers reasonable in all the circumstances'.<sup>7</sup>

- 4.4 Where a benefice is held in plurality (i.e. it has the same incumbent as one or more other benefices), any of the PCCs may terminate the arrangement by simply passing a resolution under s. 32 of the

7 Patronage (Benefices) Measure 1986 ([www.legislation.gov.uk/ukcm/1986/3](http://www.legislation.gov.uk/ukcm/1986/3)), s. 7.



## THE PROCESS FOR APPOINTING AN INCUMBENT

Mission and Pastoral Measure 2011 within 28 days of the vacancy notice being served. This may not be a good idea, as the single-parish benefice might not attract a full stipend, and the bishop might suspend presentation to the benefice in response to the decision, but it is important to note that this power exists. We would urge any PCC contemplating such a resolution to contact the Society Bishop for advice as a matter of urgency before proceeding.

- 4.5 Where there has been pastoral re-organization, the Pastoral Scheme that provides for the creation of a new benefice may name the first incumbent of the new benefice, or it may make provision for how the first incumbent is to be chosen (e.g. by the diocesan bishop after consultation, rather than by the patron(s) following the normal procedure).<sup>8</sup> If no special provision is made, the normal procedure applies.
- 4.6 Where presentation to a benefice has been suspended, a shortened process can be used to appoint the priest-in-charge as rector or vicar – but only if the bishop, the priest, the patron and the PCC all agree that this should happen.<sup>9</sup> PCCs should not be afraid of refusing to agree to the shortened procedure if they are not convinced that the priest-in-charge ought to become the incumbent. This might be the case, for example, where an unsuitable priest-in-charge was appointed by the bishop without the agreement of representatives of the PCC.

<sup>8</sup> Mission and Pastoral Measure 2011 ([www.legislation.gov.uk/ukcm/2011/3](http://www.legislation.gov.uk/ukcm/2011/3)), s. 38.

<sup>9</sup> Patronage (Benefices) Measure 1986, s. 16A.

## 5 The Section 11 Meeting(s) of the PCC

5.1 Unless presentation to the benefice has been suspended, under Section 11 of the Patronage (Benefices) Measure 1986 one or more meetings of the PCC must be held within four weeks of the vacancy notice being served, for the following purposes:

- (a) preparing (or approving) a 'Parish Profile' describing the conditions, needs and traditions of the parish;
- (b) appointing two lay members of the PCC to act as representatives of the council in connection with the selection of an incumbent

[The representatives need not necessarily be the churchwardens. The following may not be chosen: the spouse or civil partner of the outgoing incumbent, the patron or the patron's representative, a deaconess or layworker licensed to the parish].]

[In a multi-parish benefice, smaller parishes may only have one representative.]

- (c) deciding whether to request the registered patron to consider advertising the vacancy;

[The Society Bishop will be able to advise on whether this is appropriate in any particular case. If there is to be an advertisement, it would be a good idea to include *New Directions* among the vehicles used. In some dioceses the PCC will be expected to pay for the advertisement.]

- (d) deciding whether to request a meeting under Section 12 of the Measure (see section 6 below).
- (e) deciding whether to request a statement in writing from the diocesan bishop describing in relation to the benefice the needs of the diocese and the wider interests of the Church.

## THE SECTION II MEETING(S) OF THE PCC

If presentation has been suspended and a priest-in-charge is to be appointed, the PCC is likely to be invited to prepare a Parish Profile and appoint representatives to participate in the process, though the meeting(s) at which this is done will not technically be 'Section II Meetings' governed by the provisions of the Patronage (Benefices) Measure 1986.

- ! ▶ 5.2 NB Though the House of Bishops' Declaration says that a resolution should be reviewed when a vacancy arises (see para. 3.3 above), there is no requirement to review a resolution, let alone to vote upon it again, at a Section II Meeting. Where a resolution is not already in force, a resolution can be passed at the Section II Meeting.
- 5.3 The rules for this meeting are laid down in Section II of the Measure and in the Church Representation Rules. The agenda, which should include the points mentioned in paragraph 5.1 above, is drafted by the PCC secretary. It is important that the notice of the meeting makes clear that it is a meeting under Section II of the Patronage (Benefices) Measure 1986.
- ! ▶ 5.4 The following may not be present at a Section II Meeting: the outgoing incumbent, his spouse or civil partner, the patron or the patron's representative. It is for the PCC to decide whether to permit the archdeacon or rural/area dean (or other non-members such as the lay chairman of the Deanery Synod) to attend the meeting. Our view is that it would not be appropriate for any of these to be present, as they might unduly influence the members of the PCC in the exercise of their responsibilities under s. II of the Measure. However, if they are to be permitted to attend, the Society Bishop's Representative should also be invited to be present and should take notes.
- ! ▶ 5.5 It may be suggested that the archdeacon, rural/area dean or deanery synod lay chairman should chair the meeting. However, there is no provision in the Church Representation Rules permitting someone who is not a member of the PCC to chair a normal meeting of the PCC, and it would be illegal for them, as non-members, to do so. The

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meeting should be chaired by the vice-chairman of the PCC or by another member of the PCC specifically appointed by the meeting.

5.6 If the normal legal requirements for PCC meetings are not complied with, a decision to pass, amend or rescind a Resolution at this meeting may be challenged:

- A notice, signed by or on behalf of the chairman of the PCC or the persons convening the meeting, *must* be posted at or near the principal door of *every* church, or building licensed for public worship in the parish at least ten clear days before the meeting.
- The PCC secretary should post or deliver the Agenda to every member of the PCC at least seven days before the meeting.
- No business which is not specified in the Agenda shall be transacted at the meeting except by consent of three-quarters of the members present at the meeting.

! ► 5.7 The Parish Profile is a very important document. It is, so to speak, the parish's CV – the document that clergy will look at when they are considering whether to apply to be the parish priest, or to agree that their names may be considered. The first draft will give the diocesan or area bishop and the archdeacon an indication of what the PCC thinks about the parish. First impressions can be difficult to shift subsequently, so it is important to try to get the tone and content of the first draft right. If it could be characterized as complacent, or as lacking interest in the wider parish or in mission (drawing people to the worship of God) that will be counterproductive. As with a CV, if it contains claims that will not survive scrutiny, that will damage credibility. The Society Bishop's advice should be sought at an early stage.

5.8 Careful thought should be given to the choice of the lay representatives. They will need to be people who are tough enough to stand up to pressure, prepared to say 'no', and willing to resist the inclusion on a shortlist of someone whose appointment they would veto. Equally, they need to be people who will engage constructively in the process, and who are likely to win the respect and sympathy of others involved in it.

## THE SECTION II MEETING(S) OF THE PCC

- 5.9 The lay representatives will also need to be people who are able to respect the confidentiality of an appointment process. They may become party to information that they cannot pass on to others, so this can be a lonely role: they will need to be people who can cope with that. It may be helpful for them to identify a priest or lay person who – while not being given any confidential information – can offer regular pastoral and spiritual support. The experience may then become one which enables them to grow in faith and confidence and deepen their discipleship.

## 6 Section 12 Meetings

- 6.1 A Section 12 Meeting (held under Section 12 of the Patronage (Benefices) Measure 1986) is a meeting requested by the patron, the diocesan bishop or the PCC and held within six weeks of the request being made.
- 6.2 The bishop and the patron must either attend in person or send a representative. The rural dean (unless he is the outgoing incumbent) and the lay chairman of the Deanery Synod must be invited. We recommend that the Society Bishop should also be invited to attend or send his Bishop's Representative, and that the Bishop's Representative should take notes.
- 6.3 At least fourteen days' notice (unless a shorter period is agreed by all the persons concerned) of the time and place at which the meeting is to be held must be given by the PCC secretary to the patron, the bishop (if he or she is not the patron) and the members of the PCC.
- 6.4 A meeting only counts as a Section 12 Meeting if the diocesan bishop or his/her representative, the patron or the patron's representative, and one-third of the PCC members entitled to attend are present.
- 6.5 Those present at the meeting decide who should chair it. NB This need not be the diocesan bishop or his/her representative.
- ! ►** 6.6 The purpose of a Section 12 Meeting is 'enabling those present at the meeting to exchange views' on the Parish Profile and the needs of the diocese: it is not a meeting at which decisions can be taken.
- 6.7 Suggestions for amendment of the Parish Profile may be made. The PCC will need to reflect on these at a subsequent meeting. Are they attempts to alter or misrepresent the PCC's position that should be resisted, or are they helpful suggestions that will increase the likelihood of a good appointment and should be received with gratitude?

## 7 The Choice of an Incumbent or Priest-in-Charge

- 7.1 We recommend that the lay representatives of a parish that has passed a Resolution under the Declaration should ask whether candidates are priests of The Society and, if not, why they were unable or unwilling to make the Declaration required to become a priest of The Society.
- 7.2 Under para. 23 of the Declaration, ‘anyone involved in making appointments ... 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’. Thus, a diocesan bishop should not appoint a priest as incumbent or priest-in-charge whose appointment would conflict with the conviction underlying the Resolution. If this requirement is not honoured, the matter should be reported immediately to the Society Bishop, the Bishop’s Representative and the Forward in Faith office so that they can assist the parish in resolving it or (should a satisfactory resolution not emerge) advise on referring the case to the Independent Reviewer.
- 7.3 Para. 24 of the Declaration states:

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.

The powers of the diocesan bishop include a power to veto. This paragraph means that if the patron presents a candidate whose appointment would conflict with the conviction underlying the Resolution, the diocesan bishop must use his or her power of veto in order to protect the lay representatives from having to use their own

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power of veto. Any legal action would then be taken against the diocesan bishop rather than the lay representatives. Failure to comply with this requirement should be reported immediately to the Society Bishop, the Bishop's Representative and the Forward in Faith office.

7.4 Whatever process has been adopted for arriving at the choice of a new incumbent, and however much the lay representatives were involved in that process, at the end of it the chosen candidate can only be appointed if each of the parish representatives has expressed his or her approval, so they each retain the right to veto the choice.

! ▶ 7.5 If there has been an interview panel on which (for example) the bishop, the patron, the archdeacon, the area dean and others have sat together with the lay representatives, it is not a case of simply counting votes to arrive at the preferred candidate. The choice must be approved by the patron, by the bishop (if he or she is not the patron) and by each of the parish representatives individually. This is especially significant in a multi-parish benefice that does not have a joint PCC.

7.6 It is perfectly in order for one or more of the parish representatives to say that they wish to reflect further before they decide whether to give their approval to the choice of a particular candidate. They are also entitled to say that they will only approve the choice of the candidate after having an opportunity to speak privately with him.



## 8 Suspension of Presentation and Appointment of a Priest-in-Charge

- 8.1 Where a benefice is vacant or is shortly to become vacant, the bishop may suspend presentation to the benefice. If this happens, an incumbent (rector or vicar) cannot be appointed and instead the bishop may appoint a priest-in-charge, after consulting the PCC and ('so far as is reasonably practical') the patron.<sup>10</sup> When appointing a priest-in-charge, the diocesan bishop may follow a process similar to that for appointing an incumbent. However, the legal rights conferred by the Patronage (Benefices) Measure 1986 do not apply.
- 8.2 The rules for suspending presentation are contained in Section 85 of the Mission and Pastoral Measure 2011. It is important to check that the rules have been complied with.<sup>11</sup>
- 8.3 There can be good reasons for suspending presentation. There may be a need for pastoral re-organization, because the parish boundaries no longer make sense, or because the parish concerned, or a neighbouring parish, is no longer financially viable on its own. Alternatively, it might be necessary or desirable to replace or redevelop the parsonage house. Pastoral re-organization and changes with regard to the parsonage house are easier to achieve when there is no incumbent (rector or vicar), because an incumbent has a veto over such proposals whereas a priest-in-charge does not.
- 8.4 Simply resisting proposals for pastoral re-organization when there are good reasons for changes to be made is unlikely to be successful and will not help to achieve the best outcome for the parish. However, the fact that there is a need for pastoral re-organization does not necessarily mean that the solution proposed is the best one for the

<sup>10</sup> Mission and Pastoral Measure 2011 ([www.legislation.gov.uk/ukcm/2011/3](http://www.legislation.gov.uk/ukcm/2011/3)), s. 86.

<sup>11</sup> There is also a power under Section 87 of the 2011 Measure to restrict presentation of an incumbent in certain limited circumstances. If this arises, parishes should seek further advice.

## VACANCIES IN SOCIETY PARISHES

parish. The PCC may want to suggest a different way of addressing the problems that the bishop has identified.

8.5 In some cases, however, the reasons given for suspending presentation seem ill-founded. In some dioceses there has been a policy of suspending presentation in all cases, whether or not it is justified by the particular circumstances. This is an abuse of the power of suspension. If the parish is thriving and paying its way, the suggestion that there are problems to be addressed may be questioned. Where the reasons given for suspending presentation are questionable, they should be questioned; where there is no good reason for suspension, it should be resisted. The Society Bishop's advice should be sought.

8.6 Where there is a need for pastoral re-organization, this may result in combining two or more parishes in a single united benefice. In this case, each parish remains a separate parish with its own PCC, but they share a rector or vicar. Any Resolution under the House of Bishops' Declaration that has been passed by a PCC remains in force.

! ▶ 8.7 It may be suggested that a resolution parish that is becoming part of a united benefice should rescind its Resolution. This suggestion should be resisted. If there is a Resolution in force, that does not limit the options for appointment to the benefice, because it does not prevent the appointment of a woman – or a man ordained by a woman – as rector or vicar (though another priest – a stipendiary assistant, a self-supporting minister, or an active retired priest – would need to be identified to exercise priestly ministry in the resolution parish). In some cases a Society priest is the incumbent of a benefice that includes both a resolution parish and a non-resolution parish. In others, there is a male incumbent ordained by a male bishop in the historic succession, who, whilst not personally sharing the theological conviction underlying the Resolution, fully respects it and ensures the flourishing of the resolution parish.

! ▶ 8.8 Pastoral re-organization sometimes results in the creation not of a united benefice but of a single united parish, with a single PCC. In this case, the PCC that passed a Resolution, and its parish, will have

## SUSPENSION OF PRESENTATION AND APPOINTMENT OF A PRIEST-IN-CHARGE

ceased to exist, and any Resolution that has been passed will no longer be in force. A resolution parish should strongly resist any suggestion that it should be merged with a non-resolution parish in this way, unless there is confidence that the PCC of the new united PCC would pass a Resolution.

- 8.9 Suggestions that a PCC should rescind its Resolution, or accept merger with a non-resolution parish, may constitute a breach of the House of Bishops' Declaration, in that they
- are not directed towards sustaining 'the welfare of the whole Church of England ... in all its theological breadth and depth' (para. 4) or enabling those who, on grounds of theological conviction, are unable to receive the ministry of women bishops or priests 'to flourish' (para. 5, principle 4);
  - do not display 'sensitivity to the feelings of vulnerability that some will have that their position within the Church of England will gradually be eroded' (para. 10);
  - do not contribute to the establishment of a 'climate of trust within which there can be mutual flourishing' (para. 38).

If such suggestions are made, the Society Bishop should be consulted urgently.

## 9 Key Questions and Answers

- 9.1 Q: *A 'Deanery Plan' for pastoral reorganization is being prepared. Does the PCC need to engage with this process?*  
 A: Yes. There is a legal 'presumption in favour' of proposals for pastoral re-organization that are included in a Deanery Plan approved by the Deanery Synod. If the PCC has not engaged with the process of preparing the Deanery Plan, when a vacancy occurs pastoral re-organization based upon it will be difficult to resist.
- 9.2 Q: *Can decisions about the future be taken before the vacancy begins?*  
 A: Not normally. Unless a vacancy notice (which starts the formal process) has been served, any meetings held before the vacancy has begun are simply fact-finding meetings: no decisions can or should be taken at them. (1.8)
- 9.3 Q: *Who is in charge during the vacancy?*  
 A: The sequestrators are jointly in charge. (2.1)
- 9.4 Q: *Who are the sequestrators?*  
 A: The sequestrators are:
  - the churchwardens,
  - the rural or area dean (in a team ministry, the other ministers in the team),
  - one other person appointed by the diocesan bishop (if he or she chooses to appoint someone). (8.1)
- 9.5 Q: *Must any priests who conduct services be priests of The Society?*  
 A: Ideally, but if this is not possible a male priest ordained by a male bishop is acceptable, providing that in his interaction with parishioners he does nothing to undermine the Resolution. (2.2)
- 9.6 Q: *Can the diocesan bishop preside at the Eucharist during a vacancy?*  
 A: He should not do so. (2.3—2.7)

KEY QUESTIONS AND ANSWERS

- 9.7 Q: *Must we review the Resolution?*  
A: The PCC Minutes should show that it has been reviewed. (3.1—3.2)
- 9.8 Q: *Must a fresh vote be taken on the Resolution?*  
A: No. If the PCC is content with the working of the Resolution, a fresh vote is not necessary. (3.3)
- 9.9 Q: *Can the PCC simply vote to rescind the Resolution?*  
A: No. If a fresh vote is to be taken, the full process for passing a Resolution must be followed (except that, if the vote is to be taken at a Section II Meeting, four weeks' notice is not required). (3.4)
- 9.10 Q: *Pressure is being put on us to rescind the Resolution. Is this in order?*  
A: No. It is a breach of the House of Bishops' Declaration. (3.5—3.6)
- 9.11 Q: *The diocesan bishop has said that he or she is 'suspending presentation'. What does this mean?*  
A: The patron and the lay representatives lose their legal rights respectively to make and veto the appointment, though the diocesan bishop will probably still consult them. (4.1—4.3)
- 9.12 Q: *What is a Section II Meeting?*  
A: This is a meeting of the PCC which must be held within four weeks of the vacancy commencing, to take certain decisions. (5.1)
- 9.13 Q: *Must the Resolution be reviewed, or voted upon again, at the Section II Meeting?*  
A: No, that is not a requirement. (5.2)

VACANCIES IN SOCIETY PARISHES

- 9.14 Q: *Do the archdeacon, the rural or area dean and/or the lay chairman of the Deanery Synod have a right to attend the Section 11 Meeting?*  
A: No. They can attend only if the PCC invites them. (5.4)
- 9.15 Q: *The archdeacon says he/she will be chairing the Section 11 Meeting. Can he or she do that?*  
A: No, that would be against the law. (5.5)
- 9.16 Q: *What is a Section 12 Meeting?*  
A: It is a meeting of the patron and the diocesan bishop (or their representatives) with the PCC. (6.1)
- 9.17 Q: *Can decisions be taken at a Section 12 Meeting?*  
A: No. Its purpose is simply to enable those present to ‘exchange views’. (6.6)
- 9.18 Q: *When a group meets to choose an incumbent, is the decision taken by a majority vote?*  
A: No. The consent of each of the lay representatives is required, and they are entitled to withhold consent. (7.4–5)
- 9.19 Q: *If the lay representatives are members of an interviewing panel, are they required to make their decision at the meeting?*  
A: No. They may say that they wish to reflect upon it before deciding, or that they wish to speak privately with the candidate preferred by the panel before doing so. (7.6)
- 9.20 Q: *What does ‘suspension of presentation’ mean?*  
A: If presentation is suspended, the patron cannot ‘present’ (appoint) a rector or vicar. Instead, the diocesan bishop appoints a priest-in-charge. (8.1)
- 9.21 Q: *Should suspension of presentation be resisted?*  
A: If there are good reasons for it, no. If there are not, yes. (8.3–5)

KEY QUESTIONS AND ANSWERS

9.22 Q: *If a priest-in-charge is to be appointed, will the normal process be followed?*

A: The diocesan bishop may follow a similar process for choosing a priest-in-charge, but he or she is not obliged to do so. The lay representatives do not have a legal right of veto. (8.1)

## GLOSSARY

### Glossary

Benefice	The office of rector or vicar of one or more parishes. (Colloquially, the term has come to be used for a group of parishes with the same <i>incumbent</i> . <sup>12</sup> )
Bishop's Representative	The priest appointed by a bishop of The Society to represent him in a diocese
Deanery Plan	A plan for <i>pastoral re-organization</i> approved by the deanery synod
House of Bishops' Declaration	The House of Bishops' Declaration on the Ministry of Bishops and Priests (2014), which sets out the arrangements for ensuring that 'the welfare of the whole Church of England is sustained in all its theological depth and breadth' in the context of the ordination of women as bishops and priests
Incumbent	The rector or vicar of a parish
Independent Reviewer	The officer appointed under the Declaration on the Ministry of Bishops and Priests (Resolution of Disputes Procedure) Regulations 2014 to consider PCC grievances and more general concerns arising from the operation of the <i>House of Bishops' Declaration</i>
Ordinary	An 'Ordinary' is a person who has <i>ordinary jurisdiction</i> . Each diocesan bishop is the Ordinary of his or her diocese and has jurisdiction over all the parishes within it

<sup>12</sup> Terms explained elsewhere in the Glossary are printed in italics.



## GLOSSARY

	– including those that have passed a resolution under the <i>House of Bishops' Declaration</i> .
Ordinary jurisdiction	Jurisdiction that belongs to an office-holder by virtue of the office that he or she holds, rather than being delegated to him or her. Diocesan bishops have ordinary jurisdiction, as do archdeacons.
Parish Profile	A description of the conditions, needs and traditions of the parish
Parish Representatives	Two lay members of a PCC chosen by the PCC to act as its representatives in connection with the selection of an <i>incumbent</i>
Pastoral re-organization	Changes to the parochial structure of a diocese, such as changing parish boundaries and merging or dividing parishes and/or benefices
Pastoral Scheme	An instrument by which <i>pastoral re-organization</i> is put into effect
Patron	The person or body with the right to <i>present</i> a priest for appointment to a <i>benefice</i>
PCC	Parochial Church Council
Plurality	The holding of two <i>benefices</i> by the same priest
Presentation	Nomination of a priest for appointment to a <i>benefice</i>
Priest-in-charge	The priest appointed by the diocesan bishop as the minister of a parish during the <i>suspension of presentation</i> to the <i>benefice</i>

## GLOSSARY

Section 11 Meeting	A meeting of the PCC held under Section 11 of the Patronage (Benefices) Measure 1986
Section 12 Meeting	A meeting, held under Section 12 of the Patronage (Benefices) Measure 1986 at the request of the <i>patron</i> , the diocesan bishop or the PCC, which is attended by the diocesan bishop and the patron (or their representatives), the members of the PCC and others
Sequestrators	Those who hold the income of a <i>benefice</i> (now normally only comprising fees) during a vacancy
Suspension of presentation	An action by the diocesan bishop which prevents a patron from <i>presenting</i> a priest for appointment to a <i>benefice</i>
Vacancy notice	A notice sent to a PCC Secretary, under Section 7 of the Patronage Benefices Measure 1986, formally announcing that the <i>benefice</i> is vacant

## The Five 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:

- [1] **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;**
- [2] **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;**
- [3] **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;**
- [4] **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**
- [5] **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.**

*The House of Bishops' Declaration on the Ministry of Bishops and Priests, para. 5*

