

MEASURE FOR MEASURE

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CURRENT SITUATION AND TRENDS

The Archbishops' Council has set up a Review of the Dioceses and Pastoral Measures and related Measures, *inter alia*, '... to ensure flexible and cost-effective procedures which fully meet changing pastoral and mission needs...'. This article is mainly devoted to the Pastoral Measure, the current use of which may be of interest. There are about 200 pastoral schemes and orders a year, of which about one in six attract objections. These schemes result in a net reduction of about 70 benefices a year (1%). At the same time, around 20 churches are declared redundant a year (0.1%), of which 60% are found suitable uses and less than 20% demolished. However, not all uses provide a permanent solution and old cases often require re-visiting.

In the 30 years since 1st April 1969, when the Measure came into effect, the number of full-time stipendiary clergy fell by 38% from 15,495 to 9,648. Three-quarters of this reduction happened in the first 15 years. The number of benefices has fallen commensurately. Over the same 30 years the number of parishes has fallen much less steeply—by 9% from 14,304 to 13,041. The number of churches fell commensurately from 17,681 to 16,225. Again, most of the reduction was in the first 15 years. These differential rates of reduction have led to the average number of churches per clergy (as defined) rising from 1.1 to 1.7 and the average number of parishes per clergy rising from 0.9 to 1.4.

A BIT OF HISTORY

In terms of legislation, the history of pastoral re-organisation is as old as the break with Rome, with unions of poor livings or in towns being first authorised under Acts of Henry VIII and Charles II respectively. Other situations had to be dealt with by Special or Private Acts of Parliament. However, the 19th Century brought a more comprehensive and centralised approach with the Church Building Acts, New Parishes Acts and Union of Benefices Acts. From the 1850s the central role under these Acts was assigned to the Ecclesiastical Commissioners, who had been set up in the 1830s for a different—if related—function to do with rationalising the funds of the Church of England. Schemes under these various Acts were confirmed by Orders in Council, a pattern still preserved today.

After the Church Assembly (Powers) Act of 1919, Measures of the Church Assembly recovered this legislation from Parliament, principally through the Union of Benefices Measure 1923, which set the pattern for the rest of the century by adopting an approach which was consultative, quasi-judicial and essentially pragmatic. A more radical approach was adopted by the Reorganisation Areas Measure 1944, but this only applied to designated war-damaged areas of England and was time-limited. The Pastoral Reorganisation Measure 1949 simplified procedures and the Union of Benefices (Disused Churches) Measure 1952 made some minor changes in the procedures for what we now call redundant churches.

¹ This paper is based upon a powerpoint presentation given to the Ecclesiastical Law Society at its Day Conference on 9 March 2002.

These various enactments were eventually replaced and embraced by the first Pastoral Measure which followed three separate reviews. The Ilford Commission was set up in 1954 to consolidate and revise existing Measures; the Bridges Commission in 1958 dealt with redundant churches and devised the third option of preservation ('in the interests of the nation and the Church of England'); and finally the Thetford Committee of 1964 developed the new concepts of team and group ministries. All these led to the Pastoral Measure 1968, effective on 1st April 1969.

However, soon after the new Measure had come into operation, the new General Synod started to review it. The Campbell-Basingstoke Working Party was set up in 1973 and its first fruit was the Code of Recommended Practice issued in 1976. However, the review process finally led to the Pastoral Measure 1983, which did not make major changes but removed the Commissioners' right to query uncontentious diocesan proposals. It also replaced an automatic right of appeal to the Judicial Committee of the Privy Council with a requirement to seek leave to appeal (which is, in practice, rarely granted). The Wilding Report of 1990 reaffirmed redundant churches arrangements and suggested minor amendments which were enacted in 1994. Finally, the Team and Group Ministries Measure of 1995 almost entirely consisted of alterations to the Pastoral Measure and brought the status of team vicar and team rector closer together.

WHY A REVIEW?

Now that I have sketched the history, the question arises 'Why a review now?' Some see the Pastoral Measure as slow, elaborate and inflexible, but it is equally acknowledged to be fair, independent and balanced. It has to be said that the basic approach was set in 1968 (or perhaps the 1920s) and that the Measure has lost some coherence through repeated amendment. There is also the opportunity to consider integrating related Measures into it. However, there is the broader context of the changes in the Church's financial situation, in clergy numbers and patterns of ministry, as well as in patterns of church affiliation. There is also a need to respond to external changes: demographic, social and cultural, political and institutional, and the regional agenda. Any new Pastoral Measure should ideally be flexible enough to serve the Church and Nation for 20–30 years.

The long title of the present Measure recites that it is designed 'to make better provision for the cure of souls'. The Diocesan Pastoral Committee has a duty to 'review the arrangements for pastoral supervision'. It must have particular regard to provision for the cure of souls in the diocese as a whole, including provision of posts for clergy and their reasonable remuneration. It must also have regard for the traditions, needs and characteristics of individual parishes and any matters of diocesan policy indicated to it by the Diocesan Synod. Do these criteria need any amendment?

AIMS AND UNDERLYING PHILOSOPHY OF A NEW MEASURE

It is probably common ground that the aims of the Review include producing a new Measure which would:

- enhance flexibility for mission and facilitate creative experiment in ministry
- enhance mission potential of church buildings—working with the grain of Government's culture and heritage agenda
- identify scope for devolution and de-regulation
- promote simplified and streamlined procedures.

One question is what should be the underlying philosophy for a new Pastoral Measure? Should it be 'bottom up', relatively policy-free, as at present; or directive, a 'plan led' system; or a pragmatic combination of both? What should the relationship be between Dioceses and Pastoral Measures? Should they be one?

EXAMPLES OF AREAS OF WORK

- (i) The overlap of Measures and related legislation such as the Parsonages Measures
- (ii) Interested parties and their rights
- (iii) The extent and nature of consultation required
- (iv) Checks and balances
- (v) Quasi-judicial aspects
- (vi) More flexibility to allow the community use of parts of church buildings without redundancy
- (vii) Consultations with Her Majesty's Government and others
- (viii) Implications of the Human Rights Act.

AREAS COVERED BY THE REVIEW

Clearly for review

- (i) Pastoral Measure, Parsonages Measures, Team and Group Ministries Measure
- (ii) Role of all bodies, national and local, under the Measures

Not directly subject to the review (being excluded from its Terms of Reference)

- (i) Clergy freehold
- (ii) Ownership of church property in use
- (iii) Parochial system
- (iv) Patronage law.

PROGRESS

Work started in February 2001 with the Main Review Group and three Sub-Groups, dealing respectively with Pastoral Reorganisation, Redundant Churches and the Dioceses Measure. Members include diocesan assessors and a theological consultant. The Joint Secretariat from the Church Commissioners and the Archbishops' Council has prepared issue papers and organised witness hearings.

At the beginning of 2002 a questionnaire was circulated to all dioceses, General Synod members and others involved in the current processes. A copy is on the Church of England website. Responses to the questionnaire were to be made by mid-April. For the rest of 2002, the timetable is to analyse questionnaires and discuss in May and June. In the autumn, it is envisaged there should be a second consultation on draft recommendations. The Review has to report to the Archbishops' Council in the Summer of 2003.

THE QUESTIONNAIRE

On the Pastoral side, the questionnaire has asked about strengths and weaknesses, expected trends, whether the parish remains the primary pastoral unit and whether new ministry models should be authorised by schemes under the Measure. Information is requested on diocesan processes, statistics and costs, and the use of suspension and questions are asked about the national role, the scope of the Measure, consultation and rights, streamlining and also related Measures.

On the Redundant Churches side, the Review Group wished to know the reasons for redundancies, whether a strategic view should be taken, what advice and information might assist decisions on these buildings, strengths and weaknesses of the procedures, and difficulties about mixed use. Views were also requested on national and diocesan responsibilities—whether it is necessary to rationalise diocesan functions or have regional pooling of these. The need to safeguard buildings and their contents during the use-seeking period was a major issue as well.

The questionnaire continued by asking where each Dioceses Measure function should be discharged—at the diocese, at the centre or on a regional basis. It sought views as to who should initiate, deliberate on and determine the outcome. It asked whether archdeaconry matters should be dealt with in a similar way and whether there might also be an ecumenical dimension.

POSSIBLE OUTCOMES

As regards possible outcomes, no major new Measure is likely to come into effect before 2006 or 2007. Many people want simpler processes, a facilitating and enabling Measure and one which assists mission and evangelism. Meanwhile, there is an opportunity to improve Pastoral Measure guidance, so that more people are aware of the potential of the present Measure. In considering all of this the responses to the questionnaire will be significant. There might be a shorter Pastoral Measure with attendant secondary legislation more readily capable of fast change; devolution; or more teeth/strategy at the centre. Maybe one size doesn't fit all and the concept of 'permeable boundaries' (at parish/diocesan levels) has also to be considered.

In replacing the present Measure, a balance has to be struck between, on the one hand, addressing a rapidly changing situation with reasonable speed and, on the other hand, producing a Measure which will stand the test of time. As ever, the Bard has already thought about it:

*Haste still pays haste, and leisure answers leisure;
Like doth quit like, and measure still for measure.*