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Diocese of Bristol

Bishop's Mission Order

MADE BY THE BISHOP OF BRISTOL
Under part 7 of the mission and pastoral measure 2011

To endorse and make provision for Emmanuel Bristol

Summary

The Mission Initiative

Emmanuel Bristol

The Area of the Mission Initiative

The City of Bristol and the surrounding areas as defined by connections appropriate to and required by the pursuit of the Objectives of the Mission Initiative.

The Objectives of the Mission Initiative

The objects of Emmanuel Bristol are the advancement of the Christian Faith for the benefit of the public, especially within the City of Bristol and the surrounding area. This is primarily achieved by being:

1. A way to extend the reach of the Church by connecting with the sort of people who are suspicious of more traditional church;
2. A place to experiment and feed fresh ideas into the life of the wider Church;
3. A source of long term life for the Church by being a place where people come to faith in Christ and are engaged in mission with the people and communities around them;
4. A source of leadership for the Church.

The Leader

The Reverend **Michael Christopher Cain**, holding a general licence in the Diocese of Bristol to minister as Senior Pastor of Emmanuel Bristol, employed by Emmanuel Bristol Limited.

Others working in support of the Mission Initiative

- Mr **Ed Shaw** employed by Emmanuel Bristol as Assistant Pastor employed by Emmanuel Bristol Ltd.
- The Reverend **James Nicholas Walford**, licensed by the Bishop of Swindon as Assistant Curate (Training) according to the conditions outlined in a Supplementary Instrument dated 28th June 2014.
- The Trustees of Emmanuel Bristol Ltd as set out in the Memorandum and Articles of Association of said Company.

The Visitor

The Reverend Roderic Symmons

The Review Period

At the end of the duration, or earlier if the Mission and Pastoral Amendment Measure comes into effect.

To work in co-operation/collaboration with the following churches/ religious organisations

The Mission Initiative will work as closely as possible with relevant parishes, churches, community bodies and local ecumenical initiatives as appropriate in pursuit of the Objectives.

Commencement Date

1 January 2016

Duration of Order

Five (5) years initially with the potential for extension after any proposed provisions of the Mission and Pastoral Amendment Measure come into effect as relevant.

THIS ORDER

Introductory and Interpretation

- 1.1 A mission initiative (“the Mission Initiative”) is being carried out under the name set out in the Summary on the first and second pages of this Order (“the Summary”) in the Diocese specified in the Summary (“the Diocese”).
- 1.2 The requirements of the Mission and Pastoral Measure 2011 (“the 2011 Measure”) for the making of this Order have been complied with, and following the consultations required by the 2011 Measure the Bishop is satisfied that it would be appropriate to make this Order in respect of the Mission Initiative.
- 1.3 This Order is accompanied by a Supplementary Instrument (“the Supplementary Instrument”) dated 28th June 2014, which makes further provision in respect of another Minister working in support of the Mission Initiative and where the context permits any reference in any of the following provisions to “this Order” includes the Supplementary Instrument.
- 1.4 In this Order, where the context permits:
 - 1.4.1 “the Bishop” means the Bishop for the time being of the Diocese of Bristol or the person in episcopal orders to whom the functions of the Bishop of Bristol in relation to this Order are delegated under any enactment;
 - 1.4.2 expressions which are also used in the 2011 Measure have the same meaning as in that Measure; and
 - 1.4.3 the singular includes the plural and vice versa.

Duration

- 2.1 Subject to the power of the Bishop to revoke or vary this Order under and in accordance with the 2011 Measure, this Order shall come into force on the Commencement Date specified in the Summary and shall continue in force for the period specified in the Summary.

THE MISSION INITIATIVE

The Mission Initiative

- 3.1 Pursuant to Part 7 of the 2011 Measure and subject to the terms of this Order, the Bishop endorses the Mission Initiative, which is to be known by the name set out in the Summary.
- 3.2 The Mission Initiative shall be carried out in the Area specified in Summary with the object of furthering the Church’s mission by carrying out the objectives specified in the Summary.

The Leader

- 4.1 The Leader of the Mission Initiative for the purposes of the 2011 Measure:
 - 4.1.1 shall be a person or persons or a group of persons duly authorised by the Bishop in accordance with the 2011 Measure to carry out the functions of the Leader of the Mission Initiative under that Measure and this Order; and
 - 4.1.2 shall hold that position subject to the provisions of the 2011 Measure and this Order.
- 4.2 In this Order “the Leader” means the person named as such in the Summary (who also holds the office or authority specified in relation to him or her in the Summary) or any other person or persons for the time being duly appointed as Leader in accordance with this Order.
- 4.3 The Leader shall carry out the Mission Initiative subject to and in accordance with the 2011 Measure and this Order and shall be responsible to the Bishop for its conduct.

Others working in support of the Mission Initiative

- 5.1 The persons named in the Summary (each of whom also holds any office or authority specified in relation to him or her in the Summary), or any other persons appointed in addition to them or in their place under any Supplementary Instrument(s), shall also be involved in working in support of the Mission Initiative as provided for in the Supplementary Instrument(s).

The Visitor

- 6.1 The Visitor for the Mission Initiative for the purposes of the 2011 Measure ("the Visitor") shall be the person named as such in the Summary, or any other person appointed in that person's place in accordance with the terms of this clause, and shall perform the functions of the Visitor under the 2011 Measure.
- 6.2 The Visitor:
- 6.2.1 may resign with the agreement of the Bishop; and
- 6.2.2 shall cease to hold that position if the Bishop so directs in writing.
- 6.3 If at any time there is no Visitor for the Mission Initiative or that position is about to become vacant the Bishop shall appoint a person to be the Visitor to fill the vacancy.
- 6.4 The Visitor shall review the Mission Initiative at intervals of no longer than the Review Period specified in the Summary, or as such time that any proposed new provisions under the Mission Mission and Pastoral Amendment Measure may come into effect.

THE LIFE OF THE MISSION INITIATIVE

Exercise of ministry and relationship with those with the cure of souls

- 7.1 The Leader shall use all reasonable efforts:
- 7.1.1 to consult regularly with each person having the cure of souls in any place where the Mission Initiative meets publicly for worship; and
- 7.1.2 to work in co-operation with all those persons and to ensure that all others with functions in relation to the Mission Initiative do so;
- 7.1.3 If the Leader experiences difficulty in doing any of those things or finds it is impracticable to do any of them the Leader shall report the matter as soon as practicable to the Visitor and seek the Visitor's guidance.

Worship

- 8.1 This Order authorises the holding of acts of worship (including the administration of the Sacraments) as authorised or directed by the Leader but subject to and in accordance with the 2011 Measure and any further directions by the Bishop. Provided that:
- 8.1.1 This Order does not authorise the solemnisation of marriage;
- 8.1.2 The sacraments shall be administered in accordance with the enactments and other laws relating to their administration;
- 8.1.3 Holy Communion may be celebrated only at times and places authorised by the Bishop and subject to any conditions which the Bishop may specify;
- 8.1.4 The Leader shall consult the Visitor about any proposal for Baptism or Confirmation to be administered or for any other occasional office to be conducted in connection with or in the context of the Mission Initiative and such a proposal shall be implemented and the rite concerned shall take place only subject to and in accordance with the Bishop's directions;
- 8.1.5 Such acts of worship may take place in a building within section 80(13) of the 2011 Measure only with the consent of the person who has the general management and control of the building;

8.1.6 Such acts of worship may take place in a church or other place of worship within section 80(14) of the 2011 Measure only with the consent of any person having the cure of souls there.

8.2 All acts of public worship of the Mission Initiative:

8.2.1 if held in a place for which a register book of services is provided under Canon law, shall be recorded in that register book; and

8.2.2. if held in any other place, shall be recorded in a register book of services of the Mission Initiative, which shall record the same matters as Canon law requires to be recorded in register books of services for churches and chapels and which shall be kept in accordance with the Bishop's directions.

Organisation, governance, finance and management and control of property

9 The organisation, governance, finance and management control of property are set out in detail in the Memorandum and Articles of Association of the company called Emmanuel Bristol (the Company), which is a Company Limited by Guarantee, company number 07421296.

Relationships with other parts of the church and synodical representation

10.1 The Mission Initiative shall be represented on that deanery synod as agreed with the Bishop in accordance with and as provided for by any agreement as required.

10.2 If and when any scheme is made by the diocesan synod of the Diocese pursuant to rule 27A of the Church Representation Rules for the representation on a deanery synod of persons to whom this Order relates and who are specified in the scheme, those persons shall be represented on that deanery synod in accordance with and as provided for by that scheme.

GENERAL DUTIES

General Provisions

11.1 The Mission Initiative shall be carried out subject to and in accordance with the terms of this Order, the 2011 Measure and all other relevant enactments and other legal rules, including those governing the Church of England.

11.2 The Mission Initiative shall be carried out having regard to the guidance in the Code of Practice drawn up and issued by the House of Bishops under section 84 of the 2011 Measure as in force for the time being.

11.3 The Leader and all others who are involved in the carrying out of the Mission Initiative shall use every endeavour to resolve any dispute or disagreement between them and if they are unable to do so the Leader shall seek the Visitor's guidance on the steps to be taken in order to resolve it.

Safeguarding people from harm or from loss or damage to their property

12.1 The provisions of this clause shall be in addition to those in clause 11 above.

12.2 The Mission Initiative shall be carried out in all respects in accordance with the guidance issued by the House of Bishops and in force for the time being on protecting and safeguarding children and adults. It will develop its own Child Protection Policy and Vulnerable Adults Policy and adopt the Diocese of Bristol's Policy Statements in accordance with the Diocese's good practice guidelines. It will also nominate a Child Protection 'Nominated Person'.

12.3 The Leader and all others who are involved in the carrying out of the Mission Initiative or who are acting on its behalf shall take all reasonable steps:

12.3.1 to avoid harm or loss being caused to any person; and

12.3.2. in addition to the duties under clause 12.3.1 above, to ensure that any premises are used for or in connection with the carrying out of the Mission Initiative only if and for

so long as they are reasonably safe for the purposes for which they are being or are intended to be used.

- 12.4 If the Leader becomes aware that harm or loss has been or may have been caused to any person through or in connection with the carrying out of the Mission Initiative or by a person acting or appearing to act on behalf of the Mission Initiative, the Leader shall inform the Visitor without delay and provide the Visitor with full details of the circumstances and shall seek the Visitor's guidance.
- 12.5 The Leader shall:
- 12.5.1 take all reasonable steps to ensure that reasonably adequate insurance (including public liability insurance) is in force in respect of the carrying out of the Mission Initiative and in respect of all premises (other than any cathedral, parish or guild church, parish centre of worship or other parochial place of worship) and other property used or to be used for or in connection with the Mission Initiative; and
- 12.5.2 consult the Visitor as soon as practicable if the Leader requires guidance about what insurance is required under clause 12.5.1 above or has reason to doubt whether such insurance is in force in some or all respects.

Accounts

- 13.1 The Leader shall ensure that:
- 13.1.1 proper accounting records are kept for the Mission Initiative; and
- 13.1.2 accounts are prepared annually for the Mission Initiative which show a true and fair view of all activities carried out by or in connection with the Mission Initiative in accordance with professional practice and standards and shall ensure compliance with any further legal provisions regarding accounting records and accounts.
- 13.2 The Leader shall ensure that copies of all accounts and annual reports prepared for the Mission Initiative are supplied to the Visitor and to the Bristol Diocesan Board of Finance Limited.

I, The Right Reverend Michael Hill, Bishop of Bristol, endorse the Mission Initiative of Emmanuel Bristol and make provision for it as set out above

Signature [†] Michael Bristol

Date 18th April 2016

I, The Reverend Michael Christopher Cain, the Leader of Emmanuel Bristol named in the Summary on the opening pages of this Order, declare my acceptance of the terms of this Order and accordingly assume responsibility to the Bishop for the conduct of the Mission Initiative

Signature Michael Cain

Date 18th April 2016

NOTES

Introduction

- 1 The provisions on Bishops' Mission Orders in Part 7 of the Mission and Pastoral Measure ("the 2011 Measure") have deliberately been drafted for use with a very wide variety of mission initiatives. Although the 2011 Measure specifies some mandatory provisions which must be included in every Order, it also sets out a substantial number of non-mandatory matters; in some cases these may be dealt with in the Order, and in others there is a choice between including them in the Order or dealing with them in a Supplementary Instrument. In addition, the Measure gives the Bishop a discretion to include any other supplementary provision in the Order or the Supplementary Instrument which the Bishop considers would further the objectives of the initiative. It follows that the documentation for different initiatives, and for initiatives at different stages in their development, will vary widely, both in what provisions are appropriate and in the amount of detail needed.
- 2 It also follows that the draft Order in this document is, and can be, no more than, a "skeleton" to assist those who draw up the Orders and Supplementary Instruments in individual cases. Clauses which will not be necessary or appropriate in all cases, or may in some case appear in the Supplementary Instrument, are indicated by the {} symbols. It is essential that the diocesan registrar is responsible for or closely involved in the process of drawing up the documentation, as the registrar's advice will be needed both on what provisions should be included in any given case and on how they should be expressed.
- 3 This document needs to be read in conjunction with the guidance in the House of Bishops' Code of Practice on Part 7 of the 2011 Measure, and in particular with Parts 4 and 5, which deal in detail with the documentation and many of the individual provisions which it must or may contain. Although the footnotes in this document contain a few specific references to the Code, these are not and are not intended to be exhaustive.
- 4 The division of the document into different sections, with their own headings, is suggested in order to assist those who use the document. It may be appropriate to adjust those suggestions in a particular case – for example, if there are number of provisions on co-operation, collaboration and relations with others, such as a "co-operation provision" under section 80(5) of the 2011 Measure as in clause 7, a provision regarding relations with those with the cure of souls as in clause 8 and further provisions under section 82(2)(f) for relations other churches, institutions and religious organisations, that group of provisions may justify its own separate "section heading"

The Supplementary Instrument

- 5 While every Bishop's Mission Order needs a formal Order in writing, it is not mandatory to have a Supplementary Instrument. There may be some Orders whose terms are very simple and straightforward and for which no Supplementary Instrument is needed. However, as paragraph 5.1.2 of the Code explains, one of the 2011 Measure's main objects in allowing for such an Instrument is to ensure that the core provisions of the Order stand out clearly, and that those who have to implement the Order are not left to try to disentangle those core provisions from other material which, however necessary or desirable, deals with secondary matters, or matters of detail or procedure. Similarly, arrangements which affect particular individuals such as the Leader[s] or another person working for the initiative in their personal capacity should normally appear in the Supplementary Instrument, rather than among the basic provisions for the initiative.
- 6 The provisions which appear in the Supplementary Instrument will vary even more widely than those of the Order, and for that reason the skeleton Supplementary Instrument in this document does not attempt to offer more than a possible heading, introductory clause and form of signature by the Bishop and the Leader[s].
- 7 However, the following are suggested as matters where anything other than core provisions, or other provisions which are simple, straightforward and important for the initiative, are best dealt in the Supplementary Instrument:
 - (a) Co-operation or collaboration with other Churches, institutions or religious organisations (other than basic provisions under section 80(5) of the 2011 Measure as in clause 7);
 - (b) Co-operation or relations with others within the Church of England in relevant parishes/ benefices and deaneries or the diocese (again other than basic provisions— see e.g. clause 8);
 - (c) As regards the Leader (or Leaders), provisions regarding the following - see also paras 11-21 below;
 - The detail of the Leader's functions in the case of the particular initiative. (General provisions regarding the leader's role should appear in the Order – see section 80(4));
 - a requirement for the Leader to hold a specific office, licence or permission to officiate (see paragraphs 5.2.1-4 of the Code of Practice), other functions he or she is to perform alongside those relating to the mission initiative, and how far his or her tenure of the position of leader is to be conditional on those arrangements continuing;
 - the Leader's appointment and tenure of office, stipend or remuneration, housing, pension and reimbursement of expenses, and any other relevant terms of service.

It may be appropriate, applying the principles at the beginning of this paragraph, to deal with the replacement of the Leader and the appointment of a new Leader in the Order, but any provisions on this which do not appear in the Order should be included in the Supplementary Instrument - see also paras 12 and 17 below;

 - (d) Provisions similar to those under (c) in relation to other persons working in support of the initiative - see also paras 11-21 below;
 - (e) Any special provisions for the particular initiative regarding the Visitor; and
 - (f) The organisation, governance and financing of the initiative and property held by or for it or used by it (see paras 22-25 below).

“The Mission Initiative”

8 This is the expression used in Part 7 of the 2011 Measure and is therefore used throughout this document. However, there is no legal objection to substituting some other descriptive expression (such as, for example, “the Fresh Expression”) or the name of the Mission Initiative itself, wherever the term “the Mission Initiative” appear with initial capitals. (In that case, the places where the expression is used without initial capitals, in order to refer back to the Measure, are intended to remain as they stand.)

“The Objectives”

9 In order to satisfy the requirements of section 80(4) of the 2011 Measure, the part of the Summary dealing with the objectives of the Mission Initiative should:

- (a) set out the objects, in general terms; and
- (b) state in reasonably specific terms by what means it is intended that the initiative should set out to achieve those objects in practice.

10 It is important for the Order to avoid excessive detail in relation to both (a) and (b) in the previous paragraph, as that may unduly restrict or hamper the development of the initiative. However, assuming that the initiative is to be or form part of a charity, what appears in the Summary must be sufficiently specific to show that the objectives are legally charitable. In addition, specific provisions may be needed if, for example, the initiative will be receiving funds from an existing charity which itself has limited objects.

The Leader or Leaders and others working in support of the Mission Initiative

11 Under section 80(4), a person or persons or a group of persons may be the Leader or Leaders. It is for the bishop to decide how many Leaders there are to be, taking into account the nature of the initiative and the people who will be involved in its work. This document, like the 2011 Measure, therefore makes provision for mission initiatives with for more than one Leader. However, in that event, the Leaders should be jointly responsible to the Bishop for the conduct of the initiative in accordance with section 80(4), and it is essential for the Leaders to have discussed and agreed how the other responsibilities of Leader of the particular initiative are to be discharged as between them. In some cases, it may be appropriate for the Order or Supplementary Instrument to deal with this expressly.

12 Section 80(4) also requires the Order to specify the person, persons or group of persons who are to be the Leader or Leaders. Because of this, the original Leader or Leaders must be named in the Order. If a new Leader is appointed, a brief instrument should be executed to vary the Order so as to name the new Leader. The Order or Supplementary Instrument should specify how a new leader is to be appointed – for example, it may be appropriate for the bishop to undertake consultation with specified persons or bodies before making the appointment – see also para 17 below. It may also be desirable to review the arrangements as regards, for example, the Leader’s stipend or remuneration, pension provision, housing and other terms of service in order to check whether they are still appropriate and, if not, to make whatever changes are needed.

13 The Leader may be either a member of the clergy or a lay person. The following paragraphs discuss some of the implications of these two possibilities.

Clergy

14 Under section 80(10) a member of the clergy, whether a Leader or some other person working for the initiative, may not officiate in any place in accordance with a Bishop’s Mission Order unless he or she is authorised under Canon Law to do so. Normally this will be by virtue of being beneficed in the place concerned or having the bishop’s licence or permission to officiate there. (In order to cover cases involving Bishop’s Mission Orders, paragraph 1(b) of Canon C12, which before the Dioceses, Pastoral and Mission Measure 2007 was confined to licences to perform a particular office, has been extended to give the bishop power to licence a minister to serve in the diocese for the purposes of or in connection with a mission initiative endorsed by such an order.)

15 This means that a Leader who is a member of the clergy will not only be named as such in the Order and have functions under it, but will normally also hold a separate licence or permission from the bishop. In some cases it may be appropriate for the Leader to be an employee of a diocesan body in respect of work for the initiative. This would of course mean that the provisions of employment legislation would apply.

16 It has also been suggested that in some cases the Leader might be employed by the body set up to provide for the organisation and governance of the initiative (see paras 22-25 below). However, before any such arrangement can be made, it is essential to ensure that the Leader’s rights, powers and duties in relation to that body are entirely consistent with the Leader’s responsibilities and legal position under the 2011 Measure and the Bishop’s Mission Order and, in particular, with the Leader’s responsibilities in relation to the Bishop. The same principle applies to other arrangements as regards the Leader’s position in relation to the body set up to provide for the organisation and government of the initiative.

17 In any case, it is important to reach agreement on the following and to provide for it as appropriate in the Order and Supplementary Instrument – see also para 7 above:

- The basis on which a member of the clergy who is a Leader or otherwise working in support of the initiative is to receive a stipend or other payment and have housing and pension arrangements made for him or her. (In some cases, sufficient provision will already be made for this by virtue of another appointment);
- Reimbursement of any expenses incurred in connection with the initiative;
- How the Leader’s time is to be divided between the initiative and any other appointment or functions;
- How far is his or her tenure of the position of Leader or the continuance of his or her work for the initiative is to be linked to or conditional on the holding or continuance of any licence or permission to officiate or other appointment or function. (For example, a member of the clergy may be carrying out a mission initiative among students as well as serving as

chaplain to a university or college, on the basis that if he or she ceases to be chaplain, the new chaplain will be appointed in his or her place to the work on the initiative); and.

- In addition to the implications of the previous bullet point, how his or her position as Leader or otherwise can be brought to end, with or without his or her agreement. As regards this, the bishop has power under Part 7 of the 2011 Measure to vary or revoke an Order, subject to the requirements of section 82(5), (6) and (7). However, it is important to bear in mind that under section 8(2) of the Clergy Discipline Measure 2003 a licence granted to a member of the clergy cannot be revoked by reason of the holder's misconduct (as defined in the 2003 Measure) otherwise than by way of proceedings under the 2003 Measure itself. Likewise, employment law will apply to any termination of a person's employment; and
- How any new Leader is to be appointed.

Lay persons

- 18 In broad terms, many of the same considerations as in para 17 above apply to a lay person who is to work in support of the initiative, whether as the Leader or otherwise, although of course he or she could not be benefited in the relevant area, nor would the Clergy Discipline Measure 2003 apply.
- 19 Where the Leader is admitted as a reader or lay worker (including an evangelist), section 80(10) provides that he or she he may officiate in any place only if he or she is authorised to do so under any Canon. This means that, in addition to the provisions of the Order, he or she must hold a separate licence or permission from the bishop. The same applies to any other reader or lay worker working in support of the initiative.
- 20 Where a lay person is to be the Leader, or to do other work in support of the initiative, arranging for him or her to be employed by a diocesan body may in some cases be an appropriate way of arranging for such matters as remuneration and pension provision and may also mean that the terms of the employment can deal with issues which, in the case of a member of the clergy, might be within the scope of the clergy discipline legislation. Here again, this would mean that employment legislation would apply.
- 21 What has been said in para 16 above also applies to the possibility of a lay Leader being employed by the body set up to provide for the organisation and governance of the initiative, or holding some other office in relation to it, or having specific rights, powers or duties under its constitution.

Organisation, government and financing of the initiative and provisions regarding property

- 22 This group of issues is dealt with in general terms in paragraphs 5.5.1-8 of the Code of Practice. Because of the very wide range of possibilities, the skeleton order does not attempt to suggest possible provisions except some very basic ones on accounts (which are specifically required by the 2011 Measure). It may be necessary to devote more than one clause in the Order to the provisions under this heading.
- 23 The Order or Supplementary Instrument will need to make clear how the initiative is to be funded, and how its money and property is to be held and dealt with. In the very early stages some initiatives may simply operate by using small sums of money which are handled on a purely cash basis. However, as soon as its finances go beyond that, or it is to hold other property, to engage employees or to enter into other types of contract, it will need to have a clear and established form of legal structure. The Order and Supplementary Instrument should make clear what this is to be, and if the structure has not been put fully into place, with the necessary legal documentation and any other necessary steps completed, when the Order and Supplementary Instrument are signed, it is recommended that the Order and/or the Supplementary Instrument set out a clear process for achieving this with a time-limit for completing the process, and make an identified individual responsible for checking and reporting to the Bishop that this has been done.
- 24 The legal structure which is chosen must not only provide a suitable vehicle for the holding of property but must also make provision for the governance of the initiative's activities. As the Code points out, it is important to have professional legal advice on these matters from someone who has a thorough understanding of the Church's rules and legal structures as well as the law relating to voluntary bodies generally. Hence the need to involve the diocesan registrar, not least because the Bishop will need the assurance of knowing that the diocesan registrar regards the proposals as satisfactory.
- 25 The factors to be taken into account in deciding what structure is appropriate will include the following:
- (a) The initiative will almost always be set up as or form part of a charity, which means that its objects will need to be ones which are recognised as legally charitable. In principle, it is possible to envisage some individual initiatives that were not legally charitable, but a Bishop's Mission Order should not be made on that basis without expert advice about the possible legal and financial implications.
- (b) Assuming the initiative will be a charity, professional advice will be needed on which form of charitable structure is preferable in the particular case, and in particular whether it should involve:
- an unincorporated body of trustees; or
 - a corporate body.
- In either case the terms of the trust or the provisions governing the corporate body will need to be set out in a separate document or documents rather than in the Order and Supplementary Instrument, but the provisions of the documentation as a whole must not only be consistent but must interlock so as to produce the desired structure
- (c) A number of model forms of documentation for non-incorporated charities are available, for example on the web sites of the Charity Commission (www.charitycommission.gov.uk) and the National Council for Voluntary Organisations (www.ncvo-vol.org.uk), although expert professional advice will always be needed on what modifications any model of this kind will need for use for a mission initiative operating under a Bishop's Mission Order.

- (d) Among other factors, a corporate body have advantages in terms of the risk of personal liability for those involved. This type of structure is already available for charities and has been used in practice for some mission initiatives which were able to operate under the law as it stood before the Dioceses, Pastoral and Mission Measure 2007. However, the Charities Act 2006 now provides for a new type of body, a Charitable Incorporated Organisation, which may be helpful in this context. The Charity Commission are at present working on the implementation of the new provisions with the aim of carrying out consultation later in 2008, but until further information, including the Charity Commission's guidance, is available, it will not be possible to give more definite advice on any advantages and disadvantages the new type of body may have for mission initiatives.
- (e) Where a diocese has or expects to have a number of initiatives in their early and formative stages, one possible way forward may be to set up a diocesan charitable body to provide funds for the newly formed initiatives, and a legal structure within which they can operate, until a judgment can be taken on the best form of structure for each individual initiative. Where a new initiative is funded by some other existing charitable body, which can properly apply its funds for that purpose, another possibility may be for the initiative to begin life under the legal "umbrella" of that structure. In each case, however, it will be necessary to give thought at the outset, at least in principle, to when and how the decision to move to a separate legal structure is to be taken and who is to be involved in taking it, and for the Order and/or Supplementary Instrument to reflect that.
- (f) It is also necessary to bear in mind at the outset that at some stage the initiative may cease to exist or undergo major changes in its character or objectives. The structure that is set in place at the outset needs to allow for this, and to embody any suitable safeguards, for example as regards rights to any property held by or for the initiative.
- (g) However, it is equally important to bear in mind that where an initiative grows and flourishes, and possibly develops in new directions, the original structure may need to be altered or replaced by a different one. For example, as a newly formed initiative matures and its Christian community develops, it may well be desirable to involve the members of the community in directing the initiative's life and activities to a greater extent than was practicable in the very early stages. The initiative may also need more people to work in support of it and may require new sources of funding. Thus what is set in place at the outset or at an early stage should leave open the possibility of such changes, again subject to any necessary safeguards.