 **The Diocese of Southwark**

# OBLIGATIONS & LEGALITIES OF INCUMBENCY

Prepared for New Incumbents Nuts &Bolts

By the Department of Discipleship & Ministry

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# **Role and Obligations of the Clergy**

## Parish Clergy and their Legal Status

**A brief explanation of some legal terms**

1. Historically, Parish clergy fell into two categories:-
   1. “Beneficed” clergy - i.e. Incumbents (Vicars or Rectors) holding the freehold
   2. “Licensed” clergy - i.e. those not holding the freehold but holding instead a Licence from the Bishop - e.g. assistant curates and priests in charge
2. The two categories remain, but the position has been modified by the introduction of “Common Tenure”, which can now apply to both beneficed and licensed clergy.
3. Beneficed clergy are *instituted* to the cure of souls and spiritualities and *inducted* into the temporalities of their offices following *presentation* by the *Patron* of the benefice. The Patron is the person or body entitled to “present” (i.e. propose) a candidate for appointment as incumbent. Under modern law such an appointment may only be made with the approval of the Bishop and also the consent of two lay representatives elected for this purpose by the PCC.
4. If the Bishop is also the Patron the institution is called a *collation*.
5. An Incumbent is normally instituted by or on behalf of the Bishop and inducted by the Archdeacon, who is authorised to do this by a *mandate* issued by the Bishop.
6. All freehold Incumbents (unless instituted before 1 January 1976) must normally retire on or before the age of 70. They cannot otherwise be removed from office except in rare circumstances following serious misconduct or pastoral breakdown and after legal proceedings before an Ecclesiastical Court or Tribunal. Those on Common Tenure may also be removed (in the last resort) following lengthy process under the capability procedure. The retirement age provisions now apply to all clergy holding Common Tenure.
7. Licensed parish clergy may hold either specific or general Licences.
8. A specific Licence is applicable to a particular parish and carries with it certain rights – e.g. ex officio PCC membership and Deanery Synod membership.
9. A general Licence is applicable throughout the Diocese but does not confer any ex officio PCC membership. The holder of a general Licence is, however, ex officio a member of the relevant Deanery Synod.
10. Until the advent of Common Tenure, the appointment of an assistant curate could be terminated on not less than six months notice given by the Incumbent with the consent of the Bishop. This is no longer the case. Curates in training posts now have the benefit of “qualified” Common Tenure. This means that, generally speaking, they have security of tenure for the fixed duration of their training curacy. Curates in posts *not* designated as training posts have the benefit of full Common Tenure.
11. Under the Clergy Discipline Measure 2003, a Licence may not be terminated for a *disciplinary* reason except by way of formal proceedings under the Measure. Furthermore, the Licence of a member of the clergy having Common Tenure may not be terminated on notice. Termination is only possible following due capability or disciplinary process.
12. A more informal form of general Licence is known as a *Permission to Officiate* (“PTO”). This carries no ex officio PCC or synodical rights (except for limited representation of retired clergy on Deanery Synod) and may be withdrawn at any time. Clergy holding a PTO do not come within the Common Tenure regime.
13. Special provisions apply to Team and Group Ministries. Briefly, a Team Rector is an Incumbent and as such either holds the freehold (normally for a stipulated fixed term of not more than 7 years, in which case he/she automatically goes on to Common Tenure on its expiry) or otherwise holds Common Tenure. All new appointments are to Common Tenure.
14. A Team Vicar is licensed, not beneficed. However he or she is of “Incumbent status” and holds Common Tenure.

P C E Morris

25 January 2012

# Common Tenure

## Summary of the provisions of the Ecclesiastical Offices (Terms of Service)

### Legislation

1. The Ecclesiastical Offices (Terms of Service) Measure and Regulations came into effect at the end of January 2011. They conferred a new form of tenure (common tenure) on clergy and on canonically licensed lay workers in receipt of stipend and/or housing.
2. On that date, all assistant curates, priests in charge, team vicars and residentiary canons in fixed term appointments transferred automatically onto common tenure, as did the Archbishops of Canterbury and York.
3. Clergy with the freehold (including incumbents, team rectors, deans, archdeacons, and residentiary canons not on fixed term appointments) were asked if they wished to transfer onto common tenure. They remain on their existing terms, unless and until they agree to move onto common tenure (which they may do at any time) or leave their current post.
4. Team rectors already in post on 31 January 2011, who hold freehold office for a limited term of years, will cease to hold office on the expiry of the current term. However, if they opt into common tenure at any time before the expiry of the term, the office will be converted to a common tenure one, and they will continue to hold it when the term expires without the need to be re-appointed.
5. All new appointments to ecclesiastical offices after that date are on common tenure[[1]](#footnote-1)
6. Under common tenure, appointments are generally held until retirement age. Regulation 29 sets out the only circumstances in which posts may be held under common tenure for a fixed term. These are when a post is:
   1. designated as covering another office holder’s absence from work
   2. held by an office holder over 70[[2]](#footnote-2)
   3. designated as a training post
   4. designated as subject to sponsorship funding or designated as a probationary office
   5. designated as held in connection or conjunction with another office or employment
   6. created by bishop’s mission order under the Dioceses, Pastoral and Mission Measure
   7. held by someone with limited leave to remain in the UK
   8. designated as a locally supported ministry[[3]](#footnote-3)
7. Where it is appropriate to suspend the right of presentation to the benefice, it continues to be possible to appoint priests in charge. However, there is now an alternative to suspension. Under Regulation 30, when the Mission and Pastoral Committee has invited the views of interested parties on proposals for a draft pastoral scheme, it is now possible to designate a post as held subject to potential pastoral reorganisation. Clergy holding office under regulation 30 are appointed as incumbent, and the right of presentation to the benefice is not suspended. If the post comes to an end within 5 years, the incumbent has a right to compensation (unless he or she finds or declines another suitable post) limited to one year’s loss of service. If the office does not come to an end within 5 years, the bishop will be required to inform the office holder that the post is now held until retirement age under common tenure.
8. All incumbents appointed under common tenure (whether under regulation 30 or not) will continue, as they do now, to have formal legal ownership of the parsonage house by virtue of holding the benefice as corporation sole. In the case of other office holders on common tenure, the housing will be provided by a relevant housing provider (usually the diocesan parsonages board).

### New rights conferred on clergy in the form of Common Tenure

The legislation has conferred new rights on clergy and other ecclesiastical officers, including the following:

* a right to be provided with a written statement of particulars[[4]](#footnote-4) setting out various matters including:
* the title of the office to which they have been appointed;
* the date on which the appointment took place their entitlement
* to stipend, fees (if any) and reimbursement of expenses
* whether the appointment is part time, and, if so, the amount of the stipend and hours of work
* any terms and conditions relating to rest periods and public holidays, for example, specifying a maximum number of Sundays on which leave may be taken, or specifying dates on which rest periods or annual leave may not be taken (such as principal feasts of the Church of England, Ash Wednesday, Good Friday and the parish patronal festival)
* provision for sick pay
* pension provision
* details of their housing provision including the address of the house where they are required to live, the relevant housing provider (for office holders other than incumbents) and the terms of occupation
* the person or body to whom the housing belongs (in the case of incumbents, this will be the benefice);
* the length of notice required to give in order to terminate the appointment; and
* the body to be treated as the respondent in any proceedings brought before an employment tribunal;
* access to a grievance procedure;
* the right to an itemised statement of stipend;
* the right, if working full time, to receive a stipend of not less than the national minimum stipend
* an uninterrupted rest period of not less than 24 hours in any period of seven days
* 36 days’ annual leave where the post is full-time, or such greater amount as may be specified in the statement of particulars;
* maternity, paternity, parental and adoption leave, in accordance with directions given by the Archbishops’ Council as Central Stipends Authority;
* the right to request time off or adjustments to the duties of the office to care for dependants in accordance with directions given by the Archbishops’ Council as Central Stipends Authority;
* rights of appeal to an employment tribunal if removed from office on grounds of capability;
* a right to spend time on public duties other than the duties of the office, with the matter being determined by the (Arch)bishop if there is any dispute.

In addition, the legislation confers the following rights on licensed office holders (that is, clergy and licensed lay workers other than incumbents) including bishops, archdeacons, cathedral clergy, team vicars, priests in charge and assistant curates) where they hold a full-time stipendiary post or in other cases where accommodation is provided:

* the right to accommodation ‘reasonably suitable for the purpose’ ;
* the right to object to regulated transactions (i.e. the disposal, improvement, demolition or reduction of their house of residence) (with the Church Commissioners needing the consent of the Archbishops’ Council when the diocesan bishop as occupant makes an objection);
* the right to have the house of residence kept in good repair by the housing provider[[5]](#footnote-5)
* access to arbitration where there is a dispute about the performance of the respective obligations of the housing provider and the office holder which cannot be resolved by the grievance procedures.

### Obligations conferred on clergy, bishops and other ecclesiastical office holders, by means of the legislation

The legislation requires all ecclesiastical office holders, including incumbents and diocesan bishops, to:-

* participate and co-operate in ministerial development review (MDR) at least once every two years;
* participate in arrangements approved by the diocesan bishop or archbishop for their continuing ministerial education (CME);
* inform the person nominated by the bishop when unable to perform the duties of office through sickness;
* undergo a medical examination where the bishop or archbishop has reasonable grounds for concern about the office holder’s physical or mental health;
* be subject to a capability procedure.

In addition the legislation requires licensed office holders (that is, those who are not incumbents) where a house of residence is provided for them:

* to provide access to the house of residence to the housing provider on notice for inspection or carrying out of repairs;
* to notify the housing provider of works of repair that are required;
* not to make any repairs, alterations or additions to the house of residence without the consent of the housing provider;
* not to use the property except as a private residence for the office holder and his or her household and for such other purposes as may be agreed
* by the housing provider, which agreement shall not be unreasonably withheld.
* Additional provisions for diocesan bishops

The legislation requires diocesan bishops to:

* nominate an officer of the diocese with responsibility for providing statements of particulars to clergy licensed by the bishop
* receiving reports of absence of one day or longer where the office holder is unable to carry out the duties of the office
* reporting the absence to the Church Commissioners, who need it for payment of statutory sick pay;
* make and keep under review an MDR scheme containing arrangements for a person nominated by the bishop to conduct a review with each office holder in the diocese at least once every two years;
* have regard to guidance issued by the Archbishops’ Council when carrying out MDR;
* ensure that a written record of the outcome of MDR is kept and to have it signed by the office holder and the reviewer;
* use reasonable endeavours to ensure that office holders in the diocese are afforded opportunities to participate in CME that is appropriate for their ministerial development;
* make appropriate arrangements to ensure that office holders in training posts are provided with suitable training and are afforded time off work as is necessary to complete it;
* have regard to the Archbishops’ Council’s code of practice concerning the capability and grievance procedures;
* appoint senior officers (normally archdeacons) to operate the capability procedure on their behalf
* address grievances referred to them by the archdeacon.

### The legislation confers the following powers on diocesan bishops:-

* to instigate a capability procedure where the bishop considers that an office holder’s performance affords grounds for concern;
* to determine any dispute over public duties carried out by an office holder who is not a diocesan bishop;
* to direct that an office holder shall undergo a medical examination where the bishop has reasonable grounds for concern about the physical or mental health of the office holder;
* to make fixed term appointments in certain limited circumstances (see paragraph 3 above);
* to designate posts as subject to potential pastoral reorganisation under
* Regulation 30 (i) if the Mission and Pastoral Committee has invited the
* views of interested parties on proposals for a draft pastoral scheme (see paragraph 4 above.

The law affecting patronage and the appointments procedure remains unchanged. The Clergy Discipline Measure 2003 and Canons continue to apply to all clergy whether on Common Tenure or not.

## January 2014 **Guidelines for the Professional Conduct of the Clergy**

## **(Revised Edition)** 2015

### Foreword

By the Archbishops of Canterbury and York

"In the name of our Lord we bid you remember the greatness of the trust that is now to be committed to your charge."

The solemn reminder about trust that is in the Ordinal confronts all the ordained with the privilege and responsibility entailed in their particular ministry. We know that the Church of God expects high standards, but it also remains true that society at large expects high standards of the clergy. This is true of both those who profess faith in Jesus Christ and those who do not. A failure in meeting the standard expected results in profound disappointment, and a deep sense of being let down.

Yet setting such standards can also be a source for over-anxiety about how we can live up to them.

These Guidelines for the Professional Conduct of the Clergy are therefore a source of counsel, advice and comfort. We are all sinners who stand in need of redemption, yet we follow Jesus Christ who brings that redemption. We proclaim the gospel of hope, and are called to underpin all that we do with prayer.

The care of souls and the proclamation of the gospel are demanding roles, but profoundly fulfilling. If we are to be effective we need to take proper care to refresh our learning and to refresh ourselves. There will always be the challenge of getting the balance right, but these guidelines encourage us to do just that.

We remain deeply thankful to God for the faithfulness we see demonstrated so often in the ordained ministry of our Church. Please be assured of our prayers for you. Remember the source of any strength that we find.

"You cannot bear the weight of this calling in your own strength, but only by the grace and power of God. Pray therefore that your heart may be daily enlarged and your understanding of the Scriptures enlightened. Pray earnestly for the gift of the Holy Spirit."

Justin Cantuar:

Sentamu Eboracensis

July 2015

### Preface

In 2003 the Convocations of the Provinces of Canterbury and York, representing the bishops and clergy of the Church of England, published a wholly new document, a set of Guidelines describing what is desirable in the professional conduct of ordained ministry. These Guidelines are not a legal code; they are the fruit of shared experience and wisdom offered by clergy to clergy, and to all who share in their ministry, and they are set within an expectation that all the clergy will be familiar with the principles of canon and ecclesiastical law by which their public ministry is governed.

Those who compiled the first Guidelines recognized that a time would come for their revision in response to changes or developments in either the Church or the law of the land. We have welcomed a new Clergy Discipline Measure in 2003; the publication of a new Ordinal in 2007; and in 2009 the new Ecclesiastical Offices (Terms of Service) Measure and Regulations brought reform to many aspects of the ways in which the clergy are deployed and supported. Since 2003 there have also been vitally important changes to the law to ensure the safeguarding of children and vulnerable adults.

The starting point for the Guidelines, both now and originally, is quite rightly the Ordinal, which sets out formally and liturgically the Church's spiritual expectations of its new ministers as they are presented for ordination. The Guidelines are framed, not as a set of detailed regulations, but as an elaboration of the text of the Ordinal. The quotations with which the Guidelines begin, and which appear at the beginning of each section, offer a spiritual and pastoral framework for a lifetime's vocation and ministry as servants of Jesus Christ, deacons, priests and bishops ordained for service and mission in his Church.

The authority which we are given for our ministry is the Holy Spirit, who calls us to consider our vocation and ministry. Through the Church which Jesus Christ founded, this ministry as deacons, priests and bishops is handed on in each generation for his mission in the service of God and his kingdom. Although laws and regulations inevitably play a part in the life of the Church, which must both order its own life and engage with state and society, our calling is primarily spiritual, and we must be guided by the scriptures, by the long experience of the Church which we call tradition, and by the best insights and knowledge available to us in the present age to which our ministry is addressed.

Accordingly a working party was appointed by the House of Clergy of the General Synod, from among the membership of the two Convocations, to revise and update the Guidelines so that they remain available to every ordained minister, and to the Church as a whole, as a valuable resource for reflecting upon our vocation and its exercise in the many spheres of ministry in which clergy are engaged.

The Guidelines are not intended to be a complete compendium covering every aspect of our life and ministry but contain pointers to wider knowledge of other subjects, spiritual, pastoral and legal with which we ought to engage. They are not the last word on any subject, and indeed will be revised at regular intervals in order to keep pace with changes in church and society.

We are very grateful to the Dean of Brechin, the Very Revd Dr Francis Bridger, who has updated for this edition his theological reflection which was originally written for the first edition of the Guidelines in 2003.Serving in ordained ministry can be a difficult and challenging way of life, with many demands made upon themselves by conscientious clergy as well as by those to whom they minister. We have sought in these revised Guidelines to draw some reasonable boundaries between the sacrificial perceptions of ordained ministry, and the proper need for rest, reflection and care of self and family on the part of those from whom much is asked.

Protection of others forms part of our calling, and it must be applied also to the clergy who serve in a society which is less and less familiar with the Christian tradition of ordained ministry. It is our hope that these Guidelines will also provide useful insights into our training, appointment and deployment for all of those concerned with the ministry of the Church of England.

These Guidelines were approved on 10 July 2015 and declared as an Act of Convocation by the Convocations of Canterbury and York.

The Reverend Stephen Trott

Synodical Secretary of the Convocation of Canterbury

**MEMBERSHIP OF THE JOINT CONVOCATIONS WORKING PARTY**

The Reverend Canon Moira Astin

The Right Reverend Pete Broadbent

The Reverend Canon David Felix

The Reverend Dr Meg Gilley

The Right Reverend Peter Hill

The Reverend Prebendary David Houlding (Chair)

Mrs Mary Johnston

The Reverend Canon Simon Killwick

The Reverend Stephen Trott (Secretary)

### Guidelines for the Professional Conduct of the Clergy

"God calls his people to follow Christ, and forms us into a royal priesthood, a holy nation, to declare the wonderful deeds of him who has called us out of darkness into his marvellous light."

"The Church is the Body of Christ, the people of God and the dwelling-place of the Holy Spirit. In baptism the whole Church is summoned to witness to God's love and to work for the coming of his kingdom."

"To serve this royal priesthood, God has given particular ministries."

"Deacons are ordained so the people of God may be better equipped to make Christ known. Theirs is a life of visible self-giving. Christ is the pattern of their calling and their commission."

"Priests are ordained to lead God's people in the offering of praise and the proclamation of the gospel. They share with the Bishop in the oversight of the Church, delighting in its beauty and rejoicing in its well-being."

Excerpts from the Ordinal (Common Worship: Ordination Services 2007)

The primary aims of these Guidelines are:

• to encourage the clergy - deacons, priests and bishops - to aspire to the highest possible standards of conduct throughout a lifetime of ministry;

• to identify certain basic minimum standards of behaviour;

• to seek to ensure the welfare and the protection of individuals and groups with whom the clergy work, and of the clergy and their families;

• to provide safe and effective boundaries for clerical ministry;

• to encourage personal and corporate ministerial development.

**Calling**

1. **Priests are to set the example of the Good Shepherd always before them as the pattern of their calling.**
   1. The three orders of ordained ministry play a central role in the mission of the Church which Jesus Christ entrusted to his Apostles, to "go and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, teaching them to observe all that I have commanded you" (Matthew 28.19-20).
   2. Ordained ministers bear the privilege and responsibility of being servants and leaders in the ministry of the Church. As pastors, spiritual guides and representatives of the Christian faith, they are in a position of trust in their relationships with those for whom they have pastoral care.
   3. The compassion, care and kindness of the Good Shepherd should be the

hallmarks of the clergy. Unworthy behaviour disgraces the Church and undermines the gospel.

* 1. All personal and professional conduct is bounded by law and legal sanction. For

the clergy, who swear the Oaths of Canonical Obedience and Allegiance, and make the Declaration of Assent, this will include ecclesiastical law as well as secular law. Thus nothing in these Guidelines should be read as suggesting that clergy stand outside the rule of criminal or civil law. Indeed, any concern about possible criminal behaviour, and in particular any information about abuse or risk of abuse will be reported by the Church authorities to the police.

**Care**

1. **They are to sustain the community of the faithful by the ministry of word and sacrament. Priests are called to be servants and shepherds among the people to whom they are sent. They are to be messengers, watchmen and stewards of the Lord**.
   1. Caring for one another is the responsibility of the whole Church and is an extension of the justice and love of the Incarnate God disclosed in Jesus Christ. Compassion is essential to pastoral care. The clergy should enable other members of the worshipping community to share in this pastoral care, ensuring that they are recruited safely, and have the appropriate training and supervision for the tasks involved, including current training in safeguarding in accordance with the guidance issued by the House of Bishops. (See also 2.9) Clergy should seek to ensure that churchwardens, PCCs and the wider congregation understand their responsibilities and roles in making every church a safe place for all.
   2. In their ministry, pastoral care and working relationships, the clergy should offer equal respect and opportunity to all. They should be unbiased in their exercise of pastoral care, especially when caring for one party in a dispute between two or more people. In some cases they may need to ask another appropriate person to provide pastoral care to one of the parties.
   3. The clergy should discern and acknowledge their own limitations of time, competence and skill. They will need to seek support, help and appropriate training and, on occasion, to refer to specialist agencies. The clergy should be aware of the help available from accredited agencies so that it can be commended where appropriate.
   4. Clergy should always be conscious of the power dynamics involved in their pastoral care, noting both the position of trust which they hold and the power which they exercise. See also Sections 12 and 14.
   5. The distinctions between the various roles in which the clergy exercise oversight and care are always to be recognized and acknowledged. Ministers need to be clear with those with whom they are dealing. At no time should they provide formal counselling for those in their pastoral care, even when they are accredited as counsellors in other settings. Those who wish to work as accredited counsellors should seek appropriate advice about how to maintain proper boundaries between this and their role as ordained ministers.
   6. Similarly, where the clergy are supervising employed members of staff, or mentoring or coaching church members, there needs to be absolute clarity about the role in which they are engaging with them. The responsibility for pastoral care must not be confused with any other role.
   7. There is risk in all pastoral work. The appropriateness of visiting and being

visited alone, especially at night, needs to be assessed with care. The same assessmente should also apply to other "out of hours" contact (especially through telephone calls and social media).

Consideration should be given to:

• the place of the meeting;

• the proximity of other people;

• the arrangement of furniture and lighting; and

• the dress of the minister, appropriate to the context

- which are important considerations in pastoral care. The perceptions of others need to be considered at all times, taking particular care to assess the extent to which others may experience or perceive behaviour to be inappropriate.

At times it may be appropriate to advise a third party in advance of any appointments which have been made. Keeping accurate records of appointments is helpful and good practice.

* 1. It is essential in pastoral care to acknowledge appropriate physical, sexual, emotional and psychological boundaries. Inappropriate touching or gestures of affection are to be avoided. The clergy need to be aware of what is appropriate when meeting people from different cultural traditions.
  2. The clergy should be aware of the dangers of dependency in pastoral relationships. Manipulation, competitiveness or collusion on either side of the pastoral encounter should be avoided. Self-awareness should be part of the relationship. The responsibility for maintaining appropriate boundaries always rests with the clergy, however difficult or challenging the pastoral relationship may prove to be.
  3. The clergy must always put first the interests of those for whom they are pastorally responsible, and act to protect them even where this requires them to override personal and professional loyalties. It is their duty to raise concerns where they believe that someone's safety or care is being compromised by the practice of colleagues, or by those in authority, or by the systems, policies or procedures with which they are expected to work. They must also encourage and support the development of a culture in which they and their colleagues can raise concerns openly and honestly. Those in authority should listen carefully to their concerns and act upon them where they are justified, enabling those who have the best interests of others at heart to raise concerns without fear of detriment to themselves.
  4. The clergy are required to have appropriate and current training in safeguarding children and vulnerable adults. Failure to participate may result in action being taken under the Clergy Discipline Measure. The Church of England's national and diocesan policies, guidelines and requirements must be known and observed. If they become aware that someone known to have a conviction for offences against children or vulnerable adults attends their church, they must follow the guidelines for ministering to such offenders.
  5. Clergy should be clear about the circumstances in which information about abuse of all forms, or the risk of abuse, must be reported to the statutory authorities (that is, the police or local authority children's or adult services). Children or adults who provide information about abuse need to know that their concerns will be taken seriously and that the clergy will work with them in making the referral, in order that a proper investigation can be undertaken and appropriate help be obtained.
  6. It is essential that clergy maintain an accurate and factual written record of any safeguarding concerns or actions. They should be aware of the dangers of glossing over the conduct of fellow clergy, or even of collusion with it.
  7. All the clergy should be aware of the circumstances in which information can and should be disclosed to third parties. To that end, they should refer to the national and diocesan safeguarding policies. When preparing for such a disclosure, the clergy should seek appropriate legal and other specialist advice, for example from the Diocesan Safeguarding Adviser. Whenever a safeguarding referral is made, clergy should always inform the Diocesan Safeguarding Adviser.
  8. Similar requirements apply if the conduct of a colleague appears inappropriate, when advice should always be obtained and action taken.
  9. The clergy should ensure that all communications they may have with or about children or vulnerable adults are appropriate in their tone and that they comply with relevant national and diocesan policies and guidance. This refers to the use of any means of communication, written, spoken or electronic. Anything published online is public and visible to everyone.
  10. The clergy should take care to observe appropriate boundaries between their work and their personal life just as much in the use of social media as in "real life" encounters. They should recognize the importance of knowing themselves and their own emotional needs. Working with a spiritual director or pastoral supervisor can greatly help the development of this insight, which is difficult to achieve when working alone.

In this context it should be noted that paragraph 5.21 of Protecting All God's Children states: "Clergy should not expose themselves or others to material which is sexually explicit, profane, obscene, harassing, fraudulent, racially offensive, politically inflammatory, defamatory or in violation of any British, European or international law."

#### Reconciliation

1. **They are to teach and to admonish, to feed and provide for his family, to**

**search for his children in the wilderness of this world's temptations, and to guide them through its confusions, that they may be saved through Christ for ever. They are to call their hearers to repentance and to declare in Christ's name the absolution and forgiveness of their sins.**

* 1. The ministry of reconciliation, as an extension of Jesus' own ministry, lies at

the heart of this vocation. It is to be exercised gently, patiently and undergirded by mutual trust. It may include spiritual or godly counsel as appropriate and as requested by those concerned; it may include mediation between those who have found themselves at enmity with one another.

* 1. Where it is freely sought by a penitent, a priest may exercise the formal

ministry of absolution as described in Canon B 29.

* 1. The ministry of absolution may only be exercised by the minister who has the

cure of souls of the place in question or by another priest with that minister's permission, or by a priest who is authorized by law to exercise ministry in that place without being subject to the control of the minister who has the cure of souls (e.g. a priest who is licensed to exercise ministry under the Extra-Parochial Ministry Measure 1967). This rule is subject to an exception that permits a priest to exercise the ministry of absolution anywhere in respect of a person who is in danger of death or if there is "some urgent or weighty cause" (See Canon B 29.4)

* 1. Before undertaking the ministry of absolution a priest should receive appropriate training and be familiar with any guidelines published by the House of Bishops that relate to the exercise of this ministry.
  2. A clear distinction must be made between pastoral conversations and a confession that is made in the context of the ministry of absolution. Where such a confession is to be made both the priest and the penitent should be clear that that is the case. If a penitent makes a confession with the intention of receiving absolution the priest is forbidden (by the unrepealed Provisoto Canon 113 of the Code of 1603) to reveal or make known to any person what has been confessed. This requirement of absolute confidentiality applies even after the death of the penitent.
  3. If, in the context of such a confession, the penitent discloses that he or she has committed a serious crime, such as the abuse of children or vulnerable adults, the priest must require the penitent to report his or her conduct to the police or other statutory authority. If the penitent refuses to do so the priest should withhold absolution.
  4. The canonical duty of absolute confidentiality does not apply to anything that is said outside the context of such a confession. In particular, if information about abuse that was disclosed when seeking the ministry of absolution is repeated by the penitent outside that context the priest must follow the established procedures for reporting abuse of children or vulnerable adults.
  5. However confidentiality extends far beyond the specific situation of the ministry of absolution. People have to be able to trust clergy with their stories, their fears, and especially their confidences. The duty of confidentiality relating to the ministry of absolution sets a standard for our ministry against which all other instances should be set and judged. Those to whom we minister must know that they can depend upon us not to disclose information which they have shared with us in confidence.

Note: The text of this section reflects the current legal position in relation to the ministry of absolution, arising from the unrepealed proviso to Canon 113 of the Code of 1603. In September 2014 the Archbishops' Council decided to commission further theological and legal work to enable it to review, in consultation with the House of Bishops, the purpose and effect of the proviso to the Canon of 1603, with a view to enabling the General Synod to decide whether it wished to legislate to amend it.

For further information in that connection, please see GS Misc 1085.

#### Mission

1. **They are to tell the story of God's love … they are to unfold the Scriptures, to preach the word in season and out of season, and to declare the mighty acts of God. They are to baptize new disciples in the name of the Father, and of the Son, and of the Holy Spirit, and to walk with them in the way of Christ, nurturing them in the faith … they are to preside at the Lord's table and lead his people in worship, offering with them a spiritual sacrifice of praise and thanksgiving.**
   1. Mission belongs to the whole church worldwide and is a primary calling of the clergy. Parish priests are charged with the "cure of souls", not solely the chaplaincy of congregations. As such, they have a clear responsibility, with their people, to develop appropriate practices of mission and evangelism in their parish, network or other context.
   2. The clergy should ensure that services are thoughtfully and thoroughly prepared, matching the need and culture of the parish or institution within the Anglican tradition. Where appropriate, they should involve others in leading worship, having ensured that they are equipped to do so by providing training and preparation as necessary to support them.
   3. The clergy should ensure that appropriate and accessible courses and discussion groups on all aspects of the Christian faith are available at regular intervals to parishioners seeking to explore, deepen or renew their faith.
   4. Suitable preparation for Baptism, Confirmation and Marriage is a primary responsibility for the clergy.
   5. The clergy should recognize, affirm and encourage the ministry and witness of lay people. This should include acknowledging their mission in workplaces and communities.
   6. All schools, along with other institutions within a parish, may provide opportunities for mission and ministry, and a church school is a particular responsibility for the clergy. The clergy should seek to enhance opportunities for themselves and appropriately gifted and trained laity to contribute to the worship, religious education, pastoral care and governance in local schools and colleges.
   7. In an increasingly "mixed economy" Church, which fosters pioneer ordained ministry and Fresh Expressions of Church as well as traditional parish ministry and mission, ministers who lead such pioneering mission are subject to the same call, responsibility and accountability.

#### Ministry at times of deepest need

1. **They are to bless the people in God's name. They are to resist evil, support the weak, defend the poor, and intercede for all in need. They are to minister to the sick and prepare the dying for their death.**
   1. The clergy have a particular responsibility to minister sensitively and effectively to the sick, the dying and the bereaved. Ministry to those near to death should never be delayed.
   2. The clergy should be familiar with and follow the current House of Bishops' Guidelines for Good Practice in the Healing Ministry. Existing diocesan regulations should be followed. Professional boundaries with health care professionals and chaplaincies should be observed. All reasonable steps should be taken to ensure the safety of the person receiving the healing ministry, including by ensuring that satisfactory arrangements are in place for training and accountability for those undertaking this ministry.
   3. The clergy should be aware of and respect the boundaries between the ministry of healing and the deliverance ministry. People have a right to know what is being provided and how they will be ministered to: no one should be ministered to against their will.
   4. Deliverance is an area of ministry where particular caution needs to be exercised, especially when ministering to someone who is in a disturbed state. The current House of Bishops' guidelines on the deliverance ministry which are known as The House of Bishops' Guidelines for Good Practice in the Deliverance Ministry 1975 (revised 2012) should be followed and cases referred to the diocesan advisers for the deliverance ministry when necessary. The advisers' special expertise should be used in order to help as effectively as possible those who think they need this ministry.
   5. The ministry of exorcism and deliverance may only be exercised by priests who have been specifically and personally authorized by the bishop, normally for each instance of such a ministry. If this ministry is sought in connection with a child or vulnerable adults, the Diocesan Safeguarding Adviser must be involved and may need to ensure that a referral to the statutory authorities is made, in accordance with national and diocesan safeguarding policies.

#### Servant Leadership

1. **Guided by the Spirit, they are to discern and foster the gifts of all God's people that the whole Church may be built up in unity and faith.**
   1. The clergy are called to servant ministry and leadership within the Church and the wider community.
   2. They should develop this gift of leadership within their own ministry through prayer and training, being aware of their own natural leadership style.
   3. The clergy should recognize and affirm lay ministry that already exists and encourage new ministries, both lay and ordained. They should be ready to assist others in discerning and fulfilling their vocation. They should actively prompt and encourage new vocations in the Church and in the world.
   4. At times as we seek to hear God's call for the Church in this generation, the clergy will hold different views. However, all debate should be had in a spirit of respect and love, and ministers should always be willing to work with each other, whatever views are held on current topics of debate.
   5. The clergy should promote good ecumenical relationships and encourage respect for all people of good will.
   6. Upon resignation or retirement, the clergy should relinquish their responsibilities and should cease professional relationships with those formerly under their pastoral care. Any exception to this guideline should be formally negotiated with the bishop.
   7. Having resigned or retired, the clergy may not minister in a former church, parish or institution unless invited by the clergy with pastoral oversight or with their express permission. Ministry in retirement is subject to the bishop granting a Licence or Permission To Officiate, and subject to the completion of safeguarding clearance and training.

#### Learning and Teaching

1. **Will you be diligent in prayer, in reading Holy Scripture, and in all studies that will deepen your faith and fit you to bear witness to the truth of the gospel? Will you lead Christ's people in proclaiming his glorious gospel, so that the good news of salvation may be heard in every place?**
   1. The given daily prayer of the Church (the Daily Office) is one of the essential foundations of confident ministry centred on Christ, using the resources of the Church such as the Book of Common Prayer, Common Worship, or other authorized forms of the office.
   2. The life of prayer, although personal, includes the praise and prayer offered in Christ's name in his church, both on earth and in heaven. Clergy should therefore seek to offer the daily prayer of the church with other members of the community in which they serve.
   3. To pray for others in thanksgiving for the benefits of Christ is a common duty of Christians, and is a particular privilege of the ordained ministry. To intercede whether in public or in private belongs to the ways God accomplishes in his church that which he wills.
   4. The use of conversation with a chosen companion such as a spiritual guide or with others sharing the ordained ministry is commended, recognizing the different ways in which God has called his people to relate to him, and enabled them to do so.
   5. It is part of the mission of the clergy to teach those whom they serve both the ways and the delight of prayer, being open to learning these things as they do so.
   6. Continued theological learning is an essential discipline for preaching and teaching, as well as for personal growth.
   7. The clergy should set aside time for continuing ministerial education and development, including the consideration of contemporary issues and theological developments, so that their faith engages with the perceptions and concerns of this generation.
   8. Keeping abreast of a whole variety of communicating skills is crucial to the effective and ongoing proclamation of the gospel.
   9. Part of the clerical vocation in both preaching and teaching is a prayerful openness to being prophetic and challenging as well as encouraging and illuminating.
   10. Great care should be taken that illustrative material from personal experience does not involve any breach of confidentiality.

#### Faith

1. **Do you accept the Holy Scriptures as revealing all things necessary for eternal salvation through faith in Jesus Christ? Will you faithfully minister the doctrine and sacraments of Christ as the Church of England has received them, so that the people committed to your charge may be defended against error and flourish in the faith?**
   1. The clergy are required to make the Declaration of Assent (contained in Canon C 15) at their ordination, and at the inauguration of any new ministry within the Church of England. All should ensure that they know and understand the significance of the statements to which they have publicly given their assent, and that they can accordingly only use the forms of service authorized or allowed to be used in the Church of England.
   2. The basis of the Church of England's understanding of doctrine and of the sacraments is set out in the Declaration of Assent, and the Preface which precedes it. The Church's clergy should uphold this understanding, having declared their commitment to it formally and publicly at the start of their ministry.
   3. Ministers who for whatever reason find that they are unable any longer in conscience to believe, hold or teach the Christian faith as the Church of England has received it, should seek advice and help in deciding whether or not they should continue to exercise a public ministry in which they represent the Church.

#### Public Ministry

1. **Will you, knowing yourself to be reconciled to God in Christ, strive to be an instrument of God's peace in the Church and in the world?**
   1. The reputation of the Church in the community depends to a great extent on the integrity and example of its clergy, who should recognize their role as public representatives of the Church. Their lives should enhance and embody the communication of the gospel.
   2. The clergy should ensure a reasonable level of availability and accessibility to those for whom they have a pastoral care. A prompt and gracious response to all requests for help demonstrates care. This response should be in the context of appropriate boundaries, so as not to put at risk the clergy, members of their household, or the Church.
   3. Reconciliation lies at the heart of the gospel: "God was in Christ reconciling the world to himself" (2 Corinthians 5.19). The clergy should promote reconciliation in the Church and in the world wherever there are divisions, including those which exist between people of different faiths.
   4. The call of the clergy to be servants to the community should include their prophetic ministry to those in spiritual and moral danger.
   5. It is appropriate for the clergy to play a positive part in civic society and politics, promoting the kingdom values of justice, integrity and peace in public life, calling attention to the needs of the poor and to the godly stewardship of the world's resources.
   6. Ministers must not be members or active supporters of any political party or other organization whose constitution, policies, objectives, activities or public statements are incompatible with the teaching of the Church of England, as defined by the House of Bishops, in relation to the equality of persons or groups of different races.
   7. There are a number of situations where the clergy may have a conflict of interest and they should declare it, whenever that is appropriate, withdrawing from the situation if required. It is a delusion to think we can be impartial when there is a conflict of interest.

#### Life and Conduct

1. **Will you endeavour to fashion your own life and that of your household according to the way of Christ, that you may be a pattern and example to Christ's people?**
   1. The clergy are called to an exemplary standard of moral behaviour. This goes beyond what is legally acceptable: a distinction can be made between what is legal and what is morally acceptable. There is no separation between the public and home life of the clergy: at all times and in all places they should manifest the highest standards of personal conduct.
   2. The clergy should set an example of integrity in relationships, and faithfulness in marriage. Marital infidelity is regarded as "unbecoming or inappropriate conduct" for the purposes of the Clergy Discipline Measure. The House of Bishops' Marriage: A Teaching Document (1999) clearly affirms, "Sexual intercourse, as an expression of faithful intimacy, properly belongs within marriage exclusively."
   3. Those who are called to marriage should never forget that this is also a vocation. It should not be thought to be of secondary importance to their vocation to ministry. Being a parent is likewise a holy calling and so ordained ministry should not take priority over bringing up children with Godly love, care, time and space. Similar considerations may apply to caring for other members of the family.
   4. All should guard themselves and their family against becoming victims of harmful levels of stress. It is the calling of all Christians, whether married or not, including those with a vocation to celibacy, to take the necessary steps to nurture in holiness their lives, their friendships and their family relationships.
   5. Good administration enables the work of ministry. Dealing promptly with correspondence and enquiries with efficiency and courtesy is essential.
   6. The keeping of parochial registers and records to a high standard is legally required.
   7. The clergy need to ensure that all their financial activities, whether personal or corporate, meet the highest ethical standards. There must be strict boundaries between church finance and personal moneys in order to avoid the possibility of suspicion or impropriety. This will require accurate and careful record keeping of money which is received from others, including Parochial Fees, and a proper audit trail for all money which is to be passed on to third parties including the PCC, the Diocesan Board of Finance and the tax authorities.
   8. The clergy should never seek any personal advantage or gain by virtue of their clerical position. Those who receive personal gifts should keep a record in case of later misunderstandings or false accusations.
   9. The clergy should take care of their physical well-being. They should not undertake any professional duties when medically advised against it, and avoid the influence of alcohol or drugs. Those who find themselves in difficulty with addictions of any kind should seek appropriate help.
   10. Blasphemous, violent or offensive language or behaviour is unacceptable at all times. Clergy should manifest the fruit of the Spirit: see Galatians 5.22-23.

#### Discipline

1. **Will you work with your fellow servants in the gospel for the sake of the kingdom of God? Will you accept and minister the discipline of this Church, and respect authority duly exercised within it?**
   1. The clergy should know how ecclesiastical law shapes their exercise of office and ministry, and should respect such regulations as are put in place by the Church. They should familiarize themselves with The Canons of the Church of England, and with any regulations made by the bishop of the diocese in which they serve.
   2. The authority of churchwardens and lay people elected or appointed to office in the local church is to be respected and affirmed.
   3. The clergy serve under the authority of the bishop both in the ministry to which they have been appointed, and in the diocese as a whole. At their ordination and at every new appointment they take an Oath of Canonical Obedience, committing themselves to live within the framework provided by scriptures, creeds, historic formularies, canons and legislation which govern their ministry within the Church of England.
   4. They should participate actively in the life and work of chapter, deanery, archdeaconry, and diocese, giving support and respect to ordained and lay colleagues and to those who exercise the responsibility of oversight and leadership.
   5. Any member of the clergy who is arrested for an offence, however minor, and whether or not charges are brought, is required by the Clergy Discipline Measure to report this fact within 28 days to their bishop. However, clergy who are questioned by the police in relation to a possible arrest should also report that fact.
   6. Any ordained person who is the subject of an allegation of misconduct in relation to a child or vulnerable adult or of domestic abuse, whether in their public ministry or in their home life, must report this fact straight away to their bishop.
   7. Clergy whose marriages break down and who are divorced, or have an order of judicial separation made against them, on grounds of their adultery, unreasonable behaviour or desertion by them of their spouse can have a penalty under the Clergy Discipline Measure imposed on them as a result. Any member of the clergy who is a party to a divorce petition or an application for an order for judicial separation should therefore obtain legal advice in respect of their position under the Clergy Discipline Measure before any steps are taken in the matrimonial proceedings.
   8. Clergy are under a duty to inform their bishop when they are divorced, or have an order of judicial separation made against them.
   9. The highest standards are expected of the clergy in respect of their personal relationships, not least in respect of their relationships with those in their pastoral care. In particular, the clergy must never have sexual or inappropriate relationships with those aged 16 or 17, or vulnerable adults. A breach of this requirement, in addition to being treated as a disciplinary matter, will be referred to the local authority designated officer. In some cases it may constitute a criminal offence. Anyone found guilty of a criminal or disciplinary offence of this kind is likely to be removed from office and referred to the Disclosure and Barring Service which has power to bar them from work with children and/or vulnerable adults.
   10. Discretion should be used in all forms of communication including when sending messages by email or text, or when visiting social networking sites or blogs, or holding conversations using cameras or microphones via the internet, much of which relies upon insecure forms of data transmission.

It is advisable for clergy to maintain a distinct email address for their ministry which is not shared with others in the household, and email correspondence received should be accessible only to the person to whom it is sent.

Confidentiality in all forms of correspondence must be respected and maintained whether written or electronic.

* 1. The clergy must remember that they are public figures whose opinions when proffered have weight and significance. In using social media ministers should always assume that anything they post or contribute is in the public domain and will be shared. The power of the internet for doing harm as well as good must always be borne carefully in mind and weighed before saying anything which may prove be damaging to oneself as well as to others.
  2. Close attention must be given to secure all forms of data, including traditional paper records. In particular, data held on mobile or desktop computing equipment and on mobile devices should have secure passwords and up-to-date security software.

#### Trust

1. **In the name of our Lord we bid you remember the greatness of the trust that is now to be committed to your charge. Remember always with thanksgiving that the treasure now to be entrusted to you is Christ's own flock, bought by the shedding of his blood on the cross. It is to him that you will render account for your stewardship of his people.**
   1. The development of trust is of primary importance for honest relationships within ministry.
   2. The clergy are placed in a position of power and authority over others, in pastoral relationships, with lay colleagues, and sometimes with other ministers. In all forms of ministry, in leadership, teaching, preaching and presiding at worship, the clergy should resist all temptation to exercise power inappropriately. This power needs to be used to sustain others and harness their strengths, and not to abuse, bully, manipulate or denigrate.
   3. Pastoral care should never seek to remove the autonomy given to the individual. In pastoral situations the other party should be allowed the freedom to make decisions that may be mistaken unless children or vulnerable adults are thereby placed at risk in which case the advice of the Diocesan Safeguarding Adviser must be sought.
   4. The clergy should thankfully acknowledge their own God-given sexuality. They should not seek sexual advantage, emotionally or physically, in the exercise of their ministry.
   5. A person seeking pastoral guidance and counsel has the right to expect that the minister concerned will not pass on to a third party confidential information so obtained, without their consent or other lawful authority. Exceptions to the general position include information concerning the commission of a crime or other misconduct, where there is a requirement that the information be disclosed. If a minister has grounds for considering that that exception may apply, or that the disclosure reveals a risk to children or vulnerable adults, he or she should consult the diocesan registrar and, in cases involving safeguarding issues, the Diocesan Safeguarding Adviser.
   6. Unless otherwise agreed, the clergy are accordingly not at liberty to share confidential information with their spouses, family or friends.
   7. The content and process of a pastoral relationship may need to be shared with certain other people, such as a supervisor or supervisory group, consultant or other involved colleagues. Such sharing needs to be carefully restricted so that it does not involve any breach of confidence.
   8. It is important to safeguard the right of parishioners to share personal information with one minister and not another. In a team situation, it may be advisable to create a policy to avoid the danger to ministers within a team of being manipulated and divided by the sharing of personal information with one and not another.
   9. Ministers who handle personal information about individuals are under the same legal obligations to protect that information under the Data Protection Act 1998 as anyone else. When help or advice is being sought, any note-taking should be mutually agreed wherever possible. If notes contain any information about a living individual which is capable of identifying that individual ("personal data") the notes will be subject to the Act. Information about the Act may be found at [www.ico.gov.uk](http://www.ico.gov.uk/)
   10. The minister of a parish is required by law to provide for the publication of the banns of marriage and the solemnization of holy matrimony for those within their cure, subject to any impediments which may exist in law to their union. Canon B 33 requires the minister to make inquiries as to the existence of any reasons which may prevent the marriage from taking place, and should seek appropriate advice from the diocesan registrar or the civil authorities in any case of doubt. The clergy should also be aware of the House of Bishops' Guidance on the Marriage of Non-EEA (European Economic Area) Nationals, and the requirement to follow that guidance.
   11. There is much helpful advice in the Faculty Office publication, Anglican Marriage in England and Wales: A Guide to the Law for the Clergy. Copies can be purchased from the Faculty Office at 1 The Sanctuary, Westminster, SW1P 3JT.
   12. It is the duty of every parochial minister to officiate at the funerals or interment of those who die within their cure, or any parishioners or persons whose names are entered on the church electoral roll of their parish whether deceased within their cure or elsewhere. (Canon B 38). This obligation includes not only funeral services which take place at the parish church, but those which are held in a crematorium or cemetery. Others will also be involved in the care of the bereaved, including funeral directors and cemetery and crematorium staff. The clergy should maintain good professional relationships with all such to ensure appropriate care for the relatives of those who have died.
   13. Ministers must not officiate or otherwise exercise ministry outside the area of the benefice to which they have been instituted or licensed without the consent of the minister with the cure of souls. This is subject to a statutory entitlement of the minister of a parish to perform a funeral service in any crematorium or cemetery that is situated in another parish without consent provided that the deceased died or was resident in the minister's own parish or was on the electoral roll of that parish at the time of his or her death.
   14. When officiating at weddings and funerals the clergy should ensure that only those fees prescribed by the Archbishops' Council in a Parochial Fees Order, reasonable travel expenses and genuine extras are requested from those with whom they make arrangements. When a marriage service or funeral service is being conducted only statutory fees and genuine extras (such as payments to organists, singers and bellringers) may be charged.

#### Well-being

1. **You cannot bear the weight of this calling in your own strength, but only by the grace and power of God. Pray therefore that your heart may daily be enlarged and your understanding of the Scriptures enlightened. Pray earnestly for the gift of the Holy Spirit.**
   1. The clergy minister by grace through their own broken humanity, being aware of their own need to receive ministry.
   2. In exercising their ministry, the clergy respond to the call of our Lord Jesus Christ. The development of their discipleship is in the discipline of prayer, worship, Bible study and the discernment of the prompting of the Holy Spirit. The clergy should make sure that time and resources are available for their own personal and spiritual life and take responsibility for their own ongoing training and development.
   3. Spiritual discernment can be facilitated by sharing the journey of faith with another person. A minister should have someone outside the work situation to whom to turn for help.
   4. Ministers holding office under common tenure have a legal obligation to cooperate in arrangements made by the diocesan bishop for ministerial development review, and to participate in appropriate continuing ministerial education. Ministers who are not subject to common tenure should also, as a matter of good practice, ensure that arrangements are in place for their ministry to be reviewed on a regular basis and for their ongoing ministerial education.
   5. Both formal ministerial development review and discussion with a spiritual director or companion should offer the opportunity for the clergy to reflect on whether they are giving sufficient time and attention to family life, friendship, recreation and renewal and to consider any health issues.

#### Care for the Carers

1. **Brothers and sisters, you have heard how great is the charge that these ordinands are ready to undertake … Will you continually pray for them? Will you uphold and encourage them in their ministry?**
   1. "Care for the carers" is fundamental. The clergy need to be supported and the laity have a particular and significant role in the pastoral care of the clergy.The clergy and those who support them should be aware of the Ministry Division publication Dignity at Work (2008) and its recommendations concerning bullying, harassment, and accusation at work.
   2. The bishop takes responsibility for the welfare of the clergy when receiving the oath of canonical obedience. This responsibility is shared with suffragan and area bishops, archdeacons, and rural and area deans.
   3. Care of the clergy is a responsibility shared between the PCC and Diocesan Authorities. Many of these responsibilities are spelled out in the Statement of Particulars under Common Tenure and in Diocesan Regulations. The PCC is responsible for the provision of adequate administrative assistance, reimbursement in full of ministerial expenses (see The Parochial Expenses of the Clergy, Ministry Division, 2002) available online at [www.churchofengland.org/clergy-officeholders/remuneration-and-conditions-of-service-committee/theparochial- expenses-of-the-clergy.aspx](http://www.churchofengland.org/clergy-office-holders/remuneration-and-conditions-of-service-committee/the-parochial-expenses-of-the-clergy.aspx)) and for ensuring a safe environment in the church and its surroundings in which to work. Where the PCC is the relevant housing provider, it has responsibilities for the maintenance and upkeep of the clergy housing. The responsibilities of Bishop and Diocese are as set out in the Statement of Particulars and Diocesan Clergy Handbook, and in the Green Guide published by the Church Commissioners. The Statement of Particulars includes provision for holidays, an annual retreat, upkeep of the parsonage house, and entitlement to release for extra-parochial ministry.
   4. As part of good stewardship, those who occupy either a parsonage house or housing provided by the Diocese or PCC must take proper care of the property and should be aware of the requirement to allow access for both inspections and works to take place.
   5. Power is exercised and experienced in many ways, and the clergy should beware of the potential of using their position to bully others. Equally those who have the responsibility of caring for the clergy should be aware that bullying can be exercised both by church authorities and by parishioners.
   6. The clergy should be encouraged to develop opportunities for mutual support and pastoral care within chapters, cell groups, or other peergroupings. All the clergy should also be encouraged to have a spiritual director, soul friend or confessor to support their spiritual life and help to develop their growth in self-understanding. If required, help should be given in finding such a person.
   7. In ministries where the clergy have both a sector and a parochial responsibility, there should be a clear understanding between diocese, parish and the minister concerned about where the boundaries lie.
   8. Support and advice on the practical, psychological and emotional issues involved should be readily available to clergy approaching retirement and to their families.
   9. The bishop and those exercising pastoral care of the clergy should both by word and example actively encourage the clergy to adopt a healthy lifestyle which should include adequate time for leisure, through taking days off and their full holidays, developing interests outside their main area of ministry, and maintaining a commitment to the care and development of themselves and their personal relationships. Helping the clergy understand and overcome unrealistic expectations needs to be a priority.

Grant, Lord, that we may live in your fear,  
die in your favour, rest in your peace,

rise in your power and reign in your glory;

for your own beloved Son's sake,

Jesus Christ our Lord.

*William Laud (1573-1645)*

Remember, O Lord, what thou hast wrought in us

and not what we deserve;

and as thou hast called us to thy service,

make us worthy of our calling;

through Jesus Christ our Lord.

*The Prayer Book as proposed in 1928*

## Postscript

These guidelines are not meant to be a burden, nor do they pretend to be complete. They should help the clergy discover and experience how great is the freedom to which they are called and the joy that the gift of an ordained life brings. We are to remember the injunction of St Paul to be "happy in the Lord at all times" and to rejoice always in his abiding presence.

We recognize, too, that we are not alone, that we cannot do all these things by ourselves in our own strength, but only by the grace of God and through the power of his Spirit working in and through us; for as the Prayer Book Ordinal puts it, in the Declaration to those being ordained to the office of priest, we are called to "apply ourselves wholly to this one thing and to draw all our cares and studies this way" and that we will "continually pray to God the Father, by the mediation of our only Saviour Jesus Christ, for the assistance of the Holy Ghost".

So we pray that our lives may be sanctified to this end, for the sake of those whom we seek to serve. For the ordained life of a bishop, a priest or a deacon, for whom these guidelines are designed, is indeed of "what dignity and of how great importance", but also of "so great excellency and so great difficulty" that we all need help and encouragement along the way - and it is in that spirit that the Guidelines are offered.

So it is our prayer that, by our lives and in our work, through all we do and by what we are called to be, we may honour God's holy name and be faithful to the vocation he has given us, that his salvation may be proclaimed in all the world. May we be found worthy of our calling!

*Prebendary David Houlding*

*Pro-Prolocutor of the Convocation of Canterbury*

*Chair of the Working Party*

## A Theological Reflection

The Very Revd Dr Francis Bridger

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In the decade since the Church of England adopted the original version of these Guidelines, events have reinforced the importance of ensuring good practice in professional conduct of the clergy. It is timely, therefore, that the philosophy and theology that undergird the Guidelines set out below are articulated once more. For although it may still seem to some clergy that the existence of a set of guidelines implies a lack of trust in their integrity and an intrusion into sacred vocation, the reality is that the Church must continually strive to retain the confidence of a society that has observed scandals within the Church that have undermined such confidence. The Church can no longer count on an unquestioning presumption of trustworthiness and it would be wrong to do so.

The purpose of this reflection therefore is twofold: firstly to rehearse the pragmatic reasons why professional guidelines exist; and secondly to set out a number of theological principles which inform them.

### Pragmatic Considerations

The pragmatics are straightforward: from the perspective of its internal life, the Church now has in place a clear procedure for clergy discipline in the shape of the Clergy Discipline Measure that has been in effect from 2006. Since discipline requires an understanding of what does and does not count as acceptable professional behaviour, it follows that guidelines for practice are apposite. It is worth noting, also, that over the last 10 years, Anglican provinces and dioceses around the world have adopted their own versions of professional guidelines.

From a broader perspective, there is a continuing need for the Church to respond to historic and current social pressures for greater regulation of all professions. To date, this has been achieved mainly by means of self-regulation, and therefore it is reasonable to expect that the Church reaffirm its willingness to engage in the same kind of self-examination as have others. The simple truth is that a great deal more public concern now exists about the integrity of previously-respected professions: no longer are people willing to give professionals the benefit of the doubt merely because they are professionals.

They are properly subject to scrutiny and criticism in a way that was not true a generation ago. This constitutes a sizeable challenge to the Church, for it is no longer - if it ever was - credible that it should expect to remain immune from such scrutiny. The need for accountability and transparency is as strong now as it was when the Guidelines were first published.

Clergy Discipline procedures and the Professional Guidelines are designed to protect three parties: the accused, the accuser and the Church. It is important to mention the last of these because it can easily be forgotten that professional ethics are not simply a matter for individuals. While they undoubtedly exist to guide and protect individuals they also serve to safeguard the profession. They are an expression of mutual accountability and responsibility. When one clergyman or woman acts unprofessionally, he or she threatens to bring the Church as a whole into disrepute - witness the ripple effect of scandals. As Eric Mount has commented: "Moral responsibility includes being responsible people within institutions."

Or in St Paul's words, "We are members one of another" (Ephesians 4.25).

It is important to appreciate, moreover, that whereas the Clergy Discipline Measure provides a mechanism whereby justice can be done and be seen to be done (not least for the accused), the Guidelines set out here supply a framework for behaviour that reflects the highest standards to which all clergy, by virtue of their calling as well as their office, should aspire.

Pragmatic reasons in themselves, though, are not enough. They are a necessary - but not sufficient - justification for self-regulation by the Church if it is to be prepared for the sort of scrutiny presupposed by contemporary society. It is here that a theology of professional responsibility becomes central. And it is to this we now turn.

### Professional Responsibility

The starting point for any discussion of professionalism must be the principle of vocation. It is axiomatic that ordained ministry is first and foremost a calling that originates with the purposes of God, is intuited by the individual and is then discerned by the Church. The sense that they are engaged in a vocation rather than a career is fundamental to clergy identity and self-understanding.

Unfortunately, however, this is sometimes used as a kind of knock-down argument against the introduction of a professional code of practice on the grounds that "to 'professionalise' pastoral ministry is to accept uncritically a culture of managerialism that reduces ministry to a set of competencies and tasks and ignores its spiritual, transcendent dimension".

While there is something to be said for a critique of the competency culture that the Church has sometimes seemed to adopt without question (the so-called "management by tick-box" approach that can often be found in clergy review processes, for example), it needs to be remembered that:

(a) historically, the notion of "profession" has its roots in a religious connection between profession and vocation;

(b) the idea of professio (from which the term profession derives) carries with it the meaning of "standing for something" or "value laden";

(c) the identification of professionalism with technocratic expertise is a modern development which has served unduly and untheologically to narrow the concept; and

(d) by means of a theology of vocation, it becomes possible to reinvest the idea of profession with a transcendent, moral dimension, thereby drawing the sting of critics in one respect at least. In Richard Gula's words, "Aligning 'having a vocation' with 'being a professional'… affirms all that we do in ministry is a response to the presence of God in and through the community calling us to act on its behalf as signs and agents of God's love."

In the light of this, the criticism that guidelines amount to an unwarranted concession to managerialism must be seen as misplaced. They simply set out what it means to act in a manner consistent with a calling to ministry and should be seen as an attempt to work out in concrete terms the practice of vocation in a contemporary setting.

As a result, "profession", in a clergy context, must be seen as possessing not one meaning but two: on one hand to describe the sociological reality of a group of people who operate according to conventions and practices developed by the group; and on the other, as an indication that this group stands for - professes - a set of transcendent values and principles which derive from a theology of vocation. Both senses of the term profession must be kept in mind.

From the principle of vocation follows the question: a vocation to what? The most obvious answer is "to serve". But to serve whom? Theologically, service is firstly towards God and only secondly towards human beings. Moreover, such service is only possible through relationship. This, in turn, requires the teasing out of a cluster of concepts that shape the notions of relationship and relationality, and at the centre of this cluster lies the idea of covenant.

### 1. Covenant

The concept of covenant represents the wellspring from which a theology of professional responsibility flows. Its significance can be demonstrated by contrasting it with the concept that governs secular models of professional relationship, namely that of contract. As Richard Gula has pointed out, the two are close cousins but there are crucial differences. Contracts define the specific nature of the relationship and the precise rights and duties that follow from it. Neither party can expect the other to go beyond the specified contractual duties, and each has the liberty to refuse requests to do so. Indeed, the expectation is that such requests will not be made or granted except in extremis. "The contract model acknowledges human limitations of the contracting parties since it clearly distinguishes rights and duties. It circumscribes the kind and amount of service being sought and offered."9 By contrast, the biblical model of covenant - exemplified most powerfully by the covenant relationship between God and his people - is based upon grace. The covenant partners are bound together not by a set of legal requirements but by the relational nexus of gracious initiative followed by thankful response. Covenant goes further than the carefully defined obligations contained within a contract to the need for further actions that might be required by love. "When we act according to a covenant, we look beyond the minimum… Partners in a covenant are willing to go the extra mile to make things work out."

It is this graciousness - the readiness "to make room for the gratuitous, not just the gratuities" - that distinguishes covenant from contract and gives ministry its distinctive quality. Rooted in the covenant love of God, the covenantal ministry of clergy mirrors that of Christ himself who gave himself freely for the sake of the world and "who, though he was in the form of God, did not count equality with God a thing to be grasped but emptied himself, taking the form of a servant" (Philippians 2.6-7). The covenant model is, in the end, profoundly Christological.

The implication of this is that those who are called to ordained ministry must act out of a covenantal rather than a contractual motivation and mindset. They must be "willing to go the extra mile" which means that they must be prepared to allow their ministry to be shaped by the needs of others rather than their own preconceptions of autonomy. But how might this be worked out? This leads us to two further principles: agape and virtue.

### 2. Agape

In a discussion of agape and pastoral care, Simon Robinson notes that agape and covenant are intimately connected in a number of ways. In the first place, both are based upon gift, for just as covenant is gracious, so agape is a matter of gift of love. In pastoral terms, agape "is not based upon any contractual terms" but is "a way of knowing the other, the ground of care for the other".

Pastoral relationships are thus governed by agape. Secondly, agape involves faithfulness and constancy. The minister remains true to the other person whatever he or she has done since "agape promises to be there whatever the response from the other". Thirdly, agape allows for a measure of relational open-endedness rather than placing rigid limitations on the growth of a pastoral relationship. This is not to deny the importance of boundaries; yet, at the same time, it "nourishes rather than limits relationships" and "is always searching for the good of the other … is always open to the possibilities of the other".

From this it can be seen that agapeic love is not conditioned by the attraction or achievement of the other but "loves the other simply because they are the other". It is "a love which does not base itself on the action of the other, a disinterested love which is not based in a partial way on the other".

How, in turn, should this theology be applied? Secular pastoral counselling has developed five operational principles as the basis for its professional codes. If we invest them with the theological concept of agape, it becomes possible to construe them as a principled framework for ethical practice in ordained ministry:

 i.      the promotion of autonomy for the counsellee (understood as the ability to make self-chosen decisions)

ii.     the duty of the counsellor to act for the positive good of the counsellee (the principle of beneficence);

iii.    the responsibility of the counsellor to do no harm (the principle of non-maleficence);

iv.    the obligation to act justly in the counsellee's best interests (the principle of justice);

v.     the counsellor's commitment to trustworthiness (the principle of fidelity).

While the term agape does not explicitly appear, from a theological perspective it can be discerned as the theological meta-principle lying behind all five. And if we were to substitute the terms "parishioner" for "counsellee" and "minister" for "counsellor", the transference to a set of principles for Christian ministry becomes clear.

What is equally clear, too, is that while one purpose of this framework is to protect the counsellor/minister, its fundamental emphasis is on the needs of the client/parishioner. In Robinson's language, the principles are directed towards the well-being of the Other. The rights of the helper are secondary to the good of the one who seeks help. This in turn means that those of us who are called upon to offer ministerial care must be prepared to allow our independence to be qualified as we test our ministry against the demands of professional guidelines informed by agape. The Guidelines give substance to this.

Nowhere is the importance of agapeic principles more clearly seen than in the issue of power. Within the relationship between clergy and parishioners, it is crucial to appreciate that power is used asymmetrically. That is to say, the clergyman or woman is more powerful than the person seeking help. Although self-evident upon reflection, this is a fact which is all too easily overlooked. At its worst, the wielding of asymmetrical power leads to abuse, sexual and otherwise. The vicar who uses her power to coerce, manipulate or bully an individual into agreement is every bit as abusive - albeit in a different way - as the vicar who uses his status to satisfy his sexual desires. Both are exercising power to achieve their own ends in contravention of the principles above.

In reflecting on this, we are helped by the work of Rollo May who has developed a typology of power that enables us to identify what kind of power is being used at any given time.

According to May, power can be discerned under five headings:

 i.      exploitative power which dominates by force and coercion;

ii.     manipulative power which controls by more subtle and covert psychological means;

iii.    competitive power which is ambiguous since it can be used constructively where parties are relatively equal but is destructive where they are unequal (as in most pastoral relationships);

iv.    nutritive power which sustains and empowers;

v.     integrative power which takes the freedom of others seriously and seeks to harness the other person's (potential) strengths.

This typology offers a grid by which particular ministerial exercises of power can be assessed. The first two types clearly fall outside a covenantal/agapeic understanding of ministry since they are not concerned with the needs or good of the other person at all. The third is questionable, though capable of constructive use in some situations. The fourth and fifth accord well with a theology of covenant and agape because they arise out of a desire to further the best interests of the other.

From a ministerial perspective, therefore, "the moral challenge is to see that in our interaction with others, the right use of power moves away from dominating others through exploitation and manipulation, and that it moves toward liberating others through nutrient and integrative acts of power".

When seeking to achieve our objectives - whether with a group of people or in a one-to-one relationship - we must ask ourselves what kind of power we are seeking to exercise and for whose benefit? If the answer to either of these questions is ourselves, we need to return to the five agapeic principles and reflect again.

In summary, therefore, it can be seen that if ministry is to be based on a concept of covenantal responsibility from which agapeic practice flows, this will require a more substantive set of professional criteria than a simple appeal to the beatitudes or any other general idea. As the example of how power might be exercised shows, a more complex approach is needed if we are to grasp both the theological nature of ministerial relationships and the implications for practice that must follow.

### 3. Virtue

Ethical behaviour, though, is not just a matter of adherence to rules or principles. The revival of virtue ethics among moral philosophers and theologians in recent years reminds us that the character of the professional is as important as the moral code to which he or she adheres.

The ethics of conduct must be shaped by the ethics of character and the ethics of integrity.

What does this mean? According to William Willimon, character can be defined as the "basic moral orientation that gives unity, definition and direction to our lives by forming our habits into meaningful and predictable patterns that have been determined by our dominant convictions".

What we do is governed by who we are. As Stanley Hauerwas notes, each of us makes moral choices arising out of "the dispositions, experience, traditions, heritage and virtues that he or she has cultivated".

From this, two points stand out: firstly, the Christian minister must deliberately cultivate Christian character and virtues and not leave them to chance. In Pauline language, he or she must seek the fruits of the Spirit: love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, selfcontrol (Galatians 5.22-23). When we ask what this might entail in terms of professional ethics, Karen Lebacqz argues for two central virtues: trustworthiness and prudence. The former is a matter of integrity or honour so that the minister is recognized as a "trustworthy trustee". The latter has to do with wise judgement or discernment. The combination of both is necessary for the minister to develop an instinct for doing the right.

Secondly, we are brought back to the idea of "habits of the heart" suggested (inter alia) by Willimon. Because these arise out of the kind of people we are, our theological convictions and spiritual practices are crucial to professional life. We are formed by the beliefs we hold, the ways in which we relate to God and the communities to which we belong. Doctrine, ethics and spirituality go hand in hand "to the point of behaving ethically most of the time as though by instinct".

The Guidelines' use of the Ordinal as their organizing framework recognizes this and reminds us that the sustenance of virtue cannot be a matter of indifference or fortuitousness. The deliberate cultivation of spiritual life is crucial.

Having said this, it has to be remembered that behind all Christian versions of virtue ethics stands the truth and reality of divine grace. The power to be and do right flows from the free self-giving of God in Christ. And it is through the indwelling Holy Spirit that we are enabled to grow in character and virtue. We become trustworthy trustees and are sustained in ministry by the activity of God in us. Ministerial guidelines may set the boundaries but only by grace can we live them out. In Richard Gula's words, "If we are to minister in the spirit of Jesus and continue in our own time his mission of proclaiming the reign of God, then we must be free enough in ourselves to accept God's offer of love and so be free for others to enable them to let go of whatever keeps them from accepting divine love as well".

### Conclusion

This has necessarily been a brief survey of the issues and principles that underlie the Guidelines: a mapping of the terrain rather than an exhaustive journey through it. We have seen how the Church can no longer stand back from addressing the issue of what it means to act professionally in today's social climate. We have noted that to develop a culture of professional ethics will require not just a set of criteria that govern good practice but also virtuous character based on theology and spirituality. Above all, we are reminded that the foundational value for all Christian ethics is the uniquely Christian gift of agape. Without this we are but clanging cymbals, professional or otherwise.

*Francis Bridger*

*Brechin*

*Trinity 2014*

## Ministerial Development Review

### Introduction

MDR is an ongoing process which enables those who hold the Bishop’s license to

To reflect before God on our vocation and ministry

To identify areas for thanksgiving and lament, receiving affirmation and challenge

To set some priorities for personal and ministerial development

The process, which all who hold their posts under Common Tenure must participate in, and those with freehold are warmly invited to undertake, has three phases.

Preparation: carried out as an opportunity to reflect on the past 18 months, noting key events, your learning and experience, and any causes of lament or celebration that you might wish to share. You will also begin to identify the key issues which you wish to reflect on during your conversation with a view to identifying areas for development in the future. There are now four models of preparation for you to choose from, although you may also simply write a report based on your own themes and priorities.

You should cut and paste the version you chose to use into a new document and return it by email to your reviewer at least one week prior to your review.

The preparatory paperwork will be read by the reviewer so that context and key events can be acknowledged, but will not constitute the main focus of the review conversation.

Review: a conversation which will act as a hinge – acknowledging the past – noticing the present – and looking to the future. The themes of the conversation should be identified by the reviewee. The reviewer’s task will be to ask questions, to elicit solution focussed thinking, and occasionally to challenge. The outcome of the conversation will be to identify a direction of travel, asking the question “By the time I do this again in 18 months time, what would I want to be different? What would I want to have learned? What would I have done?”

Developme**nt**: at the end of the review, you will be asked to identify three bullet points from the conversation, agreed with your reviewer.

Your reviewer will agree with you whether you should complete a personal development plan. You will be asked to email your agreed record to your reviewer within one week. You will then be given a period of time for reflection, to seek advice and to shape your personal development plan. This plan should then be emailed to the reviewer and the Director of Ministry and Training. Guidance on completing the development plan is included below. Only activities specifically identified in this plan will be eligible for a Continuing Ministerial Development Grant, and in many cases needs can be met by resources on offer from the Ministry and Training Department.

#### The timetable for your review is set out below

* 2 months before review - invitation letter
* 1 week before review your preparatory paperwork should be sent by email to your reviewer
* Review date
* 1 week after review return agreed record to reviewer
* Optional within three months complete ministry development plan

#### Agreed Record EXAMPLE

**Name Reviewer Date of Review**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Initial Context / Challenge Identified** | **What changes or developments do I want to see?** | **What needs to be done to bring about these changes?** | **What should be different in 12-18 months** |
| **Priority One** | Church Warden about to retire, lack of lay leaders in the parish | More confident lay leadership, and someone ready to act as Church Warden | Build relationships  Build confidence  Identify potential  Change my approach  Build culture of appreciation and gratitude | More volunteers  More confident people  Culture of every member ministry |
| **Priority Two** | Feeling overwhelmed by work, poor health, spiritually dried up | A better work/life balance, renewed joy in prayer and worship | Help to address issues  Time set aside to solve problems  New skills / people to talk | Congregation and family notice the difference in me, I feel renewed in ministry and ready for the next five years. |
| **Priority Three** | A big building project on the horizon and a complex team to lead | I want more confidence in leadership and project management | Acquire new skills  Know what is involved in building project  Identify allies in parish | Building project underway and everyone confident in management, not too many distractions |

#### Agreed Record Form

**Name Reviewer Date of Review**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Initial Context / Challenge Identified** | **What changes or developments do I want to see?** | **What needs to be done to bring about these changes?** | **What should be different in 12-18 months** |
| **Priority One** |  |  |  |  |
| **Priority Two** |  |  |  |  |
| **Priority Three** |  |  |  |  |

#### CREATING A MINISTRY DEVELOPMENT PLAN

Research shows that learning that lasts is usually acquired through experience and reflection, helped by working with peers, coaches or mentors, and with a small proportion of formal teaching, study or reading. This kind of learning is happening all the time in our ministry, when we review our liturgy, mission strategy, or reflect on a pastoral situation with a colleague.

In shaping a ministry development plan, we suggest that you work on the model as outlined below. If you want to talk this through with someone, please contact the Department of Discipleship and Ministry.

10 % Formal Education through reading, courses, or training events

20% Learning with others, such as peer to peer learning, coaching, mentors or consultants

70% Experience and Reflection – intentional actions, observing others in practice, pastoral cycle, working with teams, networking, inviting feedback, trying and testing ideas

#### Ministry Development Plan Example

**Name Date of Review Consultant Date of Plan**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Changes and Developments I want to see** | **Changes that need to happen** | **Formal Education**  **10%** | **Learning with Others**  **20%** | **Learning through Experience**  **70%** | **What should be different in 12-18 months** |
| More confident lay leadership, and someone ready to act as Church Warden | Build relationships  Build confidence  Identify potential  Change my approach  Build culture of appreciation and gratitude | Course in Appreciative Inquiry, coaching or growing lay leaders | Identify partners, eg. Ministry team, deanery colleagues, others from course to reflect with – plan to meet 2 or 3 times in 18 months | Review culture of PCC  Identify potential leaders and build relationships  ? include review in APCM  ? Ask congregation how they feel | More volunteers  More confident people  Culture of every member ministry |
| A better work/life balance, renewed joy in prayer and worship | Help to address issues  Time set aside to solve problems  New skills / people to talk | Course in Time Management or Clergy Wellbeing | Pastoral Reflection Group, Cell Group, Spiritual Director | Diary management  Retreat and holiday  Take up a hobby  Make time to enjoy sport / walking | Congregation and family notice the difference in me, I feel renewed in ministry and ready for the next five years. |
| I want more confidence in leadership and project management | Acquire new skills  Know what is involved in building project  Identify allies in parish | Internet research or find lay person with project management skills | Mentor or Work consultant, consult diocese and DAC | Build team, establish time line, include time to plan/do/reflect  Ask for feedback | Building project underway and everyone confident in management, not too many distractions |

Please note that only resources identified in this learning plan will be eligible for CDM funding, and many resources may be available through the diocese. If you would like a conversation about your learning plan, please contact the Department of Discipleship and Ministry.

#### Ministry Development Plan

**Name Date of Review Consultant Date of Plan**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Changes and Developments I want to see**  **(carried over from Agreed Record)** | **Changes that need to happen**  **(Carried over from Agreed Record)** | **Formal Education**  **10%** | **Learning with Others**  **20%** | **Learning through Experience**  **70%** | **What should be different in 12-18 months**  **(Carried over from Agreed Record)** |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

Please note that only resources identified in this learning plan will be eligible for CDM funding, and many resources may be available through the diocese. If you would like a conversation about your learning plan, please contact the Department of Discipleship and Ministry.

*This document is available as a separate form on the Discipleship and Ministry Section of the Diocesan Website.*

## The Clergy Discipline Measure The Clergy Disciplinary Procedure

|  |  |
| --- | --- |
| **PCC**  **CHURCHWARDEN** **OTHERS**   COMPLAINTin writingSent to theBISHOP **PRELIMINARY SCRUTINY**  **by diocesan registrar**   Within four weeks,the BISHOP decides **Other procedures**  **may be more**  **suitable**  **If criminal, refer to Police**      **No proper No sufficient Not a discipline**  **interest substance matter**  **Recognised as a disciplinary matter**  **Suspension**  **Dismiss**    **Respondent’s written answer**    **(Complainant may appeal)**  **COURSES AVAILABLE TO THE BISHOP**  **No further Conditional Conciliation Penalty with Formal**  **action deferment Consent Investigation**  **(Complainant**  **may appeal)**  **President considers if**  **there is case to answer**    **Tribunal to**  **adjudicate**    **Case to answer No case to answer**    **Appeal**  **No further steps to be taken** | **References to the CDM & Rules**  s8, s9, s10  r4-8  forms 1a & 3  r9  s11  r10-14  s12  r18  s36; r60-66  & form 12a  s11(3); r15, r16  & form 4  r17; forms 2 & 3  s13; r20-22  & form 5  s14; r23-25  & form 6  s15; r26  s16; r27  & form 7  s17; r28  s17; r29  s18, s22, s24  r30-53  s17; r29  s20 |

# Safeguarding (Child and Adult Protection)

## Safeguarding and relevant documents

### National Guidance: Child Protection

* 1. The Church of England, in all aspects of its life, is committed to and will champion the protection of children and young people both in society as a whole and in its own community.
  2. It fully accepts, endorses and will implement the principle enshrined in the Children Act 1989, that the welfare of the child is paramount. The Church of England will foster and encourage best practice within its community by setting standards for working with children and young people and by supporting parents in the care of their children.
  3. It will work with statutory bodies, voluntary agencies and other faith communities to promote the safety and well-being of children and young people. It is committed to acting promptly whenever a concern is raised about a child or young person or about the behaviour of an adult, and will work with the appropriate statutory bodies when an investigation into child abuse is necessary.
  4. The Church of England is committed to encouraging an environment where all people and especially those who may be vulnerable for any reason are able to worship and pursue their faith journey with encouragement and in safety. Everyone, whether they see themselves as vulnerable or not, will receive respectful pastoral ministry recognizing any power imbalance within such a relationship.

### Safeguarding Adults

* 1. All church workers involved in any pastoral ministry will be recruited with care including the use of the Criminal Records Bureau disclosure service when legal or appropriate. Workers will receive training and continuing support.
  2. Any allegations of mistreatment, abuse, harassment or bullying will be responded to without delay. Whether or not the matter involves the church there will be cooperation with the police and local authority in any investigation.
  3. Sensitive and informed pastoral care will be offered to anyone who has suffered abuse, including support to make a complaint if so desired: help to find appropriate specialist care either from the church or secular agencies will be offered.
  4. Congregations will often include people who have offended in a way that means they are a continuing risk to vulnerable people. The risks will be managed sensitively with the protection of adults and children in mind.

1. The Church of England has agreed the following policy statements:

(web links are current at the time of publication)

Promoting a Safe Church (safeguarding policy for adults) 2006

<https://www.churchofengland.org/clergy-office-holders/protectingand-safeguarding-children-and-adults-who-are-vulnerable.aspx>

Protecting All God's Children (safeguarding policy for children and young people, 4th edition, 2010)

[https://www.churchofengland.org/media/37378/protectingallgods children.pdf](https://www.churchofengland.org/media/37378/protectingallgodschildren.pdf)

Responding to Domestic Abuse (guidelines for those with pastoral responsibility, 2006)

[https://www.churchofengland.org/media/1163604/  
domesticabuse.pdf](https://www.churchofengland.org/media/1163604/domesticabuse.pdf)

Safeguarding Guidelines relating to Safer Recruitment (interim policy, 2013)

[https://www.churchofengland.org/media/2097516/safer%20recruitment%20guidance%20final%2013-6-13.pdf](https://www.churchofengland.org/media/2097516/safer)

## Diocesan Guidelines: safeguarding

A Safe Church, Diocesan policies, procedures and guidelines for safeguarding children, vulnerable adults and responding to domestic abuse, can be downloaded in sections from <http://www.southwark.anglican.org/what/diocesan-policies-procedures>.

The diocese employs a full time Safeguarding Adviser and a part time Assistant Safeguarding Adviser, who can be consulted on all parish matters of safeguarding children and adults who may be vulnerable. Their role includes:

* responding to parishes where there are concerns about situations regarding children or adults who may be vulnerable, or when allegations of abuse have been made
* taking the key role when allegations are made or concerns expressed about church officers
* advising parishes on safeguarding policy and practice.

Incumbents must consult with the Safeguarding Adviser on the following issues:

* concerns or allegations relating to church officers (clergy, commissioned and accredited ministers, paid and voluntary children’s, youth and vulnerable adults’ workers, churchwardens)
* inclusion of known offenders against children or vulnerable adults in the congregation.

All new incumbents are required to undertake Diocesan training as follows: Safeguarding for Incumbents within a year of their appointment; Responding to Domestic Abuse; and Safeguarding 2 within 3 years of undertaking the foundation course.

Courses can be booked on line at <http://www.southwark.anglican.org/what/training-opportunities-materials>.

The specific safeguarding roles of incumbents are to work with the Parish Safeguarding Officers, the Churchwardens and the PCC to:

* ensure that safeguarding children in the parish is embedded within the parish’s vision for children’s work
* ensure the parish has one or more designated Safeguarding Officers, and support them
* have an oversight of the ‘culture’ of activities with children and adults
* ensure that all workers (unpaid and paid) with vulnerable people are recruited safely
* ensure that ***A Safe Church*** is adopted by the PCC, and is made widely available
* ensure people know, are trained in and practise procedures relevant to their work
* ensure implementation of policy and procedures are reviewed annually by completing the safeguarding audit
* ensure individuals, groups or organisations using church premises have seen and agree to abide by *A Safe Church*
* inform the Diocesan Safeguarding Adviser and archdeacon as soon as an allegation is made
* work co-operatively with them to follow diocesan procedures
* be involved in inter-agency strategy meetings as required
* manage the consequences for the congregation after an allegation or a conviction has been made
* ensure pastoral care for all concerned is offered (victim and alleged abuser and families)
* ensure provision of a secure cabinet for storage of records.

**The Diocesan Safeguarding Adviser is Kate Singleton,**

contactable at:

Diocese of Southwark, Trinity House, 4 Chapel Court, London SE1 1HW.

Email: [kate.singleton@southwark.anglican.org](mailto:kate.singleton@southwark.anglican.org)

Tel: 020 7939 9423 (office hours); 07982 279713 (mobile for out of hours)

## Safeguarding briefings for new incumbents –

## some guidelines

It is important that any new incumbent is provided with a thorough and accurate safeguarding briefing on his or her arrival in the parish in order that they can undertake their safeguarding responsibilities as set out in *A Safe Church (ASC) 3-6.*

The responsibility for ensuring that this face-to-face briefing is provided, lies with the Churchwardens and Parish Safeguarding Officer(s), although the new incumbent and his/her Archdeacon should seek to ensure that he/she is briefed as soon as possible after arrival.

Discretion will be required as to the level of detail which should be shared, how far past safeguarding matters are included and how the briefing is delivered. Those involved need to consider the usual parameters in relation to the sharing and subsequent storage of confidential information (*ASC 6-17to 6-19*).

Each parish will differ but it is advised that the following types of information be shared with an incumbent as part of their safeguarding briefing:

* Details of any offender management agreements currently in place within the parish (*ASC 8-1 to 8-4*)
* Details of any current matters which are considered to be a “serious safeguarding situation relating to church officers and other individuals,” (as set out in the Church of England Practice Guidance, 2014) including those which involve an ongoing Diocesan Core Group process as set out in *ASC 6-11 to 6-15*
* Details of any known individuals within the congregation where the statutory authorities have advised/confirmed that there are ongoing child protection or adult safeguarding concerns
* Details of significant historical safeguarding issues which may have substantial ongoing implications for the parish
* Details of any past or current safeguarding matters which relate to any member of the ministry team

If necessary, the DSA is available to give advice to Churchwardens, PSOs, outgoing incumbents and Archdeacons as to whether details of specific matters should be shared with any new incumbent.

In addition, the meeting should ensure that the new incumbent is provided with:

* Details of the most recent parish self-audit, resulting action plan and discussions at PCC meetings, including any particular responsibilities assigned to them as an individual
* Details of where parish safeguarding records are held, access arrangements, etc.
* Arrangements for ensuring the safe recruitment of paid staff and volunteers within the parish
* Location of *A Safe Church* and a list of key parish and Diocesan safeguarding personnel
* Details of the current Diocesan safeguarding training programme and any upcoming parish/deanery safeguarding training
* Details of all church activities relating to children, young people and vulnerable adults

Kate Singleton

Diocesan Safeguarding Adviser

8th April 2016

# Public Worship

## Public Worship in the Church of England

1. **Introduction.** 
   1. Worship lies at the heart of all that Christians do and are. So the manner and form of Christian worship speaks directly about our life and our beliefs. Indeed this belief has long been expressed in the maxim lex orandi, lex credendi[[6]](#footnote-6)– what the church prays defines what the church believes. Whilst there will be some that will disagree with this methodology and approach, nevertheless it is the substantive view that the Church of England has taken: our liturgy gives us ecclesial identity, and proclaims our doctrine and belief.
   2. This is why such effort is taken over the drafting and authorising of liturgical texts and indeed why people have been prepared to go to extraordinary lengths to try and either get material or practice authorised – or prevent it.
   3. The forms and varieties of service that may be used in the public worship of the Church of England are governed by statue and Canon Law. Most forms of service have a legal authority for their use and canon law makes provision many things including: directing the way in which public worship is conducted, the buildings in which is celebrated, the frequency with which it is held and various other things. [See especially Canons B1-44 and Canons F 1-18].
   4. Prior to 1974 the power to authorise and amend the Service Books of the Church of England rested entirely with Parliament, this led to the great controversies of 1928 when the Church sought to promote in Parliament the revised prayer book, which was then rejected. These tensions between church and state remained until in 1974 a Measure was passed that, in effect, gives the General Synod power to authorise alternative service provisions.[[7]](#footnote-7)

#### Authorised Services

* 1. The primary service book of the Church of England remains *The Book of Common Prayer.[[8]](#footnote-8)* In addition to this Canon B1 also lists the other services authorized for use: namely:

The shortened forms of Morning and Evening Prayer[[9]](#footnote-9)

The accession service[[10]](#footnote-10)

Forms of service authorized in accordance with the provisions of Canons B2, B4 or B5A[[11]](#footnote-11)

* 1. Canon B1 goes on to remind us that:

“Every minister shall use only the forms of service authorized by this Canon except so far as he may exercise the discretion permitted by Canon B5. It is the minister’s responsibility to have a good understanding of the forms of service used and he shall endeavour to ensure that the worship offered glories God and edifies the people”

* 1. This then is our primary legal obligation and responsibility when it comes to public worship. It should also be remembered that the Canons place a discipline about worship on the ordained clergy requiring us to say Morning and Evening Prayer each day and to celebrate or be present at the Holy Communion on all Sundays and other principal Feast days. [Canon C26][[12]](#footnote-12)

#### Amending authorised services

* 1. It will be remembered that each minister upon ordination and at licensing to each new responsibility makes the declaration of assent, which contains the promise only to “use those forms of service authorised or allowed by Canon”. Having taken such a promise, naturally each minister will strive to keep it!
  2. That said Canon B5 permits some degree of flexibility to the minister who conducts a service to make and use variations that are not of substantial importance in any form of authorised service. When no authorised provision exists for a particular service that is to be held then the Incumbent may use a service they consider suitable (in practical terms most things can now be broadly said to be caught under the rubrics of *A Service of the Word*).
  3. Any amendment to a service should be “reverent and seemly” and “shall not be contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter”. Care really must be taken over worship, if after all it is where we learn and find (in part) our doctrine we need to ensure that the doctrine our worship manifests is actually Anglican.[[13]](#footnote-13)
  4. Common Worship rubric seems to push this Canonical provision for variation still further in the rule which states “Where parts of a service make use of well-known and traditional texts, other translations or versions, particularly when used in musical compositions, may be used”[[14]](#footnote-14)
  5. Common Worship, however, does not give *carte blanche* to clergy simply to make up Orders of Service. However, proper familiarity with all of the texts, rubrics and options will mean that most people charged with the preparation of worship should be able to compile liturgies that meet the various needs of a congregation or community.[[15]](#footnote-15)

#### Worship in the Parish

* 1. The law presumes that in normal circumstances three services (known as the statutory services) should take place in each parish church each Sunday. These are: the Holy Communion, Morning Prayer and Evening Prayer. [Canons B 11 and 14]. Morning and Evening Prayer are also to be read on all Principal Feast Days and Holy Days and Holy Communion is also to be celebrated on these occasions[[16]](#footnote-16).
  2. The statutory services may be dispensed with jointly by the Incumbent and PCC on an occasional basis, but any long term dispensation requires the approval of the Bishop (B14A). Authorised forms of *A Service of the Word* may replace morning or evening prayer (thus covering Family Service/All age Worship services).

#### Which forms of Service?

* 1. The choice of which of the many available options to be used are a matter for the Incumbent and PCC (or in Team Ministries the DCC if the authority has been delegated to it by the PCC) to decide jointly. [Canon B3]. It follows therefore that Assistant Clergy must use the forms of service agreed upon by the Incumbent and PCC.[[17]](#footnote-17)
  2. In our current days of option rich Common Worship the exact choice of the precise parts of the service to be used rests with the Minister conducting the service, though subject to any general directions given by the parish priest (Canon B5). It is not open to a PCC having agreed to use CW Order 1 then to insist on the exact texts to be used or, for example, the place of the Peace.
  3. It should also be noted that the translation of the Bible to be used is regulated as well. The translations permitted to be used in place of the Authorized Version with services from the BCP are set out in the separate handout listing currently authorized services. When it comes to authorized services which are not from the Prayer Book then any version of the bible not prohibited by lawful authority may be used. Currently no prohibitions exist, although there is some guidance from the House of Bishops which is with your information

## Other things

#### Vesture – Canon B8

* 1. The Church of England attaches no doctrinal significance to the diversities of vesture permitted under Canon, nor does particular vesture imply support for doctrine from other traditions. However, the custom of vesture in a particular place is not to be changed without consultation with the PCC (disagreements being referred to the Bishop).
  2. At the Holy Communion the president shall wear either surplice or alb with scarf or stole. If a stole is worn “other customary vestments may be added”. The epistoler and gospeller (if any) may wear surplice or alb to which other customary vestments may be added. At MP and EP surplice or alb is to be worn with scarf or stole and the same pertains to occasional offices. It will be noted from this Canon that not wearing some form of ecclesiastical vesture for divine service is not an option.

#### Reverence – Canon B9

This Canon gives direction about sitting and standing at various points of the service (eg the Gospel) to ensure appropriate reverence. Divine service is always to be conducted in a seemly manner and in an audible voice [B14]

#### Who may preside – Canon B12

* 1. Only those ordained priest by Episcopal ordination in accordance with Canon C1 (and we might add those whose orders are recognised under the Clergy (Overseas Ordination) Measure 1990) are permitted to preside at the Holy Communion.
  2. Provision exists for lay people to assist with distributing the sacrament and to read from Scripture and lead intercessions during the Eucharist. However, only priests may preside. The CW rubrics again give some helpful hints over different ministries being exercised at the Eucharist <http://www.churchofengland.org/prayer-worship/worship/texts/general-rules.aspx>

#### Admission to HC – Canon B15A and B16

This Canon sets out who shall be admitted to Communion, namely: those who are confirmed, or who are ready and desirous of confirmation; baptised persons who are communicant members of Churches which subscribe to the doctrine of the Trinity and who are in good standing in their own Church; any other baptised person authorised to be admitted under regulations made by the General Synod[[18]](#footnote-18) and any baptised person in immediate danger of death. Notwithstanding such admission, B16 sets out occasions when someone may be refused the sacrament. Notorious offenders whose malicious, open and unrepentant contention with their neighbours or other grave sin is in effect a cause of scandal, should be reported by the Priest to the Bishop, whose directions should be followed. Naturally to suggest to someone that they should not be receiving Communion or to refuse them is a very serious matter indeed, it is a decision that should be carefully taken. In any event Canon B16 provides that a priest should not refuse someone Communion without first referring to the Bishop.

#### Of bread and wine – Canon B17 and Vessels F3

It is the duty of the Churchwardens to provide sufficient quantity of bread and wine for the Holy Communion. Bread, either leavened or unleavened shall be of the best wheat flour and the wine the fermented juice of the grape, good and wholesome.[[19]](#footnote-19) Communion plate is to be provided in each church and chapel. Canon F3 stipulates that the chalice and paten or other dish for the bread are to be made from gold, silver, or other suitable metal.[[20]](#footnote-20)

#### Of sermons – Canon B18

A sermon shall be preached at least once each Sunday, except for some reasonable cause. It shall be preached only by a person so authorised under Canon Law, or who has been invited by the parish priest and with the permission of the bishop (either directly or through diocesan guidelines). The preacher “shall endeavour with care and sincerity to minister the word of truth, to the glory of God and to the edification of the people”

#### Of musicians – Canon B20

Even musicians are not exempt! This Canon covers appointment, removal and responsibilities of musicians. The advice of the musician is to be listened to when it comes to choosing music for worship, but the final decision belongs to the parish priest. Canon B20 also provides for the involvement of the Archdeacon in any dispute.

1. **Copyright**

In an age where more and more churches are producing their own orders of service the question of copyright acknowledgement arises. There is published guidance on this which can be found at <http://www.churchofengland.org/prayer-worship/join-us-in-daily-prayer/copyright.aspx> Care should always be taken to incude proper copyright acknowledgements in orders of service and if hymn words and/or music are being reproduced then parishes need to have the appropriate licences for this and make sure the licence number appears on the order of service. Failure to do this can make parishes liable to fines in the secular courts.

## Occasional Offices

The choice as to which authorized form of service for Baptism, Thanksgiving after Childbirth, Marriage or Funeral are to be used lies with the officiating minister on each occasion. That said, lay persons who are particularly involved are entitled to express their preference beforehand and wherever possible and appropriate, such preferences ought to be given proper weight. If there is disagreement the matter should be referred to the Bishop whose decision is final.

## Baptism

* 1. Clergy have a legal duty to baptize the children of parishioners, this duty implies a right for parishioners to have their children baptized in their parish church. (Canon B22). The baptism may be delayed for the purposes of preparation of parents but parents may appeal to the bishop if they believe the delay is not appropriate or if baptism is refused. This bishop will then give directions in the matter. (Canon B22).
  2. Clergy may baptize children who are not resident in their parish. If the parents of the child are not on the electoral roll of the parish then the goodwill of the minister of their parish must be sought. (Canon B22). It does not necessarily have to be forthcoming!

#### Godparents

Children must have at least two godparents (who may include their parents, provided that there is at least one other). Where possible there should be at least three Godparents, two of which should be of the same sex as the child to be baptised. Godparents **must** be baptized and should be confirmed. The second requirement may be waived but the first cannot. (Canon B23).

#### Emergencies

A minister should always respond immediately to a call to baptise an infant in danger of death. If the child is baptised in hospital the person baptising has a duty to inform the parish priest in whose parish the child is resident that the baptism has taken place. If the child lives it should be taken to church and be received into the congregation. [Canon B22]. Whilst the ordinary minister of Baptism remains an ordained person, in an emergency a lay person may administer baptism[[21]](#footnote-21)

#### Adults

Clergy baptizing adults must inform the bishop prior to the baptism taking place. The norm is for adult baptism to be followed by the rite of confirmation. (Canon B24).

#### Administration

* 1. Baptism must be administered with water in the name of the Father and of the Son and of the Holy Spirit, according to an authorized rite. The threefold administration of water onto the candidate (by dipping or pouring) is an ancient practice of the Church, but a single pouring of water is equally valid. Canon B21 sets the normal expectation that Baptism is administered on a Sunday at public worship when the most number of people come together.
  2. The Church of England recognises as valid any baptism administered by water in the name of the Trinity. Baptism is a once and forever action and therefore is not capable of being repeated. If there is doubt as to whether some person has or has not been baptised then a conditional form of baptism may be used.
  3. Baptism must be registered in the register of baptisms of the parish church (Parochial Registers and Records Measure 1978)

## Marriage

Guidance on the legal preliminaries for marriage is found elsewhere in this document Further information is also available at <http://www.yourchurchwedding.org/youre-welcome/more-churches-to-choose-from.aspx>

The House of Bishops has also issued, together with the Home Office and Borders Agency additional guidance on the Marriage of those from outside the EEA.

#### Service of Prayer and Dedication after Civil Marriage

The question of divorce and remarriage will be considered elsewhere, however it is worth noting that there is a form of service of Prayer and Dedication which can be offered to a couple who have been through a Civil Marriage.

The Church of England has not authorised any service for use with those who have entered a Civil Partnership and the House of Bishops has issued guidance in this area which stresses the need to respond pastorally but makes it clear that clergy should not bless such partnerships. See further <http://www.churchofengland.org/media-centre/news/2005/07/pr5605.aspx>

## Funerals and Burials

* 1. The burial of the dead is governed by secular and church law. Each person, whether they are a member of the Church of England or not (or even a Christian or not) has a right to be buried in the churchyard of the parish in which they die, the parish in which they normally reside at the time of their death or a parish in which they are on the electoral roll of the parish church. This right is exercised on behalf of the deceased by their representatives. Clergy have a duty to bury such persons on their death in the churchyard provided there is space for burial. (Canon B38).
  2. Cremation is lawful in connection with Church of England funerals. The permission of the incumbent in which the Crematorium is situated is not necessary when conducting the funeral of a parishioner. The right to burial in the churchyard extends to the right to have ones ashes interred in the churchyard if there is room. (Canon B38).
  3. Funerals in Church must follow an authorised rite. Funerals at Crematoriums are to be conducted according to directions given by the bishop. The rubric of the Book of Common Prayer states that the Order for the Burial of the Dead may not be used on those who die unbaptized, ex-communicate and unrepentant or who have committed suicide whilst of sound mind. There is no such rubric in Common Worship and indeed this volume contains prayers specifically to be used after suicide. Any question as to whether the Burial service can be used should be referred to the Bishop who will make a decision.
  4. Care should always be taken to discover if a burial is to take place in consecrated ground. If the ground is unconsecrated then the minister on coming to the grave should first bless it.[[22]](#footnote-22)
  5. The right to burial in a churchyard does not extend to a right to erect a headstone or other memorial. Memorials are subject to the faculty jurisdiction and matters to do with churchyards are the responsibility of incumbents.

#### Ministry to the Sick

Canon B37 requires the minister to “use his best endeavours to ensure that he be speedily informed when any person is sick of in danger of death in the parish, and shall as soon as possible resort unto him to exhort, instruct, and comfort him in his distress in such manner as he shall think most needful and convenient.” This is simply a codification of what most clergy would regard as good pastoral practice. The second paragraph of the Canon permits and encourages the giving of Communion to those who are sick “at such time and place as may be convenient”. This would clearly cover home-visits, hospitals or nursing homes and also the scene of any emergency/disaster. Furthermore the Canon goes on to endorse the ministry of laying on of hands and anointing with oil. The *BCP* has forms of service for the Visitation of the Sick and Communion of the Sick. *Common Worship* also provides extensive forms of service in this area, as well as section on *Ministry at the time of Death* (or what used to be called *Last Rites*).

#### The Ministry of Deliverance

The current Canons are silent on this subject as is the *BCP.* This ministry is obviously a delicate and complicated matter. The directions of the Diocesan Bishop therefore need to be followed. Currently this means that clergy generally should not attempt the care of people affected in this way without first consulting the Area Dean or one of the Diocesan Advisors in this area. Experience shows that most aspects of the unfamiliar or alarming can be dealt with through normal pastoral channels. However, prudence and care is important and proper supervision and advice should be sought.

#### The Ministry of Reconciliation

* 1. Confession, Penance, the Ministry of Absolution or the Ministry of Reconciliation is covered by Canon B29. It is appropriate and permissible, in addition for general Confessions (for example during the Eucharist or at Evensong) for private confession to be made use of. The age old dictum *none must, some should, all may* is still a good guide to the practice of this ministry. This ministry has a *reserved* dimension to it as the Bishop directs that no one in their first three years of Ordained Ministry should act as a Spiritual Director or hear confessions. This is irrespective of whether the ministry of Spiritual Direction has been exercised before ordination.
  2. In any event deacons may not hear confessions and priests in their first three years may only act in the case of grave danger of death.
  3. This ministry also requires a great deal of thought and preparation. Many of the standard works suggest that those who regularly hear confessions ought to be properly prepared and regular penitents themselves.
  4. For the point of view of the Church the seal of the confession is absolute. Indeed this regulation is the only specific part of the 1603 Canons to survive. Andy breach of the seals would be a matter for Clergy Discipline. Interestingly it is far from clear whether what takes place in confession is a “privileged communication” (such as those between solicitor and client) for the purposes of the secular law. This matter has yet to be properly tested!
  5. However, for the laity (and clergy) to have confidence in this very personal ministry it must be the case that Confessors understand that the seal is absolute and that they will not divulge what is said. *Common Worship* provides forms of service for the Reconciliation of a Penitent.

## Admission of Baptised Children to Holy Communion Regulations 2006

The General Synod hereby makes the following Regulations under paragraph 1(c) of Canon B15A :-

These Regulations may be cited as the Admission of Baptised Children to Holy Communion Regulations 2006 and shall come into force on the fifteenth day of June 2006 as appointed by the Archbishops of Canterbury and York

Children who have been baptised but who have not yet been confirmed and who are not yet ready and desirous to be confirmed as required by paragraph 1(a) of Canon B15A may be admitted to Holy Communion provided that the conditions set out in these Regulations are satisfied.

Every diocesan bishop may at any time make a direction to the effect that applications from parishes under these Regulations may be made in his diocese. The bishop’s discretion in this respect shall be absolute, and he may at any time revoke such a direction (without prejudice to the validity of any permissions already granted thereunder).

Where a direction under paragraph 3 is in force in a diocese, an incumbent may apply to the bishop for permission that children falling within the definition in paragraph 2 may be admitted to Holy Communion in one or more of the parishes in the incumbent’s charge. Such application must be made in writing and must be accompanied by a copy of a resolution in support of the application passed by the parochial church council of each parish in respect of which the application is made.

Before granting any permission under paragraph 4, the bishop must first satisfy himself (a) that the parish concerned has made adequate provision for preparation and continuing nurture in the Christian life and will encourage any child admitted to Holy Communion under these Regulations to be confirmed at the appropriate time and (b) where the parish concerned is within the area of a local ecumenical project established under Canon B 44, that the other participating Churches have been consulted.

The bishop’s decision in relation to any application under paragraph 4 shall be final, but a refusal shall not prevent a further application being made on behalf of the parish concerned, provided that at least one year has elapsed since the most recent previous application was refused.

Any permission granted under paragraph 4 shall remain in force unless and until revoked by the bishop. The bishop must revoke such permission upon receipt of an application for the purpose made by the incumbent. Such application must be made in writing and accompanied by a copy of a resolution in support of the application passed by the parochial church council of each parish in respect of which the application is made. Otherwise, the bishop may only revoke a permission granted under paragraph 4 if he considers that the conditions specified in paragraph 5 are no longer being satisfactorily discharged. Before revoking any permission on these grounds, the bishop shall first notify the incumbent of his concerns in writing and shall afford the incumbent a reasonable time to respond and, where appropriate, to take remedial action.

Where a permission granted under paragraph 4 is in force, the incumbent shall not admit any child to Holy Communion unless he or she is satisfied that (a) the child has been baptised and (b) a person having parental responsibility for the child is content that the child should be so admitted. Otherwise, subject to any direction of the bishop, it is within the incumbent’s absolute discretion to decide whether, and if so when, any child should first be admitted to Holy Communion.

The incumbent shall maintain a register of all children admitted to Holy Communion under these Regulations, and where practicable will record on the child’s baptismal certificate the date and place of the child’s first admission. If the baptismal certificate is not available, the incumbent shall present the child with a separate certificate recording the same details.

A child who presents evidence in the form stipulated in paragraph 9 that he or she has been admitted to Holy Communion under these Regulations shall be so admitted at any service of Holy Communion conducted according to the rites of the Church of England in any place, regardless of whether or not any permission under paragraph 4 is in force in that place or was in force in that place until revoked.

These Regulations shall apply to a cathedral as if it were a parish, with the modifications that:

any application under paragraphs 3 or 7 must be made by the dean of the cathedral concerned, accompanied by a copy of a resolution in support of the application passed by the chapter of the cathedral concerned;

the obligations imposed on the incumbent under paragraphs 8 and 9 shall be imposed on the dean of the cathedral concerned.

A diocesan bishop may delegate any of his functions under these Regulations (except his functions under paragraph 3) to a person appointed by him for the purpose, being a suffragan or assistant bishop or archdeacon of the diocese.

In these Regulations:

(a) ‘incumbent’, in relation to a parish, includes:

(i) in a case where the benefice concerned is vacant (and paragraph (ii) below does not apply), the rural dean;

(ii) in a case where a suspension period (within the meaning of the Pastoral Measure 1983) applies to the benefice concerned, the priest-in-charge; and

(iii) in a case where a special cure of souls in respect of the parish has been assigned to a vicar in a team ministry by a Scheme under the Pastoral Measure 1983 or by licence from the bishop, that vicar;

# The PCC

## The Parochial Church Council

The PCC is what is called in law a *body corporate*. This means that the PCC has a separate legal identity from the people who serve on it. This has two significant implications a) that no individual on the PCC is liable for its debts (unless the PCC can be deemed to have acted negligently) and b) that a change in membership of the PCC does not affect the PCC’s liability for its debts (i.e. each new PCC must honour the contracts undertaken by the previous PCC). The PCC’s general functions are set out in Parochial Church Council (Powers) Measure 1956, section 2.

The section starts:-It shall be the duty of the minister and the PCC to consult together on matters of general concern and importance to the parish.

The council’s functions include:

* Co-operation with the incumbent in promoting in the parish the whole mission of the Church, pastoral, evangelistic, social and ecumenical
* The consideration and discussion of matters concerning the Church of England or any other matters of religious or public interest, but not the declarations of the doctrine of the Church on any question
* Making known and putting into effect decisions made by the diocesan synod or the deanery synod
* Giving advice to those synods on any matters referred to the council
* Raising such matters as it considers appropriate with those synods

### Membership of the PCC

Certain people are by law member of the PCC, they are:

* All priests and deacons beneficed in or licensed to the parish (this does not include retired clergy serving in the parish)
* Any deaconesses or accredited lay workers licensed to the parish
* The Churchwardens
* Any person on the electoral roll who is a member of the Deanery Synod, the Diocesan Synod or the General Synod.

NB: Readers are not automatically members of the PCC unless the Annual Parochial Church Meeting decides that they (or some of them) should be.

In addition there are member of the laity who are elected by the Annual Parochial Church Meeting. There is a new rule setting the number of elected members in relation to the electoral roll of the parish.

|  |  |
| --- | --- |
| Number on the electoral roll | Number to be elected |
| Under 50 | 6 |
| 51-100 | 9 |
| 101-200 | 12 |
| Over 200 | 15 |

It is important to note that this is a default rule. If the parish wish something different, this much be decided at the Annual Parochial Church Meeting, and will come into effect at the meeting the following year.

#### To be eligible for election a person must

* Have been on the electoral roll for at least six months (unless under 18)
* Be over 16
* Consent to being appointed
* Have taken communion at least three times in the previous year. Normally, a person should also have been confirmed (The Bishop can dispense with this requirement in a suitable case)
* Not be disqualified from being a charity trustee under section 178 of the Charities Act 2011
* Not be disqualified from holding office as a Churchwarden or PCC member under section 10(6) of the Incumbents (Vacation of Benefices) Measure 1997

People may also be co-opted onto the PCC. Co-opted members are chosen by the PCC during the course of the year. The maximum number who may be co-opted is 2, or one fifth of the elected members, whichever is the greater. Co-opted members must be 16 and actual communicants but need not be on the electoral roll. Clergy can be co-opted onto the PCC.

#### Length of Service

From 2004 there has been a new standard length of service for elected PCC members. They are to be elected for three years, with one-third of the membership retiring and being elected each year. For the first three years while PCCs change over to the new system, those who retire each year are to be selected by lot.

As with numbers of lay members, this is a ‘default’ position and the Annual Parochial Church Meeting can decide to continue with a term of one year. Any parish which does this should review the position at the APCM at least once every six years.

The APCM can also decide to impose a limit on the number of years a person may serve without a break.

Members of the Deanery Synod elected by the Annual Parochial Church Meeting hold office for three year, and these members are members of the PCC for the same period.

## Parochial responsibilities

#### Responsibilities of the Incumbent

* To provide that Morning and Evening Prayer are said daily in church
* To celebrate the Holy Communion [or cause it to be celebrated in his or her absence] on Sundays and other days of special observance
* To administer the sacraments and other rites of the Church
* To be responsible for liturgy
* To have ultimate responsibility for music, in co-operation with the organist, music group or choir master
* To preach [or cause to be preached] at least one sermon every Sunday
* To instruct parishioners in the Christian faith and to use such opportunities of teaching or visiting in the schools that are open to him or her
* To prepare candidates for confirmation
* To visit the parishioners, particularly those who are sick
* To provide opportunities for parishioners to consult him or her to seek spiritual counsel and advice
* To chair the PCC, the PCC standing committee and the APCM
* To consult with the PCC
* To co-operate with the churchwardens

#### Responsibilities of Churchwardens

* To keep proper records, including terrier of lands and inventory of articles [church property register] belonging to the church
* To keep a log book of alterations, additions and repairs to the fabric of the church
* To produce an annual fabric report
* To make the report first to the PCC and then to the APCM
* To respond to the Archdeacon’s Articles of Enquiry, and complete the returns required by the Diocese
* To present to the Bishop any matters they think ought to be brought to his attention
* To recruit, train and manage the sidespersons
* To attend meetings of the PCC and of the PCC standing committee as ex officio members
* To act as Treasurer if the PCC fails to appoint to this office
* To collaborate and co-operate with the incumbent
* To have a duty of care towards the incumbent

#### Responsibilities of the PCC

* To co-operate with the incumbent in promoting in the parish the whole mission of the church – pastoral, evangelistic, social and ecumenical
* To care for, maintain, and take out adequate insurance cover for the fabric, goods and ornaments of the church
* To agree a budget and to be responsible for the income and expenditure of the parish
* To maintain proper financial records and accounting procedures
* To prepare annual financial statements and an annual report, and present them to the APCM
* To arrange for independent examination or audit of the financial statements
* To review annually the safeguarding policy of the PCC
* To consult with the incumbent on matters of general concern and importance to the parishChurch Representation Rules

### [GENERAL PROVISIONS RELATING TO PAROCHIAL CHURCH COUNCILS](https://www.churchofengland.org/about-us/structure/churchlawlegis/church-representation-rules/church-representation-rules-online.aspx#n2)

#### Officers of the council

1. (a) The minister of the parish shall be chairman of the parochial church council (hereinafter referred to as "the council").

(b) A lay member of the council shall be elected as vice-chairman of the council.

(c) During the vacancy of the benefice or when the chairman is incapacitated by absence or illness or any other cause or when the minister invites him to do so the vice-chairman of the council shall act as chairman and have all the powers vested in the chairman.

(d) (i) The Council may appoint one of their number to act as secretary of the Council. Failing such appointment the office of secretary shall be discharged by some other fit person who shall not thereby become a member of the council, provided that such person may be co-opted to the Council in accordance with the provisions of rule 14(1)(h);

(ii) where a person other than a member of the Council is appointed to act as secretary, that person may be paid such remuneration (if any) as the council deems appropriate provided that such person shall not be eligible to be a member of the council;

(iii) [The][\*2](https://www.churchofengland.org/about-us/structure/churchlawlegis/church-representation-rules/appendix-ii.aspx#ren21) secretary shall have charge of all documents relating to the current business of the council except that, unless he is the electoral roll officer, he shall not have charge of the roll. He shall be responsible for keeping the minutes, shall record all resolutions passed by the council and shall keep the secretary of the diocesan synod and deanery synod informed as to his name and address.

(e) (i) The council may appoint one or more of their number to act as treasurer solely or jointly. Failing such appointment, the office of treasurer shall be discharged either -

by such of the churchwardens as are members of the council or, if there is only one such churchwarden, by that churchwarden solely; or

by some other fit person who shall not thereby become a member of the council, provided that such person may be co-opted to the council in accordance with the provisions of rule 14(1)(h).

(ii) Where a person other than a member of the Council is appointed to act as treasurer that person may be paid such remuneration (if any) as the Council deems appropriate provided that such person shall not be eligible to be a member of the Council.

(f) The council shall appoint an electoral roll officer, who may but need not be a member of the council and may be the secretary, and if he is not a member may pay to him such remuneration as it shall think fit. He shall have charge of the roll.

(g) If an independent examiner or auditor to the council is not appointed by the annual meeting or if an independent examiner or auditor appointed by the annual meeting is unable or unwilling to act, an independent examiner or auditor (who shall not be a member of the council) shall be appointed by the council for a term of office ending at the close of the next annual meeting. The remuneration (if any) of the independent examiner or auditor shall be paid by the council.

(h) For the purposes of this paragraph, where a special cure of souls in respect of a parish has been assigned to a vicar in a team ministry, or where there has been no such assignment but a special responsibility for pastoral care in respect of the parish has been assigned to a member of the team under section 20(8A) of the Pastoral Measure 1983, that vicar or that member, as the case may be, shall be deemed to be the minister unless incapacitated by absence or illness or any other cause, in which case the rector in the team ministry shall be deemed to be the minister.

#### Meetings of Council

2. The council shall hold not less than four meetings in each year. Meetings shall be convened by the chairman and if not more than four meetings are held they shall be at quarterly intervals so far as possible.

#### Power to call meetings

3. The chairman may at any time convene a meeting of the council. If he refuse or neglect to do so within seven days after a requisition for that purpose signed by not less than one-third of the members of the council has been presented to him those members may forthwith convene a meeting.

#### Notices relating to meetings

4. (a) Except as provided in paragraph 8 of this Appendix, at least ten clear days before any meeting of the council notice thereof specifying the time and place of the intended meeting and signed by or on behalf of the chairman of the council or the persons convening the meeting shall be posted at or near the principal door of every church, or building licensed for public worship in the parish.

(b) Not less than seven days before the meeting a notice thereof specifying the time and place of the meeting signed by or on behalf of the secretary shall be posted or delivered to every member of the council or, if the member has authorized the use of an electronic mail address, to that address. Such notice shall contain the agenda of the meeting including any motion or other business proposed by any member of the council of which notice has been received by the secretary. The notice required by this sub-paragraph shall not be required for a council meeting immediately following the annual parochial church meeting being a council meeting which has been called solely for the purpose of appointing or electing any officers of the council or the members of the standing committee thereof provided that the notice required by sub-paragraph (a) hereof has been given.

(c) If for some good and sufficient reason the chairman, vice-chairman and secretary, or any two of them, consider that a convened meeting should be postponed, notice shall be given to every member of the council specifying a reconvened time and place within fourteen days of the postponed meeting.

#### Chairman at meetings

5. Subject to the provisions of rule 23 the chair at a meeting of the council shall be taken (a) by the chairman of the council if he is present;

(b) if the chairman is not present, by a clerk in Holy Orders, licensed to or with permission to officiate in the parish duly authorized by the bishop with the clerk's agreement, following a joint application by the minister of the parish and the council or, if the benefice is vacant, by the council for the purposes of this sub-paragraph;

(c) if neither the chairman of the council nor the clerk mentioned in sub-paragraph (b) above is present, by the vice-chairman of the council:

Provided that at any such meeting the chairman presiding shall, if he thinks it expedient to do so or the meeting so resolves, vacate the chair either generally or for the purposes of any business in which he has a personal interest or for any other particular business.

Should none of the persons mentioned above be available to take the chair for any meeting or for any particular item on the agenda during a meeting then a chairman shall be chosen by those members present from among their number and the person so chosen shall preside for that meeting or for that particular item.

#### Quorum and agenda

6. No business shall be transacted at any meeting of the council unless at least one-third of the members are present thereat and no business which is not specified in the agenda shall be transacted at any meeting except by the consent of three-quarters of the members present at the meeting.

#### Order of business

7. The business of a meeting of the council shall be transacted in the order set forth in the agenda unless the council by resolution otherwise determine.

#### Short Notice for emergency meetings

8. In the case of sudden emergency or other special circumstances requiring immediate action by the council a meeting may be convened by the chairman of the council at not less than three clear days' notice in writing to the members of the council but the quorum for the transaction of any business at such meetings shall be a majority of the then existing members of the council and no business shall be transacted at such meeting except as is specified in the notice convening the meeting.

#### Place of meetings

9. The meeting of the council shall be held at such place as the council may direct or in the absence of such direction as the chairman may direct.

#### Vote of majority to decide

10. The business of the council shall be decided by a majority of the members present and voting thereon.

#### Casting vote

11. In the case of an equal division of votes the chairman of the meeting shall have a second or casting vote.

#### Minutes

12. (a) The names of the members present at any meeting of the council shall be recorded in the minutes.

(b) If one-fifth of the members present and voting on any resolution so require, the minutes shall record the names of the members voting for and against that resolution.

(c) Any member of the council shall be entitled to require that the minutes shall contain a record of the manner in which his vote was cast on any resolution.

(d) Minutes of meetings of the council shall be available to all members of the Council. The members shall also have access to past minutes which the Chairman and Vice-Chairman jointly determine to be relevant to current Council business.

(e) The independent examiner or auditor of the Council's financial statements, the bishop, the archdeacon and any person authorised by one of them in writing shall have access to the approved minutes of council meetings without the authority of the Council.

(f) Other persons whose names are on the church electoral roll may have access to the approved minutes of Council meetings held after the annual parochial church meeting in 1995 except any minutes deemed by the Council to be confidential.

(g) Other persons may have access to the minutes of Council meetings only in accordance with a specific authorization of the Council provided that, where minutes have been deposited in the diocesan record office pursuant to the Parochial Registers and Records Measure 1978, the authorization of the council may be dispensed with.

#### Adjournments

13. Any meeting of the council may adjourn its proceedings to such time and place as may be determined at such meeting.

#### Standing committee

14. (a) The council shall have a standing committee consisting of not less than five persons. The minister and such of the churchwardens as are members of the council shall be ex-officio members of the standing committee, and the council shall by resolution appoint at least two other members of the standing committee from among its own members and may remove any person so appointed. Unless removed from office, the appointed members shall hold office from the date of their appointment until the conclusion of the next annual meeting of the parish.

(b) The standing committee shall have power to transact the business of the council between the meetings thereof subject to any directions given by the council.

#### Other committees

15. The council may appoint other committees for the purpose of the various branches of church work in the parish and may include therein persons who are not members of the council. The minister shall be a member of all committees ex-officio.

16. An independent examiner or auditor of the Council's financial statements shall (a) have a right of access with respect to books, documents or other records (however kept) which relate to the said financial statements;

(b) have a right to require information and explanations from past or present treasurers or members of the council and, in case of default, the independent examiner or auditor may apply to the Charity Commissioners for an order for directions pursuant to section 44(2) of the Charities Act 1993[1](https://www.churchofengland.org/about-us/structure/churchlawlegis/church-representation-rules/notes.aspx#mb1) or any statutory modification thereof for the time being in force.

#### Validity of proceedings

17. No proceedings of the council shall be invalidated by any vacancy in the membership of the council or by any defect in the qualification or election of any member thereof.

#### Interpretation

18. Any question arising on the interpretation of this Appendix shall be referred to the bishop of the diocese and any decision given by him or by any person appointed by him on his behalf shall be final.

## The [Annual Meetings](https://www.churchofengland.org/about-us/structure/churchlawlegis/church-representation-rules/church-representation-rules-online.aspx#a5): Church Representation Rules

(1) In every parish there shall be held not later than the 30th April in each year the annual parochial church meeting (hereafter in these rules referred to as 'the annual meeting').

(2) All lay persons whose names are entered on the roll of the parish shall be entitled to attend the annual meeting and to take part in its proceedings, and no other lay person shall be so entitled.

(3) A clerk in Holy Orders shall be entitled to attend the annual meeting of the parish and take part in its proceedings -

(a) if he is either beneficed in or licensed to the parish or any other parish in the area of the benefice to which the parish belongs; or

(b) if he is resident in the parish and is not beneficed in or licensed to any other parish[.][\*1](https://www.churchofengland.org/about-us/structure/churchlawlegis/church-representation-rules/part-ii.aspx#ren2)

(c) if he is not resident in the parish and is not beneficed or licensed to any other parish, the parochial church council with the concurrence of the minister has declared him to be an habitual worshipper in the parish, such declaration being effective until the conclusion of the annual meeting in the year in which a new roll is prepared under rule 2 or his ceasing to be an habitual worshipper in the parish whichever is the earlier, but without prejudice to a renewal of such declaration; or

(d) if he is a co-opted member of the parochial church council in accordance with rule 14(1)(h).

(4) Without prejudice to paragraphs (2) and (3) of this rule -

(a) all the members of the team of a team ministry shall be entitled to attend, and take part in the proceedings of, the annual meeting of the parish or each of the parishes in the area of the benefice for which the team ministry is established, and where the area of a group ministry includes the area of a benefice for which a team ministry is established, all the vicars in that ministry shall be entitled to attend, and take part in the proceedings of, the annual meeting of each of the other parishes in the area for which the group ministry is established;

(b) all the incumbents and priests in charge in a group ministry shall be entitled to attend, and take part in the proceedings of, the annual meeting of each of the parishes in the area for which the group ministry is established.

(5) Where two or more benefices are held in plurality and a team ministry is, or is to be, established for the area of one of those benefices, then, if a pastoral scheme provides for extending the operation of the team ministry, so long as the plurality continues, to the area of any other benefice so held, paragraph (4) of this rule shall have effect as if the references to the area of the benefice were references to the combined area of the benefices concerned.

### [Convening of Meeting](https://www.churchofengland.org/about-us/structure/churchlawlegis/church-representation-rules/church-representation-rules-online.aspx#a6)

(1) The annual meeting shall be convened by the minister of the parish by a notice in the form affixed on or near to the principal door of every church in the parish and every building licensed for public worship in the parish, for a period including the last two Sundays before the day of the meeting.

(2) The annual meeting shall be held at such place on such date and at such hour as shall be directed by the previous annual meeting, or by the parochial church council (which may vary any direction given by a previous annual meeting) or in the absence of any such direction as shall be appointed by the minister.

(3) During the vacancy of the benefice or curacy or when the minister is absent or incapacitated by illness or any other cause, the vice-chairman of the parochial church council, or if there is no vice-chairman, or if he is unable or unwilling to act, the secretary of or some other person appointed by that council shall have all the powers vested in the minister under this rule.

(4) The annual meeting shall be held at a place within the parish unless the parochial church council decide otherwise.

(5) The minister of a new parish created by a pastoral scheme, or, in the absence of the minister, a person appointed by the bishop, shall as soon as possible after the scheme comes into operation convene a special parochial church meeting, and, subject to paragraph (6) of this rule, the provisions of these rules relating to the convening and conduct of the annual meeting shall apply to a special meeting convened under this paragraph.

(6) A special meeting so convened and held in the month of November or the month of December may, if the meeting so resolves, be for all purposes under these rules the annual meeting for the succeeding year, and a special meeting so convened shall in any event be for all such purposes the annual meeting for the year in which it is so convened and held.

### [Chairman](https://www.churchofengland.org/about-us/structure/churchlawlegis/church-representation-rules/church-representation-rules-online.aspx#a7)

(1) The minister, if present, or, if he is not present, the vice-chairman of the parochial church council, or, subject to paragraph (2) of this rule, if he also is not present, a chairman chosen by the annual meeting shall preside thereat.

(2) Where a parish is in the area of a benefice for which a team ministry is established, and a vicar in that ministry is entitled to preside at an annual meeting of that parish by virtue of a provision in a pastoral scheme or the bishop's licence assigning to the vicar the duties, or a share in the duties, of the chairmanship of the annual meeting of that parish, then, if both he and the vice-chairman of the parochial church council are not present at that meeting, but the rector in that ministry is present, the rector shall preside thereat.

(3) In the case of an equal division of votes, the chairman of the meeting shall have a second or casting vote, unless it is a case where rule 11(8) applies[.][\*2](https://www.churchofengland.org/about-us/structure/churchlawlegis/church-representation-rules/part-ii.aspx#ren3) but no clerical chairman shall have a vote in the election of the parochial representatives of the laity.

### [Business](https://www.churchofengland.org/about-us/structure/churchlawlegis/church-representation-rules/church-representation-rules-online.aspx#a8)

(1) The annual meeting shall receive from the parochial church council and shall be free to discuss -

(a) a report on changes in the roll since the last annual parochial church meeting or, in a year in which a new roll is prepared, a report on the numbers entered on the new roll;

(b) an annual report on the proceedings of the parochial church council and the activities of the parish generally;

(c) the financial statements of the parochial church council for the year ending on the 31st December immediately preceding the meeting, independently examined or audited as provided by paragraph (3) hereof;

(d) a report upon the fabric, goods and ornaments of the church or churches of the parish, under section 5[1](https://www.churchofengland.org/about-us/structure/churchlawlegis/church-representation-rules/notes.aspx#rfn21) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991; and

(e) a report on the proceedings of the deanery synod.

(2) The council shall cause a copy of the said roll to be available for inspection at the meeting.

(3) The said financial statements shall -

(a) be independently examined or audited in such manner as shall be prescribed in accordance with rule 54(8);

(b) be considered and, if thought fit, approved by the parochial church council and signed by the chairman presiding at the meeting of the council; and

(c) be displayed for a continuous period of at least seven days before the annual meeting, including at least one Sunday when the church is used for worship, on a notice-board either inside or outside the church.

(4) The annual report and financial statements shall be prepared in such form as shall be prescribed in accordance with rule 54(8) hereof for consideration by the annual meeting. Following such meeting the council shall cause copies of the annual report and statements to be sent within twenty-eight days of the annual meeting to the secretary of the diocesan board of finance for retention by the board.

(5) The annual meeting shall in the manner provided by rule 11 -

(a) elect in every third year parochial representatives of the laity to the deanery synod;

(b) elect parochial representatives of the laity to the parochial church council;

(c) appoint sidesmen;

(d) appoint the independent examiner or auditor to the council for a term of office ending at the close of the next annual meeting, provided that such person shall not be a member of the council;

and the elections and appointments shall be carried out in the above order.

(6) Without prejudice to the foregoing provisions and rule 7(6), a special parochial church meeting convened under rule 7(5) shall, in addition to other business -

(a) decide on the number of members of the parochial church council who are to be the elected representatives of the laity;

(b) elect in the manner provided by rule 11 parochial representatives of the laity to the deanery synod, if such representatives are required to be elected in the year for which that meeting is the annual meeting by virtue of rule 7(6).

(7) Any person entitled to attend the annual meeting may ask any question about parochial church matters, or bring about a discussion of any matter of parochial or general church interest, by moving a general resolution or by moving to give any particular recommendation to the council in relation to its duties.

(8) The annual meeting shall have power to adjourn and to determine its own rules of procedure.

(9) The secretary of the parochial church council (or another person appointed by the meeting in his place) shall act as a clerk of the annual meeting, and shall record the minutes thereof.

### [Qualifications of persons to be chosen or elected by annual meetings](https://www.churchofengland.org/about-us/structure/churchlawlegis/church-representation-rules/church-representation-rules-online.aspx#a9)

(1) Subject to the provisions of rule 1(4) and paragraph (3) of this rule, the qualifications of a person to be elected a parochial representative of the laity to either the parochial church council or the deanery synod are that -

(a) his name is entered on the roll of the parish and, unless he is under the age of eighteen years at the date of the election, has been so entered for at least the preceding period of six months;

(b) he is an actual communicant as defined in rule 54(1); and

(c) he is of sixteen years or upwards.

(2) The qualification of a person to be appointed a sidesman is that his name is entered on the roll of the parish.

(3) No person shall be nominated for election under rule 9 -

(a) to serve on either the parochial church council, or the deanery synod unless he has signified his consent to serve, or there is in the opinion of the meeting sufficient evidence of his willingness to serve;

(b) to serve on the parochial church council, if he has been disqualified under rule 46A

### [Conduct of Elections at Annual Meetings](https://www.churchofengland.org/about-us/structure/churchlawlegis/church-representation-rules/church-representation-rules-online.aspx#a10)

(1) Subject to the provisions of any resolution under rule 12 and for the time being in force this rule shall apply to all elections at annual meetings.

(2) All candidates for election at an annual meeting must be nominated and seconded by persons entitled to attend the annual meeting, and in the case of parochial representatives of the laity, by persons whose names are entered on the roll of the parish. A candidate shall be nominated or seconded either before the meeting in writing or at the meeting.

(3) If the number of candidates nominated is not greater than the number of seats to be filled, the candidates nominated shall forthwith be declared elected.

(4) If more candidates are nominated than there are seats to be filled, the election shall take place at the annual meeting.

(5) No clerk in Holy Orders shall be entitled to vote in the election of any parochial representatives of the laity.

(6) Each person entitled to vote shall have as many votes as there are seats to be filled but may not give more than one vote to any one candidate.

(7) Votes may be given -

(a) by show of hands, or

(b) if one or more persons object -

(i) on voting papers signed by the voter on the reverse thereof; or

(ii) if at least one tenth of the persons present and voting at the meeting so request, on numbered voting papers.

(8) Where owing to an equality of votes an election is not decided, the decision between the persons for whom the equal numbers of votes have been cast shall be taken by lot.

(b) When an election or any stage of an election is recounted, either on appeal or at the request of the presiding officer or of a candidate, if the original count and the recount are identical at the point when a lot must be drawn to resolve a tie, the original lot shall be used to make the determination.

(9) The result of any election by an annual meeting shall be announced as soon as practicable by the person presiding over the election, and a notice of the result shall in every case be affixed on or near the principal door of every church in the parish and every building licensed for public worship in the parish, and shall bear the date on which the result is declared. The notice shall remain affixed for not less than fourteen days. Thereafter the secretary of the parochial church council shall hold a list of the names and addresses of the members of the council which shall be available for inspection on reasonable notice being given by any person who either is resident in the parish or has his name on the electoral roll, but the secretary shall not be bound to provide a copy of such list.

(10) Names and addresses of parochial representatives of the laity elected to the deanery synod shall be sent by the secretary of the parochial church council to the diocesan electoral registration officer appointed in accordance with rule 29 and to the secretary of the deanery synod.

(11) Where a vote is conducted in accordance with paragraph (7)(b)(ii) above, a record shall be made of the identity of each person to whom a numbered voting paper is issued and any such record, so long as it is retained, shall be kept separate from the voting papers.

#### [Variation of method of election by scheme](https://www.churchofengland.org/about-us/structure/churchlawlegis/church-representation-rules/church-representation-rules-online.aspx#a11)

(1) The annual meeting may pass a resolution which provides that the election of parochial representatives of the laity to the parochial church council or to the deanery synod or to both that council and that synod shall be conducted by the method of the single transferable vote under rules, with the necessary modifications, made by the General Synod under rule [39(7)][\*4](https://www.churchofengland.org/about-us/structure/churchlawlegis/church-representation-rules/part-ii.aspx#ren5) and for the time being in force, except that where the vote is conducted in accordance with Rule 11(7)(b)(ii), those rules shall have effect with the omission of any requirement that the voting paper be signed by the voter.

(2) The annual meeting may pass a resolution which provides that any person entitled to attend the annual meeting and vote in the elections of parochial representatives of the laity to the parochial church council or to the deanery synod or to both that council and that synod may make application in the form set out in section 4A of Appendix I for a postal vote.

(3) Where applications for postal votes have been received by the date specified in the notice convening the annual meeting and where the number of candidates nominated for an election referred to in paragraph (2) of this rule is greater than the number of seats to be filled, the annual meeting shall appoint a presiding officer who shall not be a candidate in the election. Voting papers shall be distributed to each person present at the meeting entitled to vote and completed papers shall be returned into the custody of the presiding officer before the close of the meeting. The presiding officer shall ensure that persons who have made application for a postal vote shall be sent or have delivered a voting paper within 48 hours of the close of the meeting such paper to be returned to the presiding officer within such period of not less than seven days nor more than fourteen days from the date of the meeting as the presiding officer shall specify.

(4) A resolution passed under this rule shall be invalid unless approved by at least two-thirds of the persons present and voting at the annual meeting nor shall it be operative until the next ensuing annual meeting. Such resolution may be rescinded by a subsequent resolution passed in the same manner.

13. (1) Elections of churchwardens shall be conducted at a meeting of parishioners, in accordance with the provisions of sections 4 and 5 of the Churchwardens Measure 2001.

# Stewardship

**Parish Support Fund**

**resourcing God’s mission**

**in Southwark Diocese**

The Diocese of Southwark serves the people of South London and East Surrey. We want to ensure that the mission and ministry of the Diocese is generously funded so that we can share God’s love with those around us.

We have a new way of seeking this to fund the work in our parishes from January 2016 and this booklet is designed to inform members of the PCC about how the Parish Support Fund will work.

**What has happened?**

There has been a ‘root and branch’ review of the Fairer Shares Scheme. As a result there is to be a new scheme. Instead of each parish or church being assessed and then allocated an amount to pay, all parishes will be asked to make a generous pledge to the Parish Support Fund.

The Parish Support Fund will meet the costs of our clergy and the support given to each parish so that together, as the family of churches which make up our Diocese, we can provide mission and ministry in every community regardless of the parish’s ability to pay for that ministry.

**Why have a new Scheme?**

One of the reasons for the change is that people had begun to think of Fairer Shares as a tax; a bill to be paid even though it wasn’t. We want to encourage Churches be generous in what they give to support the mission and ministry of our Diocese. The Parish Support Fund is the new way in which parishes pledge this money. We have a shared mission in the Diocese of Southwark to share the love of God in Christ Jesus with all around us. We each need to play our part in ensuring that this can happen whether parishes can pay for their clergy or not.

**What do we mean by a pledge?**

Parishes will be invited to make an offer to support the shared responsibilities we have as a Diocese.

Parishes will be asked to make a pledge (that is a commitment to pay a certain amount for the year) which is realistic, challenging and generous to the Parish Support Fund.

Some areas in our Diocese are amongst the least financially affluent in the country. Other areas are amongst the least deprived financially. It is thanks to the generosity of those churches which have more financial resources that churches in less wealthy areascan have a vicar to help them to work in their community.  Initially parishes will be asked to give no less than was asked for as their Fairer Shares assessment in 2015 and to add something extra to reflect rising costs in a new year. The Parish Support Fund should not be seen as an excuse to give less. Giving provides the resources for mission and ministry in every parish. Our PCCs right across the Diocese are responsible and accountable to each other for how much they give.

**Where will the money go?**

One of the great things about the Church of England is that we work together. Rather than each church paying for its own vicar and all the other costs of ministry, we pool our resources with richer churches supporting poorer ones.

All the money which is given by local parishes goes to pay for the stipend, housing and support of our stipendiary clergy. We put clergy in the places where they are needed most. So a more affluent parish with fewer people in it may have a half time priest, while a less affluent inner city parish may need a full time priest.

In our Diocese the average cost of maintaining and supporting a full time priest in a parish will be about £71,800 in 2016.

**How will it work?**

Information and guidance will be sent to parishes each April.

Each PCC will be invited to think carefully and prayerfully how much it will pledge to the Parish Support Fund for the following year.

Parishes will make pledges for the calendar year in the preceding summer.

The Diocesan office will handle the administration of the pledges but the responsibility for amount paid remains with each parish.

For more detail contact:

Parish Support Fund Project Manager

Trinity House,

4 Chapel Court,

Borough High Street

London SE1 1HW

020 7939 9400

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# Employing Lay Staff in the Parish

## Employment in parishes – a brief introduction

### Introduction

Whether you already have employees in your Parish or you are contemplating this for the first time, it is important that you are aware of your obligations as an employer and the rights of those in your employment. Ever increasing and complex employment legislation places significant responsibility on employers to comply and the penalties for not doing so can be considerable.

However, we should not lose sight of the reason for employing someone in the first place, and to keep this as the focus throughout the time that someone is employed. A positive intent to support an individual in their work, so that you receive the most benefit from their employment is the best position to start from.

The purpose of this guide is not to set out all the information which a parish employing staff needs to know but to give an overview of the central issues and the sources of information to turn to for more detailed help. See Annex A for more details. We hope it will be particularly useful for parishes considering employing staff for the first time. Many small employers feel they don’t have sufficient time or resources to devote to employment issues. It is however worth spending time and effort getting the employment relationship right. As well as avoiding problems further down the line, it is an opportunity to model good employment practice and enhance the mission of the parish. There are some basic things which all employers are legally required to do.

### Recruitment

The starting point of any recruitment is to work out what job you want done, how many hours are required to do the job and what rate of pay you are offering. If you don’t know exactly what you want done, it will be hard to choose who would be suitable to do it. Once you know what you want done it is reasonably simple to draw this together into a job description. This will then make it possible to draw up a person specification which will set out what skills and qualifications a person will need to undertake the role. It is usually most appropriate to divide these into essential requirements and desirable requirements.

The basic principle of advertising a post is that you should seek to make any employment opportunity available to a wide range of people so that no one who might be suitable is excluded from applying. This does not mean that you have to spend vast sums of money advertising since there are usually low cost or no cost alternatives: eg web sites, job centres, local shops.

In considering applicants, the key is to ensure that you have the same range of information about each candidate before you make a decision. Using an application form will mean the information about each candidate is presented in the same format.

Prepare a set of interview questions in advance and make sure you cover the same areas for each candidate so you will be able to make fair comparisons between candidates. If you ask some candidates about a particular area but not others you may be in danger of assuming that the person you failed to ask knows nothing about the area concerned. Remember discrimination law applies and you should not ask questions which could lead to the impression that you are seeking to use as a selection criterion something which is unlawful, eg if you only ask female candidates about child care arrangements then, whatever your intentions, it might be assumed that you are seeking to apply a criterion to female candidates which you would not apply to males.

It is now generally unlawful to ask job applicants about their health or any disability until after they have been offered a job. So you should not include health-related questions on application forms or in interviews. There are however a few specific circumstances when early questions about health and disability are allowed. These include to find out if any adjustments need to made for the interview, or in relation to an intrinsic part of the job. For example, an intrinsic part of a caretaker job may be to lift and move furniture, so you can ask health questions to determine whether they are able to do that.

It is worth considering devising some simple tests as part of the selection procedure, making sure that they are focused on skills which are essential to the job. So, when recruiting a secretary, it may be helpful to give a typing test or ask them to draft a letter.

There are now document checks which have to be carried out by a prospective employer before anyone can begin working for them. These are to make sure that employees are entitled to work in the UK. Gov.uk has clear guidance on this.

You will also need to be aware of and follow the procedures in the diocesan safeguarding manual, A Safe Church , that provides more information about matters relating to employees who will be working children and vulnerable adults. It will be important to discuss the role with the Parish Safeguarding Officer at the earliest opportunity, so that the process follows ‘safer recruitment’ good practice.

### Pay, national insurance and income tax

If your parish pays anyone for services rendered, then unless it is for reimbursement of expenses incurred or they are genuinely a self-employed contractor who supplies a legitimate invoice, it is likely that an employment relationship exists. You need to make National Insurance and income tax deductions for any employee who earns over a certain amount. The latest figures can be found at

<https://www.gov.uk/government/publications/rates-and-allowances-national-insurance-contributions/rates-and-allowances-national-insurance-contributions>. Even if they earn less than that, or are self-employed, you are obliged to provide HMRC with a certain amount of information.

You should contact HMRC for detailed advice on your obligations regarding reporting, tax and national insurance. The information provided through the government website is helpful. <https://www.gov.uk/paye-for-employers>. There is more guidance for churches and local religious centres, in their ‘Guide to PAYE/NIC for Local Religious Centres’ - see <http://www.hmrc.gov.uk/manuals/pommanual/PAYE23030.htm>

Employees have certain rights regarding pay, including:

* To be told when, how and how much they will paid
* To be paid at least the minimum wage
* To have itemised pay statements
* Not to have unlawful deductions made from their pay
* Where appropriate, statutory levels of maternity, paternity, adoption and sick pay

There are computer packages available to help you run your payroll, including free HMRC software. You can outsource it – most accountants offer payroll services - though obviously it will be cheaper to do it in-house if you have the resources. The links provided above give more details.

### Pensions

All employees who meet certain age (over 22 and below State Pension Age) and earnings criteria will have entitlement to a workplace pension by 2018 under the Pensions Act, auto-enrolment provisions. The full guidelines for employers can be found at: <http://www.thepensionsregulator.gov.uk/employers/the-essential-guide-to-automatic-enrolment.aspx>

There are various options for the type of pension that you can offer. One option is to offer a pension provided by the Church Workers Pension Fund.

### Changing a contract

Most changes to a contract of employment need the consent of both employer and employee. They can be agree either orally or in writing but written consent can avoid later disagreement. Contracts can also be changed if an employee works under new terms without objecting to the changes, or though a ‘flexibility clause’ which might require them to transfer to a different location with the job. It is important that any such changes are discussed and agreed and that this is recorded somewhere.

A contract can be ended by the employer or the employee, normally by giving the required notice of termination. Where the employer gives notice, this is usually deemed to be a dismissal. In order for a dismissal to be fair, it must be for one of the potentially fair reasons:

* a reason connected with the employee’s conduct, capability or qualifications
* that the employee was redundant
* that there was some statutory bar to the continuance of the employment

Whatever the reason, you need to be able to demonstrate that you have acted reasonably and in line with any procedures. We strongly advise that you seek advice before terminating someone’s employment.

## Sources of further advice and help

### The Diocesan HR team

The primary focus of the Human Resources Team at Trinity House , is to ensure that those involved in employing people and/or utilising volunteers have the advice, guidance and support necessary to enable them to recruit, manage and develop people effectively. Much of the work is at the practical level, and supporting parishes in their role as an employer. This may be through providing advice and guidance on employment law, acting as a sounding board on difficult employment or volunteering matters, or providing templates for a variety of employment letters, policies and procedures.

For many parishes, and people who find themselves as an employer, or line manager, their exposure to employment matters is limited and it’s not easy to keep up to date with current law and good practice.

Our aim is support people in recruiting and employing the right people at the right time to the right jobs, and to do so safely, and minimising the risks involved.

For parishes, advice can be given on the preparation of job descriptions and how to conduct recruitment exercises, help in preparing contractual documents and advice offered on related issues, and also assistance in producing local policies and procedures. Ideally, advice is sought at an early stage, so that the risk of any problems occurring is reduced, and the processes can run as smoothly as possible.

Obviously things do not always run as well as one would hope and HR can be called upon to give advice on how best to deal with a particular concern or a situation that has gone horribly wrong. They will advise on what action to take, procedures to be followed to address the issue properly (and to stay within the law), and help draft letters and documents. Where the matter is particularly complex and/or requires detailed legal advice you will be advised to seek the necessary support of a solicitor. Typically, the team tends to deal with situations where conduct and/or performance (including sickness) is an issue, grievances have been raised or it is necessary to bring employment to an end e.g. redundancy.

#### Contact details:

David Loft, Director of Human Resources,

Tel: 020 7939 9470 Fax: 020 7939 9469

Email: [david.loft@southwark.anglican.org](mailto:david.loft@southwark.anglican.org)

Uzma Osinibi – Department Administrator;

DBS Administration, Human Resources, and Governance

Tel: 020 7939 9402 Fax: 020 7939 9468

Email: [uzma.osinibi@southwark.anglican.org](mailto:uzma.osinibi@southwark.anglican.org)

### Other Sources of Help

Legal Advice

Where the Diocese requires legal advice in employment matters it makes use of the firm of Winckworth Sherwood where Paul Morris, the Diocesan Registrar, is a partner.

Church Workers Pension Fund

You can write to the Church of England Pensions Board, 29 Great Smith Street, London SW1P 3PS or contact them on:

[cepb.enquiries@churchofengland.org](mailto:cepb.enquiries@churchofengland.org)

020 7898 1800 (Switchboard) 020 7898 1802 (Pensions Helpline)

Gov.uk

From October 2012, a new government website (replacing Business Link and Direct gov) was launched, with two sections which are particularly useful: ‘Employing people’ and ‘Working, jobs and pensions.’ These provide information, advice and guidance on virtually every aspect of employing staff and a number of interactive tools are provided.

http://www. gov.uk

ACAS

ACAS have their own site with additional material to those provided on the .gov website, including sample policies. They also have a free telephone helpline. They are particularly useful in helping to resolve problems and disputes that may occur during employment.

<http://www.acas.org.uk> **08457 47 47 47**

# The Registration of births, deaths and marriages

## Introduction

This information is designed to be read in conjunction with the Faculty Office booklet “Anglican Marriage in England and Wales. A guide to the law for Clergy”, and aims to provide you with support and guidance in your role and responsibilities regarding burials, the issuing of a certificate of name given in baptism and of accurately recording and maintaining marriage registration records. We hope you will find it helpful.

If you have any queries regarding any of the topics covered in this booklet, please contact your local superintendent registrar or the General Register Office (GRO). Contact details can be found in Appendix A.

## Marriage

### 1. Roles and responsibilities

Your responsibility is to ensure that the legal requirements of marriages solemnized in accordance with the rites and ceremonies of the Church of England or Church in Wales are met; this includes marriage preliminaries, authority for and registration of marriage and the submission of quarterly returns.

Important new changes to the law relating to marriage came in to force in March 2015. Where one or both of the parties to an intended marriage is a non European Economic Area (EEA) national, and they wish to marry in the Anglican Church, the couple must give notice via civil preliminaries and obtain superintendent registrar’s certificates before the marriage can proceed. It is no longer lawful for the marriage of a non EEA national to be solemnized after the publication of banns of matrimony or on the authority of a common licence. This means that you have a responsibility to check the nationality of all couples wishing to marry in the Anglican Church.

2.You also have a personal responsibility to ensure that certificate stock and registers in your custody are adequately secured. Marriage certificate stock issued by the General Register Office is classified as secure stock and assets of Her Majesty’s Government. As such, all persons with the responsibility for holding the certificate stock have a duty to ensure its safekeeping and prevent its loss or theft.

### 2. Hours and place of marriage

Marriages may be solemnized at any hour of the day or night and on any day of the week, including bank holidays. However, under Canon Law the hours during which a marriage in a church or chapel of the Church of England (not Church in Wales) may take place remains between 8am and 6pm. If a member of the clergy were to solemnize a marriage outside these hours (unless by special licence granted by the Archbishop of Canterbury) it would be an offence under the Clergy Discipline Measure 2003.

It is an offence to solemnize a marriage according to the rites and ceremonies of the Church of England or Church in Wales in any place other than the one specified in the preliminaries to the marriage, or in any place other than a church or other building in which banns may be published, unless a special licence has been granted by the Archbishop of Canterbury.

It follows that such a marriage may not be solemnized in a non-conformist church, chapel or other building registered for the solemnization of marriages by the Registrar General (Section 41, Marriage Act 1949), except when the place of marriage is:

* a naval, military or air force chapel which is both licensed by the bishop and registered by the Registrar General, or
* a building to which a sharing agreement relates, whereby it is also a building in which banns may be published, or
* by special licence

### 3. Restrictions on marriage

The following are legal impediments to a marriage:

* a marriage contracted by anyone under the age of 16.
* pre-existing marriage or civil partnership – polygamy/polyandry is not legal within England & Wales.
* prohibited degree of relationship - a marriage solemnized between persons related within certain relationships by blood or adoption is void. Generally speaking, if there are 2 or less links e.g. a man marrying his mother’s sister (aunt), this would be void.

## 4. Access

The public must have unrestricted access to the building during any marriage ceremony to allow for valid objections against the marriage.

### 5. Witnesses

Two or more witnesses must be present at the marriage. There is no restriction on the number of witnesses, nor is there an age limit but they must be able to understand what is taking place and testify if necessary as to what they have seen and heard.

### 6. Registration stock

The Registration Supplies Unit at GRO will provide you with the necessary registers, forms and certificates to enable you to fulfil your role and responsibilities. These include marriage registers (in duplicate), forms for quarterly certified copies, forms for the nil return of quarterly certified copies and books of standard marriage certificates for issuing to the public.

Your registers and stock should be held securely at all times and best practice is to keep these in a fire resistant safe (ideally with internal dimensions of no less than 310mm by 465mm).

It is good practice to undertake an annual check of certificate stock and registers to provide a level of assurance that nothing is missing, and to check on their physical condition.

Replacement stock can be ordered free of charge from Registration Supplies Unit by phone 0151 471 4810 or by emailing [registration.supplies@gro.gsi.gov.uk.](mailto:registration.supplies@gro.gsi.gov.uk) There is also a tear-off slip in the register and certificate books that you can complete and return. We recommend that you order replacement stock at least a month prior to the date that you anticipate making your last entry.

It is important that you keep the following information separate from your registration stock:

A record of all marriages for which you have not submitted a quarterly return; in the event that the marriage registers are stolen, these marriages would need to be registered afresh.

The certificate record sheet provided by GRO; this sheet must be completed to account for the serial numbers of all certificates issued. In the event of a theft this will enable you to report the serial numbers of the certificates which have been stolen.

Once a book of marriage certificates is exhausted the counterfoil should be retained locally and securely for a three year period. This will help address any future questions from GRO or couples that may arise in relation to their marriage.

### 7. Missing or stolen safe or registration stock

In the event that registers or certificates are unaccounted for and there is the possibility that it may have involved a theft, you should report this to the Police and obtain a Police Crime Incident Number.

In all instances, GRO must be notified immediately on the telephone number 0300 123 1837 (select Option 1). When you ring GRO, they will take details of the incident including the name, address and building number, the serial numbers of the stolen/missing certificates, the number of registers stolen and the Police Crime Incident Number. Your local superintendent registrar should also be notified of any loss or theft of both certificates and registers.

GRO will circulate the serial numbers of stolen/ missing certificates to other agencies and government departments to help prevent certificates from being used for fraudulent purposes.

### 8. Damaged register books

If the registers need to be rebound or repaired, ministers should ensure that the work is done when the registers are not required for the immediate registration of any marriage (Section 53 and 55 of the Marriage Act 1949). If the condition of the registers is so bad that you consider they should be replaced by new books, the General Register Office should be informed so that arrangements may be made to supply new registers and close the damaged books.

### 9. Ink

A permanent type of black ink should be used when registering marriages, preparing quarterly certified copies and issuing certificates. Registration ink can be purchased from: Ecclesiastical Stationery Supplies.

## 10. Preliminaries to Marriage

The preliminaries for a marriage according to the rites of the Church of England or the Church in Wales should be either entirely ecclesiastical or civil, i.e. in no circumstances should there be publication of banns in respect of one party and the issue of a superintendent registrar’s certificate for the other.

The only exception to this is for an Anglican marriage where one party is resident in the Isle of Man and the other in England or Wales. Notice of marriage can be given in England and Wales, but not in the Isle of Man.

In March 2015, a new scheme to tackle sham marriages and civil partnerships in the UK was introduced. A sham marriage or civil partnership is entered into by a couple who are not in a genuine relationship in order to obtain an immigration advantage for one or both of them.

In all cases, where one or both parties to the intended marriage is a non EEA national, the couple must give notice via civil preliminaries (unless an Archbishop’s special licence has been granted). The notice period for civil preliminaries is 28 days but for couples where one or both parties is a non EEA national with limited or no immigration status, the Home Office may extend the notice period to 70 days to investigate whether their case is a sham.

The new scheme also introduced a requirement for both parties to a proposed marriage to provide a photograph of themselves to the superintendent registrar when they give notice of marriage where one or both parties is a non EEA national and subject to immigration control (see chapter 3.2).

### 10 a. Ecclesiastical Preliminaries

Please refer to the Faculty Office booklet “Anglican Marriage in England and Wales. A guide to the law for Clergy.”

### 10 b.Superintendent Registrar’s Certificate in lieu of Ecclesiastical Preliminaries

Section 17 of the Marriage Act 1949 provides that an incumbent may accept the certificates issued by a superintendent registrar in lieu of banns:

‘A marriage according to the rites of the Church of England may be solemnized on the authority of certificates of a superintendent registrar in force under Part III of this Act in any church or chapel in which banns of matrimony may be published or in the case of a marriage in pursuance of section 26(1)(dd) of this Act the place specified in the notices of marriage and certificates as the place where the marriage is to be solemnized.

Provided that a marriage shall not be solemnized as aforesaid in any such church or chapel without the consent of the minister thereof or by any person other than a clergyman’.

The conditions which govern the issue of superintendent registrar’s certificates are either:

The church or chapel in which the marriage is to be solemnized must be:

* within the registration district in which one or both of the parties has completed the 7 full day residence period; and
* the church or chapel must be that of the ecclesiastical parish or district in which one or both of the parties live.

The church or chapel is the usual place of worship of one or both of the parties to be married. This will be detailed in column 7 of the superintendent registrar’s certificate naming the qualifying person. However, for a person to claim a church or chapel as their usual place of worship, they must be on the church’s electoral roll (section 72 of the Marriage Act 1949). A cathedral cannot be regarded as a usual place of worship because it has no electoral roll.

### 11. Nationality requirements

It is your responsibility to check the nationality of all parties wishing to marry. Where both parties are British, EEA or Swiss nationals you can proceed with ecclesiastical preliminaries (provided the couple meet the required qualifications to marry in your Parish).

#### European Economic (EEA) Nationals

EEA nationals are British citizens and nationals of the following states:

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Republic of Ireland, Romania, Slovakia, Slovenia, Spain, Sweden.

For these purposes, Switzerland is also included.

#### Non European Economic (EEA) Nationals

Where one or both parties to a proposed marriage is a non EEA national, the parties will each have to complete civil preliminaries and obtain a superintendent registrar’s certificate (unless an Archbishop’s special licence has been granted).

#### Evidence of British, EEA or Swiss Nationality

One of the following original documents (or groups of documents) must be provided by each of the parties to the proposed marriage to the member of the clergy, or (as the case may be) the person with authority to grant a common licence, as evidence that the party is a relevant national—

* a valid British, EEA or Swiss passport;
* a valid national identity card issued by an EEA state or Switzerland;
* certificate of registration as a British citizen granted by the Secretary of State together with another document referred to in paragraph 2.9 below to establish current use of the name and surname referred to on
* the certificate of registration (or, if the person has changed their name, evidence of the change of name);
* certificate of naturalisation as a British citizen granted by the Secretary of State, together with another document referred to in paragraph 2.9 below, to establish current use of the name and surname referred to on the certificate of naturalisation (or, if the person has changed their name, evidence of the change of name);

where the party was born in the United Kingdom

before 1st January 1983

* a United Kingdom birth certificate; and
* one of the documents referred to in paragraph below to establish current use of the name and surname referred to on the birth certificate provided (or, if the person has changed their name, evidence of the change of name);

on or after 1st January 1983

* a full United Kingdom birth certificate showing their parents’ (or, as the case may be, parent’s), details;
* one of the documents referred to in paragraph 2.9 below to establish current use of the name and surname referred to on the birth certificate provided (or, if the person has changed their name, evidence of the change of name);
* evidence of either of their parents’ British citizenship or settled status at the time of the birth (e.g. a passport describing the relevant parent as a British citizen, or indicating that he or she then had indefinite leave to enter or remain); and
* their parents’ marriage certificate (if British citizenship is claimed through their father);

If none of the documents listed above are available, such other document as the Registrar General determines it is reasonable to accept in the particular circumstances of the case.

Evidence of current use of name

* utility bill dated no more than three months before the date on which notice of marriage is given;
* bank or building society statement or passbook dated no more than one month before the date on which notice of marriage is given;
* council tax bill dated no more than 12 months before the date on which notice of marriage is given;
* mortgage statement dated no more than 12 months before the date on which notice of marriage is given;
* current residential tenancy agreement;
* valid driving licence in the name of the person giving notice of marriage.

If you have any queries about the documentary evidence supplied by the couple, please contact your local register office or the General Register Office for advice.

### 12. Giving notice of intent to marry

Where the couple are marrying after civil preliminaries, each party to the marriage needs to give notice at their local register office. Where one or both parties to a proposed marriage is a non EEA national, they must attend together at a Designated Register Office (DRO), unless they are exempt from immigration control (e.g. has right of abode in the UK or diplomatic status). Please see the GOV.UK website [https://www.gov.uk/marriages-civil-partnerships/foreign-national](http://www.gov.uk/marriages-civil-partnerships/foreign-national) – for a list of Designated Register Offices.

If attending the local register office, each party to the marriage must complete 7 full days residence in that district before they can give notice. Non EEA nationals, giving notice at a DRO, can attend **any** DRO in England and Wales, but must still have completed 7 full days residence in a district i.e. they can be resident in a different district to that of the DRO.

Until the implementation of the provisions in the Immigration Act 2014, the position has been that where a couple wished to marry in a parish on the basis of a qualifying connection, they were required to use ecclesiastical preliminaries: there was no provision for a superintendent registrar’s certificate to be issued in such cases.

However, paragraph 12 of Schedule 4 to the Immigration Act 2014 amends section 35 of the 1949 Act to allow non EEA nationals to marry in any Anglican place of worship that Church preliminaries would have allowed, notwithstanding that such couples must now complete civil rather than ecclesiastical preliminaries.

That means that where one (or both) of the parties is a non EEA national, and one (or both) of the parties has a qualifying connection with a parish under the Church of England Marriage Measure 2008, superintendent registrar’s certificates can be granted to authorise the marriage in a church or chapel of the parish with which they have the qualifying connection.

### 13. Qualifying connection

A person has a qualifying connection with a parish if–

* that person was baptised in that parish (unless the baptism took place in a combined rite which included baptism and confirmation) or is a person whose confirmation has been entered in the register book of confirmation for any church or chapel in that parish;
* that person has at any time had his or her usual place of residence in that parish for a period of not less than six months;
* that person has at any time habitually attended public worship in that parish for a period of not less than six months;
* a parent of that person has during the lifetime of that person had his or her usual place of residence in that parish for a period of not less than six months or habitually attended public worship in that parish for that period; or
* a parent or grandparent of that person has been married in that parish.

The parties should approach the minister of the parish in the first instance to establish that they have a qualifying connection and its nature. Details of the qualifying connection should then be obtained from the couple

### 14.Notice Period

Notice of intent to marry can be given up to 12 months before the date of marriage. After 28 clear days from when the notice has been entered, the superintendent registrar may produce their certificates for marriage – one for each person.

When there are exceptional circumstances and compelling reasons, the Registrar General may reduce the 28 day waiting period. This is done by a formal application made by the couple. On such occasions, you should advise the couple to speak to their local superintendent registrar.

It is possible that a couple will attend to give notice at a DRO which is outside their district of residence. In such circumstances, the superintendent registrar’s certificate will be issued by a superintendent registrar from a different district to where the couple resides. However, the general conditions for residence stated above will still apply. If, following any contact with the couple you feel that the marriage may be a sham, please follow the guidance in paragraphs 3.7-3.11.

For couples where one or both parties is a non EEA national with limited or no immigration status, the Home Office may extend the notice period to 70 days to investigate whether their case is a sham. Ministers should be aware (before confirming a booking) that the notice period may, in certain circumstances, be extended to 70 days.

A superintendent registrar’s certificate is valid for a period of twelve calendar months from the date of entry into the marriage notice book. The marriage can legally take place at any time prior to the date of expiry.

A period of twelve calendar months from a given day expires on the corresponding day of the final month of the period e.g. when notices are entered on 3 March the superintendent registrar's certificates are valid up to and including 3 March the following year. When there is no corresponding date because the final month is shorter than the first month i.e. 29 February, the period expires on the last day of the month the following year e.g. 28 February.

If each party gives notice of marriage on different dates, you need to ensure that

**both** certificates are valid at the time of the marriage.

#### One party resident in Scotland

Please refer to the Faculty Office booklet, “Anglican Marriage in England and Wales. A guide to the law for Clergy.”

#### One party resident in Ireland

Please refer to the Faculty Office booklet, “Anglican Marriage in England and Wales. A guide to the law for Clergy.”

### 15. Publication of banns - service personnel

The Registrar General is advised by the Faculty Office of the Church of England and the Registry of the Lord Archbishop of Wales that:

It is permissible for the banns of a serviceman or woman, if stationed in the United Kingdom, to be read in his or her home parish. The banns of his or her civilian fiancé(e) should be read in his or her home parish. The marriage may then take place in either parish.

If a serviceman or woman is stationed abroad, his or her banns may still be read in his or her home parish in the United Kingdom. His or her civilian fiancé(e)’s banns should be similarly read and there is no need for a Common Licence. Where both servicemen and women are serving overseas, it is permissible for banns to be called in their respective home parishes.

Where a marriage is intended to take place in England or Wales after the publication of banns between parties of whom one is residing in England and Wales, and the other in Scotland, Northern Ireland, or the Republic of Ireland, then if banns have been published or proclaimed in any church of the Parish or place in which the other party is residing according to the law or custom there prevailing, a certificate given in accordance with that law or custom that banns have been published or proclaimed, shall in respect of that party be sufficient.

### 16.Publication of banns on board HM Ships

Under Section 14 of the Marriage Act 1949, where a marriage is intended to be solemnized in England or Wales, after the publication of banns, between parties of whom one is living in England or Wales and the other is an officer, rating or marine borne on the books of one of Her Majesty’s ships at sea, the banns may be published on 3 successive Sundays during morning service on board that ship and the incumbent may accept a certificate of publication of banns issued by the Chaplain or commanding officer who published the banns. Banns must, of course, also be published on behalf of the other party in the parish in which he or she lives.

### 17. Two marriage ceremonies on the same day

If the couple wish to have two valid marriage ceremonies performed on the same day, they should be advised that this is not possible. The couple could choose to

have either a religious marriage ceremony

or a civil marriage ceremony followed by a religious blessing.

### 18.Religious ceremony after a civil marriage

Section 46 of the Marriage Act 1949, allows a couple to have a religious ceremony

i.e. blessing, after their civil marriage. The parties must produce a certificate of their civil marriage before the ceremony may take place.

The religious ceremony does not invalidate or supersede the civil marriage and no record may be made in the marriage registers kept under the Marriage Act 1949. No legal preliminaries are required for such a religious ceremony.

### 19.Re-marriage

A couple who are already lawfully married cannot choose to re-marry each other, unless there is some doubt as to the validity of the earlier marriage.

Where there is no apparent informality in the previous marriage and the couple merely wish to go through another marriage ceremony with each other, they should be informed that they are already lawfully married to each and there is no statutory provision for marriage preliminaries to be completed in these circumstances.

If it is unclear whether a previous marriage ceremony is capable of recognition as a lawful marriage, advice should be sought from the General Register Office.

## 20.The Marriage Ceremony

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### a. Pre-marriage checks

If a marriage following civil preliminaries is to take place, you must carry out the following checks before you allow the ceremony to go ahead.

#### **Marriage by Superintendent Registrar’s Certificate**

The two superintendent registrar’s certificates should be presented to you before the day of the marriage. You must check both certificates and ensure that:

* the building where the marriage is taking place is correctly specified
* the certificates are valid. If the certificates have different expiry dates, the marriage must take place on or before the earliest expiry date;

if the marriage is taking place in one of the couple’s usual place of worship outside of the district in which they live, column 7 of the certificates state “Such building being the usual place of worship of the said one or both names of the party”. However, if this statement is not on the certificate but you are satisfied that the marriage should go ahead, you may do so.

Where one or both parties to a proposed marriage is a non EEA national and subject to immigration control, there is a requirement for both parties to provide a photograph to the superintendent registrar when they give notice of marriage. A copy of the photographs will be sent to you before the wedding is due to take place, along with the superintendent registrar’s certificates.

The photographs should be used to ensure the couple, who attend the ceremony, are the same couple who attended to give notice. If there is any doubt then please contact GRO on 0300 123 1837 (Option 1). However, if for any reason the photographs are not received, the marriage should proceed as planned. Once the marriage has taken place, the photographs should be confidentially destroyed or returned with your Quarterly Certified Copies if you do not have secure/confidential disposal facilities.

An example of a superintendent registrar’s certificate for marriage is in Appendix F.

#### Pre-marriage questions

You must check that there is no legal impediment to the marriage and ask the following questions of both parties:

* What is the name by which you are known and have you been known by any other name?

The names and surnames must agree with those on the certificates. If there are any discrepancies you must question the parties further. If the differences can be satisfactorily explained, you should go ahead with the marriage. If the differences cannot be explained you should contact your local superintendent registrar or the General Register Office.

* How old are you today?

The couple must both be over 16 for the marriage to be valid. If not, you must postpone the marriage. This question also ensures that the correct age for each party will be entered into the marriage registers.

* Have you been through any form of marriage or civil partnership in this or any other country?

The condition must agree with that shown on the certificates. If there is a discrepancy, you must question that person further and if in doubt contact the superintendent registrar before the ceremony. If you are unable to contact the superintendent registrar, you should seek advice from GRO. If at the time of the marriage, evidence shows that the party is free to marry, you may proceed with the ceremony. Where the evidence relates to a divorce outside the United Kingdom, Isle of Man or Channel Islands, you should contact the General Register Office.

If the details on the superintendent registrar’s certificate does not match those which will be entered into the marriage register and where you have decided to go ahead with the marriage, you need to write an explanation on the back of the certificate.

A flowchart showing the process for pre-marriage checks can be found at Appendix C.

### b. Forced marriages

Both parties must be present at the ceremony, be able to recognise each other and enter into the marriage contract knowingly and voluntarily. If you are in any doubt, the marriage should not take place. Some signs that you may wish to take into account include:

* either party showing signs of emotional distress
* either party showing signs of physical harm or assault
* one party may do all the talking or be reluctant to let the other party be spoken to alone
* the parties are unable to converse in the same language
* an allegation of a forced marriage has been made by someone else

If you suspect that one of the parties about to marry is doing so against their will, you should enquire whether they wish to proceed and offer to contact the Forced Marriage Unit at the Foreign & Commonwealth Office (contact details in Appendix A). You may need to insist on interviewing the party alone and getting written confirmation that they are entering into the marriage voluntarily and are happy for the marriage to proceed. If you decide to not continue with the marriage because of the reasons above, please advise both your diocesan registrar and GRO. If however the party insists on the marriage proceeding, you should go ahead.

### c. Sham marriage

Under the Immigration and Asylum Act 1999, a sham marriage is one entered into for the purposes of evading the provisions of United Kingdom immigration law or the immigration rules, and involves at least one party who is not a British citizen or an EEA national (see 2.6 for a list of EEA countries).

The signs of a sham marriage may be similar to those associated with a forced marriage. However, the following may also be indicative of a sham marriage.

* either party giving the impression of knowing very little about the other person;
* either party referring to notes to answer questions about the other person;
* one of the parties is seen to receive payment for the marriage;
* an allegation that it is a sham marriage has been made by a credible third person, e.g. Immigration Officer or Police Officer;
* there is little interaction between the couple; or,
* one of the parties seems unable to give the full name or address of the other person.

None of these reasons may in itself indicate that the marriage is a sham and there may be other factors which may arouse your suspicions that are not listed. But it is generally expected that it will be a combination of factors.

A sham marriage should not be confused with a traditional arranged marriage that is usually organised by family members, where there may be no intention to circumvent immigration law.

If you have any concerns that a marriage may be a sham, you should contact your local superintendent registrar, who, if satisfied, is obliged to report the facts of the matter to the Home Office. You can report your suspicions to the superintendent registrar at any time before or after the marriage has taken place. It is important to remember that a sham marriage is not an impediment to a marriage and therefore is not a reason to prevent a ceremony from proceeding. If you are in any doubt, you should contact your local superintendent registrar for advice.

### d. Mental capacity

Both parties to the marriage must have the mental capacity to understand the nature of the marriage that they are about to contract. A person should understand:

* that they are taking part in a marriage ceremony and understands the words used;
* the nature of the marriage contract. This means the person must be capable of understanding the duties and responsibilities which normally attach to marriage.

A person’s mental capacity will have been assessed and considered at the time they gave their notice of marriage. However, if at pre-marriage questioning you have any concerns, you should immediately discuss the matter with your local superintendent registrar or GRO. A marriage cannot proceed if a person does not have the mental capacity to marry.A key principle of the Mental Capacity Act 2005 is that a person must be assumed to have capacity unless it is established that he/she lacks capacity. It should never be assumed that because a person has a learning disability, that they lack the capacity to marry.

## 21. Registrations

#### Marriage registers

Section 55 of the Marriage Act 1949 requires that the marriage must be registered in duplicate immediately after the ceremony has taken place.

Where a marriage takes place in a building which has its own set of registers, these must be used. The only exception to this is where a couple plan to marry in a building which is then temporarily closed for repairs or rebuilding. The marriage is then registered in the registers of the closed building.

Where a marriage takes place in a building which has no registers, the registers from the parish church (or nearest parish church) should be used.

A marriage by special licence, elsewhere than in a church, should be recorded in the registers of the parish church of the parish in which the place of marriage is situated. Where such a marriage takes place in a church in an extra parochial place, the marriage should be recorded in the registers of the nearest parish church.

If the building is being shared with a non-conformist denomination, you should not use the registers issued to them.

For further guidance on the use of marriage registers including for the marriage of housebound or detained persons, please refer to the Faculty Office booklet “Anglican Marriage in England and Wales. A guide to the law for Clergy”.

The entry must only be completed by the Clerk in Holy Orders who solemnised the marriage ceremony.

The entry must be in the next available numbered blank space in each duplicate register using registration ink. If you make the entry at different places in the two registers, please do not alter the numbers. Instead, make a note in the margins of both books of the entry number to refer to in the other register e.g*. “This marriage is recorded at entry number….. in the duplicate register”.*

If you need to spoil an entry, please ring GRO for advice.

With regard to marriages in naval, military and air force chapels, see Appendix D.

In the case of churches of newly-created ecclesiastical parishes or of chapels newly licensed for marriages by the bishop, assurance is required from the Diocesan Registrar or from some other authoritative source that marriages may lawfully be solemnized therein before the register books are supplied to the officiating minister.

#### Commencement of entries

In no circumstances should an entry be written in a register book until the marriage to which it relates has been legally completed.

#### Completing the register entries

Register entries should always be completed in black registration ink and in distinct and clear handwriting; surnames should be in capital letters. Abbreviations should not be used, except for signatures. Every column must be completed without overlapping into the next column. If no information is given, a line should be drawn in the column and the information should be completed from responses from the couple to your questions and not from the superintendent registrar’s certificate.

#### The heading

Complete the year, the name of the building (only include the address if the name is similar to that of another building in the same district and could lead to confusion) the name of the district and the name of the non-metropolitan county, metropolitan district or London borough.

#### Column 1 – When married

Enter the date of the marriage; the day and month should be written in words and the year in numbers e.g. First January 2010.

#### Column 2 – Name and surname

Traditionally the man’s names are recorded in the top box and the woman’s below; if you enter the details the other way round, a correction is not required. The surnames should be written in capital letters.

The names will usually be those entered on the banns form/superintendent registrar’s certificate, but you should enter them in accordance with the information given by the parties and not that contained in the documentation.

Sometimes a person uses, and is known by, two names at the same time – in this instance both names should be entered using “otherwise”. If either of the couple have been known by another name, you should try to link both names using “formerly known as” providing that the party does not object. If the party does object, you should advise them that unless both names are entered, difficulties may arise in future years concerning the identity of the party. If the party still objects, you should enter the name and surname by which he/she is known.

Where one of the parties have changed their name by deed poll and it has been registered with the Central Office of the Supreme Court of Deeds at the Royal Courts of Justice, the assumed name and surname only should be entered followed by “(name changed by deed poll)”. If registered, the Deed Poll will contain three stamps. The first stamp will state ‘High court enrolment’ and a number; the second stamp will state ‘filed/enrolled’ and the third stamp will state the date’.

#### Column 3 – Age

Enter the ages of the couples in completed years followed by the word “years” (all lower case) e.g. 25 years.

#### Column 4 – condition

Confirm the condition of the couple and enter it using one of the following descriptions:

Never previously married/formed a civil partnership = Single

Married/formed a civil partnership before but:

|  |  |
| --- | --- |
| husband/wife has died | widow/widower |
| civil partner has died | surviving civil partner |
| the court has granted a decree of presumption of death and dissolved the marriage | previous marriage dissolved |
| the court has granted a decree of presumption of death and dissolved the civil partnership | previous civil partnership dissolved |
| marriage has ended in divorce | previous marriage dissolved |
| the couple were previously married to **each other** and the marriage ended in divorce and there has been no intervening marriage. | Previously married at ………………on  …………………Marriage dissolved on  ………………… (inserting the particulars of the place and date of the previous marriage and the date of its dissolution) |
| the couple re-marry where there is doubt as to the validity of a previous ceremony | Previously went through a form of marriage at…………………… on  .………………………… (inserting the particulars of the place and date of the previous ceremony) |
| civil partnership has ended in dissolution | previous civil partnership dissolved |
| marriage is void or found void by a decree of nullity of the Court | use the condition which applied before the void marriage e.g. single/widow |
| civil partnership is void and has been annulled by a final order of nullity by the court | use the condition which applied before the void civil partnership e.g. single |
| marriage was voidable and has been annulled by the Court and the decree nisi of nullity was granted on or after 1 August 1971 | previous marriage annulled |
| marriage was voidable and the decree nisi was granted before 1 August 1971 | use the description which applied before the voidable marriage e.g. widower/previous marriage dissolved |
| civil partnership was voidable and has been annulled by a final order of nullity of the court | previous civil partnership annulled |

There may be occasions where the parties to a marriage have validly registered a civil partnership to each other, the civil partnership has been ended by order or dissolution or annulment and there has been no marriage or civil partnership with a third person. Referral to the previous civil partnership would disclose that one of the parties has changed gender. However, if both parties specifically request that the registration refers to their previous civil partnership, you should advise them that it will show that one of them has changed gender, and you should use one of the following descriptions:

* terminated by dissolution: use ‘Previously formed a civil partnership at…on….Civil partnership dissolved on……..’

or

* terminated by nullity: use ‘Previously formed a civil partnership at…..on…..Civil partnership annulled on…….’

For further advice, please contact GRO.

#### Column 5 - rank or profession

You need to record the occupations of both parties in as much detail as possible. You should not use “unemployed” and should try to establish a previous form of employment. You may record unpaid occupations such as “housewife” or “home duties”. For further examples of how to record a person’s occupation, please see Appendix D.

#### Column 6 – residence at the time of marriage

Enter the current full addresses of the couple. Please write a full address for both the bride and groom, even if they live at the same address. Please do not use ditto marks or “as above”.

#### Column 7 – father’s name and surname

Enter the full names of both fathers. The name of a person’s natural father should be entered, regardless of whether the person’s parents were ever married to one another.

The term father may also include step-father, as long as he is or has been married to the mother. You may enter the step-father’s name instead of the natural father’s name if either party requests you do so (qualified by “step-father”).

If either father has died, you should note this after his name e.g. John SMITH (deceased).

If one of the couple has been adopted, the adoptive father’s name can be recorded if:

* + - the adoptive father and son/daughter have the same surname; use that father’s name with no further explanation needed.
    - the adoptive father’s name is different; an explanation may be added if wished

e.g. George Barnes (adoptive father).

* + - a woman was the sole adopter; her name may be included with an explanation if wished e.g. Mary Barnes (adoptive parent).

If either of the couple does not wish to supply their fathers’ details, you should put a line in the box.

#### Column 8 – rank or profession of father

Enter a full description of the occupation of each father. If the father has retired, note this under the job description e.g. car salesman (retired). You should enter this even if the father has since died. Please do not use abbreviations.

If either of the couple does not wish to supply this information, you should put a line in the box.

#### The attestation

Immediately beneath the boxed section you need to enter the name of the registered building, the title of the denomination under whose rites the marriage has taken place and by certificate.

#### Description of authority on which marriage was solemnized

In the line commencing ‘Married in the …………………………’ the authority for marriage should always be recorded; e.g. by common licence, by special licence (if the authority was a licence of the Archbishop of Canterbury), after banns, by superintendent registrar's certificate (if the authority was superintendent registrar's certificate).

#### Examination of entry by the parties to the marriage

The incumbent should then ask the couple to examine the entry carefully. If they cannot read, it should be read to them.

#### Signing the entry

The incumbent should then check the entry in both registers with the parties to ensure that they are correct. If a discrepancy is found at this stage it can be amended by a numbered correction. See Chapter 5 for further guidance.

When the couple are satisfied that the entry is correct, they must sign the attestation in their usual manner.

The witnesses then sign the entry.

If a signature is illegible, print the name in pencil in the margin of the entry.

Where a person makes a mark or signs in a foreign language, you should write either:

“the mark of………” or

“the signature of……”

next to the mark or signature and then input the forenames and surnames of that person.

Once the incumbent is satisfied that the entries are correct, they must add their signature and designation; e.g. ‘Rector’, ‘Vicar’, etc. When a marriage is solemnized by the incumbent or curate of a parish other than that in which the marriage takes place, he or she should describe himself or herself in the attestation as ‘Rector (Vicar, or Curate) of ………………………………adding the name of his or her incumbency or parish. The entry is only complete when the officiating minister has added their designation and signature.

The couple or the witnesses must not be asked to sign the marriage certificate or quarterly return.

### 22. Bilingual registration in Wales

If the couple ask for a bilingual registration, and the marriage has taken place in Wales, as long as they can provide the necessary information in both English and Welsh and you can write and understand Welsh, you may complete the registration in both English and Welsh.

You will need to use a register printed in both languages and insert the English details first with the Welsh underneath.

Some useful translations include:

|  |  |
| --- | --- |
| Single | Sengl |
| Widower | Gŵr gweddw |
| Widow | Gwraig weddw |
| Surviving civil partner | Partner sifil goroesol |
| Previous marriage dissolved | Priodas flaenorol wedi’i therfynu |
| Previous marriage annulled | Priodas flaenorol wedi’i dirymu |
| Previous civil partnership dissolved | Partneriaeth sifil flaenorol wedi'i therfynu |
| Previous civil partnership annulled | Partneriaeth sifil flaenorol wedi'i dirymu |
| Previously married at … on … Marriage dissolved on … | Priodwyd o’r blaen yn … ar y …; terfynwyd y briodas ar y |
| Previously married at … on … Marriage annulled on … | Priodwyd o’r blaen yn … ar y …; y briodas wedi’i dirymu ar y … |
| Previously formed a civil partnership at … on …; Civil partnership dissolved on … | Ffurfiwyd partneriaeth sifil o'r blaen yn . . . ar y . . .; terfynwyd y bartneriaeth sifil ar y … |
| Previously formed a civil partnership at … on …; Civil partnership annulled on … | Ffurfiwyd partneriaeth sifil o'r blaen yn … ar y …; y bartneriaeth sifil wedi'i dirymu ar y … |
| Previously went through a form of marriage at...on… | Aethpwyd o’r blaen drwy ddefod priodas yn.....ar y......... |
| Deceased | Ymadawedig |
| Certificate | Tystysgrif |
| Adoptive parent | Rhiant trwy fabwysiad |
| Step-father | Llystad |

## 23. Filled register books

Once a set of registers is full, you should keep one in the safe and deposit the second with the superintendent registrar.

#### Searching and issuing certificates

Every incumbent who has marriage registers in their custody must allow searches to be made “at all reasonable hours” under the provisions of section 63 of the Marriage Act 1949. Any search should be made by or in the presence of the incumbent or church official. Where a search is required in completed registers which have been deposited with the local Superintendent Registrar and/or an Archivist, the location details of these registers should be provided.

The Act also allows for you to issue a certificate of any entry in those registers. Any certificates issued to the public must be issued on the certificate stock supplied by GRO and be complete copies of the original entries, including any corrections (marginal notes). Do not include numbered errors in a copy of a marriage entry if they were made before the entry was completed. A certificate is the only format in which you can release data held in marriage registers. If you are asked to release data in any other format, please contact the Data Unit at GRO for further advice.

If an error is made when issuing a certificate, the certificate must be spoilt and a fresh one written. This is done by noting the counterfoil and disposing of the certificate in a secure manner. Further guidance on this practice can be obtained from your local register office.

Any certificate issued must be signed by a member of the Clergy of the Church of England or Church in Wales, who is officiating at the church.

#### Register from which copies are to be made

When an error has been made in one book only, a certified copy of the entry should be made from the book containing the correct entry. The marginal error numbers will not, therefore, always run consecutively in the certified copies.

#### Examples of entries

Examples of marriages registrations can be found in Appendix G.

### 24. Corrections

There are two types of corrections – those discovered before the entry is complete and those discovered afterwards (an entry is complete after you have signed it and added your official designation). For any error, there is a formal procedure and you should not make a correction by overwriting or rubbing it out.

For errors in the heading of the entry or to cancel entries, please ring GRO for advice.

### 25. Before the entry is complete

#### Numbered corrections

All errors should be numbered consecutively throughout the register. When you make a correction, you should write the number of the error in figures beside it and repeat the number in words in the margin, with your initials. For example:

if a word is incorrect, draw a line through it and write the correct word above it e.g. Column 2 margin

Ann (1)

~~Anne~~ SMITH One and your initials

if a word has been omitted, either insert a caret (^) where the word should be and write the missed out word immediately above or if there is enough space to write the word insert it e.g.

Column 2 margin

John (2)

Peter ^ SMITH Two and your initials

Peter John SMITH (3) Three and your initials

if any group of figures is wrong, you should strike through the whole group and replace with the correct figures above e.g.

Column 1 margin

1989 (4)

~~1988~~ Four and your initials

if one of the parties or witnesses has made an error in his or her signature, ask them to sign again and number the correction accordingly.

A numbered correction can only be made before the entry has been completed.

#### Particulars transposed

If you have transposed the particulars into the wrong columns, you should write in the margin of the entry “The particulars in columns….and…..inadvertently transposed” and initial it.

#### Errors in duplicate registers

Errors and corrections should not be repeated for the sake of uniformity and therefore the numbering of errors may not match in both registers.

All errors as outlined above must be reproduced in quarterly certified copies.

### 26.After the entry is complete

If an error is discovered in the registers after the entry is complete, the couple may wish to have it corrected. To do this they will need to complete an application form which is then sent into the GRO casework team.

An example of the form and guidance notes can be found in Appendix H. The application form and guidance notes are available for the couple to download from the “correct a marriage” pages on the GOV.UK website or can be obtained from either the local register office or GRO.

There are certain legal requirements for all corrections:

* all corrections must be made in the margin without altering the original details
* corrections must be made in the presence of the parties married. In the absence of one or both of parties to the marriage, the correction can be made in the presence of the superintendent registrar and two credible witnesses. The Church or Chapel wardens can replace these required parties to witness the correction.
* if witnesses are nominated, they should have personal knowledge of the facts of the case
* the marginal note must be signed by the persons in whose presence it is made and by the incumbent, along with their designation and date of the correction
* corrections must be made in both duplicate registers (if the error occurs in both); if one register has already been deposited with the superintendent registrar and or archivist, they will, at your request, arrange for it to be released to you
* the quarterly certified copies should also be updated; if they have already been sent to the superintendent registrar, you must complete an occasional copy form and send it to GRO.

#### Examples of corrections

Examples of marriages corrections can be found in Appendix H.

## 27. Quarterly Certified Copies of marriage entries

### a. Preparation of quarterly copies

At the end of every quarter (March, June, September and December) you must send a certified copy of every entry made in the preceding quarter, in accordance with section 57 of the Marriage Act 1949. You need to send your returns (including nil returns) to the registrar of births and deaths and will be paid a fee by the local superintendent registrar for every entry made. The superintendent registrar will certify and forward the returns to GRO.

If no marriages have been registered during the quarter, you will need to complete and send a ‘Nil Return’ form, available from the register office.

As the certified copy will be keyed by staff at GRO onto a computer to complete the national record of registrations, and for the production of certificates, it is vital that your handwriting is clear and legible. Surnames should be written in block capitals.

Your copies must be completed on the forms called “Forms to be used by clergymen for making returns to the Registrar General” (Form 30) and started on the side which has the words ‘Commence on this side ’printed at the top of the page.

When preparing your quarterly copies, please use registration ink and copy all marginal notes and error numbers exactly as they appear on the marriage entry.

### b. Copies for each quarter to be kept separate

Only enter marriages from the same quarter onto a quarterly copy form. If an entry from a previous quarter has been missed in the last return, please use a new quarterly return sheet.

Prepare and keep copies in register order. If any entries have been inadvertently missed out, reproduce these in their proper numerical order.

The copies must be exact copies of all the information in the entry, including every correction, misspelling, marginal note and number. Copies of signatures must be legible. If a signature is in foreign characters, you should add “The signature of

..................” (full name and surname) and copy it the best you can.

### c. Register from which copies are to be made

When an error has been made in one book only, any certified copy of the entry should be made from the book containing the correct entry. The marginal error numbers will not, therefore, always run consecutively in the certified copies.

### d. Errors in quarterly copies

Any copying error found to have been made in the preparation of the quarterly copies should, if possible, be rectified by striking out the error made in the quarterly copy and inserting above it the correct particulars as shown in the original entry. (This procedure applies only to the correction of copying errors made during the preparation of quarterly copies – for guidance on correcting of errors in the register, see Chapter 5.)

### e. Certification of copies

When you have completed the copies, check that they agree with the originals and then sign and add your designation to the form of certification at the bottom of the second page of each sheet. The General Register Office will not accept copies without your signature.

You need to ensure that the date of certification is not earlier than the date of any note in the margin.

### f. Offences and Penalties

Section 76 of the Marriage Act 1949 sets out certain provisions to impose penalties on persons who refuse or neglect to register marriages, or to make and deliver the certified copies and certificates required of them, or who carelessly lose or allow damage to the registers or copies e.g. the tearing of a leaf from a register book.

## 28. Baptism

### a. Certificate of Name Given in Baptism

The Births and Deaths Registration Act 1953 allows for a baptismal certificate issued by the clergy, to be used for the purpose of having the baptismal name inserted in the birth registration when no forename was given to the child at registration or when the child was baptised in a forename differing from that entered in the register.

A form “Certificate of name given in baptism” needs to be completed by the officiating minister or person, who has custody of the baptismal register, and given to the appropriate superintendent registrar to enable the update to be made to the registration. A book of these forms can be obtained (free of charge) from GRO. A copy of the form is in Appendix I.

The addition of the baptismal forename to a birth registration can only be made when the baptism has taken place up to 12 months after the birth registration. When a baptismal forename is recorded in the birth register, it will entirely supersede any forename which may have previously been given to the child.

The Baptismal Registers Measure 1961 relates to baptism according to the rites of the Church of England. It enables a short certificate of baptism to be issued from an entry in the registers of baptisms. The Measure also provides that in the case of a person who was legitimated since they were baptised, the entry in the baptismal register can be annotated to record the legitimation and to add the name of the father to that register where it has been omitted. The person applying for the baptismal register to be annotated in this way must produce to Clerk in Holy Orders who has custody of the baptismal register, a birth certificate showing that the birth has been re-registered as that of a legitimated person.

## Births and Deaths Registration Act 1926

### Authorities for burial

Under the provisions of the Births and Deaths Registration Act 1926, the body of a deceased person may not (subject to the exception mentioned in paragraph 8.5 below) be buried before a Certificate for Burial or Cremation (green form 9) is issued by a registrar of births and deaths or an order of the coroner has been delivered to the “person effecting the disposal”.

The “person effecting the disposal” is defined by either:

Section 12 of the Births and Deaths Registration Act 1926, as the person who has custody of the register of burials in which the disposal is to be registered e.g. the parish incumbent.

or

The Burial Laws Amendment Act 1880 or Section 4 of the Welsh Church (Burial Grounds) Act 1945 for a burial in the churchyard or graveyard of a parish or ecclesiastical district, as referring to the relative, friend or legal representative who is charged or is responsible for the burial of the deceased person.

### Burial

#### Registrar’s certificate and coroner’s order

Where the death occurred in England or Wales, either a coroner’s order (an example of this order is at Appendix N) or a registrar’s certificate must be produced before burial. The registrar’s certificate is either a:

* certificate that the death has been registered; or
* a certificate that he or she has received notice of the death.

Both forms of certificate are incorporated in a single official form. An example of the registrar’s certificate (part b) is at Appendix L.

#### Certificate that death is not required to be registered

Where the body is that of a person whose death took place elsewhere than in England or Wales, a registrar’s certificate or coroner’s order is still necessary. If no coroner’s order has been issued, the registrar’s certificate will confirm that the death does not appear to be required by law to be registered in England or Wales. An example of this form is at Appendix M.

#### Certificate or order lost or mislaid

If the incumbent is satisfied, by a written declaration in the prescribed form, that the required documentation has been issued and there is a satisfactory explanation why it cannot then be produced to him, he may allow the burial to proceed e.g. where the document has been inadvertently mislaid or left behind by the relatives, the burial need not be postponed to wait its production. The prescribed form of declaration is shown in Appendix O (Section 1 (i) of the Act). Prints of this form are not officially provided, but any declaration made must be written in the precise terms as prescribed. (See paragraph 8.9 below).This is the only exception to the rule that a registrar’s certificate or coroner’s order must be produced before the burial is allowed to take place.

#### Notification of disposal to registrar

Under the Act, it is the duty of the “person effecting the disposal” to deliver to the registrar of births and deaths for the sub-district in which the death took place, within 96 hours of the burial, a notification in the prescribed manner as to the date, place and means of disposal of the body. The registrar’s certificate or coroner’s order which is produced to authorise the burial contains a detachable portion for the purpose of this notification. The Regulations made by the Registrar General prescribes that this detachable portion is used for notifying the disposal of the body of the deceased person to whom the certificate or order relates.Therefore, the detachable portion of a registrar’s certificate or coroner’s order may not be used to notify the disposal of the body of any other person.

Where an incumbent has proceeded with the burial before receiving the registrar’s certificate or coroner’s order, but has been satisfied that one of these documents was in fact issued, they should, wherever possible, obtain the document and use the detachable portion of it for notifying the registrar of the disposal. If, however, the document cannot be produced, the incumbent must carry out the duty to notify the disposal by sending to the registrar a written statement of the date, place and means of disposal. This statement must be in the form shown under the heading ‘Part C’ in Appendix K.

#### Still-births

Still-births are required to be registered by the registrar of births and deaths; and the authority which must be delivered to ‘a person who has control over or who ordinarily buries bodies in any burial ground’, before he buries a still-born child or permits it to be buried, will be either:

* a coroner’s order for burial or
* a certificate by the registrar that they have
* registered the still-birth or
* received written notice of the still-birth.

A registrar’s certificate will be issued on an official form and described as either;

* ‘Certificate for Burial or Cremation (Still-Birth)’ for use after registration, or
* ‘Certificate for Burial (Still-Birth) for use before registration.

However, both forms of certificate are incorporated in a single official form. An example of this form is at Appendix K.

It is not necessary for the burial of the body of a still-born child to be notified to the registrar, and therefore the forms of registrar’s certificate do not contain a detachable portion.

The provision mentioned in paragraph 8.5 above, allowing burial to take place upon a written declaration in the absence of a registrar’s certificate or coroner’s order, does not apply to the burial of the body of a still-born child.

Ministers are advised to see that their clerks or sextons clearly understand the provisions set out above.

### Births and Deaths Registration Act 1874

Section 18 of the Births and Deaths Registration Act 1874, provides that:

‘A person shall not wilfully bury or procure to be buried the body of any deceased child as if it were still-born. A person who has control over or ordinarily buries bodies in any burial ground shall not permit to be buried in such burial ground the body of any deceased child as if it were still-born. Any person who acts in contravention of this Section shall be liable to a penalty not exceeding ten pounds’.

#### Notice required for burial of two or more bodies in one coffin

Section 19 of the Act of 1874 contains the following enactment to meet cases in which more than one body is buried in a coffin:

‘Where there is in the coffin in which any deceased person is brought for burial the body of any other deceased person, or the body of any still-born child, the undertaker or other person who has charge of the funeral shall deliver to the person who buries or performs any funeral or religious service for the burial of such body or bodies notice in writing signed by such undertaker or other person and stating to the best of his knowledge and belief with respect to each such body the following particulars:

* If the body is the body of a deceased person - the name, sex and place of abode of the said deceased person;
* If the body has been found exposed, and the name and place of abode are unknown - the fact of the body having been so found and of the said particulars being unknown; and
* If the body is that of a deceased child without a name, or a still-born child - the name and place of abode of the father, or, if it is illegitimate, of the mother of such child.

Every person who fails to comply with this section shall be liable to a financial penalty'.

The undertaker’s notice must be in writing; and it should be clearly understood that, whenever two or more bodies are in one coffin, the notice required under Section 19 must be given in addition to (not instead of) the certificates or orders required under the Births and Deaths Registration Act 1926, to be delivered to the person effecting the disposal.

### Burial Laws Amendment Act 1880 Notice of Intended burial

Section I of the Burial Laws Amendment Act 1880, provides that any relative, friend or legal representative having the charge of, or being responsible for the burial of a deceased person which it is desired, shall take place under the provisions of that Act

in a churchyard or graveyard of a parish or ecclesiastical district, shall give 48 hours’ notice in writing of such intended burial to the rector, vicar or other incumbent, or, in his or her absence to the officiating minister in charge of the parish or ecclesiastical district or place, or to any person appointed by him or her to receive such notice.

#### Certificate of burial

Section 10 of the Act provides that when any burial has taken place under the Act in the churchyard or graveyard of a parish or ecclesiastical district, the person having the charge of or being responsible for the burial shall, on the same day or the day immediately following, send a certificate of burial, in the prescribed form or to the same effect, to the rector, vicar, incumbent or other officiating minister in charge of the parish or district in which the churchyard or graveyard is situated or to which it belongs. See Appendix P.

The notice required to be given under Section10 of the Burial Laws Amendment Act 1880, is independent of, and in addition to, the notification required to be given under Section 3 of the Births and Deaths Registration Act 1926 to the registrar of births and deaths for the sub-district in which the death took place.

## Registers: Frequently asked questions

#### What do I do if I cannot get into my safe to get my registers?

A number of register offices hold emergency stock. If you cannot get your registers, you will need to contact the superintendent registrar at one of the following districts and once you have collected them, notify GRO, Registration Supplies Unit.

Birmingham Essex (Colchester) Nottingham Brighton and Hove Gwynedd (Bangor) Oxfordshire (Oxford) Bristol Hull Powys (Llandridnod) Cambridgeshire (Cambridge) Kent (Maidstone) Plymouth Camden Lancashire (Lancaster) Sheffield CardiffLeeds Shropshire (Shrewsbury) Carlisle Lincolnshire (Lincoln) Somerset (Taunton) Carmarthenshire (Carmarthen) Manchester Southampton Cornwall (St Austell) Newcastle upon Tyne Southend on Sea Darlington Northamptonshire (Northampton) Swansea Devon (Exeter) Norfolk (Norwich)

It is the minister’s responsibility to make arrangements to collect these emergency registers during the normal office hours of the superintendent registrar concerned.

#### What do I do if I have lost the key to my safe?

See above for advice as to how to access emergency registers. You will need to contact a local locksmith or the safe manufacturer for a replacement key.

What do I do if the building in which the marriage was to take place is unavailable?Following civil preliminaries, if the building named on the superintendent registrar’s certificate is unavailable, the couple will be required to give fresh notice to marry elsewhere. This will mean that they will have to wait for a further 28 clear days before the marriage can take place.

If there are exceptional circumstances and compelling reasons, the Registrar General may consider reducing the waiting period. You should advise the couple to speak to their local superintendent registrar in these circumstances.

Please note that if the building should become suddenly unavailable on the day of the marriage, the marriage will not be able to take place.

#### What should I do if I do not have the required superintendent registrar’s certificates?

Following civil preliminaries, the superintendent registrar’s certificates will be posted out to you (unless local arrangements are made for the collection of the certificates). If the certificates do not arrive, you should contact the register office to see whether they have been issued; if the superintendent registrar confirms that they have been issued, you may proceed with the marriage. The register office will forward you duplicate certificates to attach to submit with your quarterly return.

#### What should I do with the photographic template issued by the superintendent registrar?

The photographs should be destroyed following the wedding using a method of confidential disposal. If this is not possible, you should return the photographs with your quarterly copies to the superintendent registrar.

#### Do I still need to check the details of someone known to me?

Yes, you need to check the nationality of all parties to the intended marriage to establish if the couple need to give notice via civil preliminaries.

# Appendices to Section XXX

### Appendix A

Useful contact details

GRO General Register Office

Smedley Hydro, Trafalgar Road Southport

Merseyside PR8 2HH

Tel: 0300 123 1837

Email: [grofirstpointofcont](mailto:grofirstpointofcontact@gro.gsi.gov.uk)[act@gro.gsi.gov.uk](mailto:act@gro.gsi.gov.uk)

GRO, Data Unit Tel: 0151 471 4833

Email: [gro.fdu@gro.gsi.gov.uk](mailto:gro.fdu@gro.gsi.gov.uk)

GRO, Registration Supplies Unit Tel: 0151 471 4810

Email: [registration.supplies@gro.gsi.gov.uk](mailto:registration.supplies@gro.gsi.gov.uk)

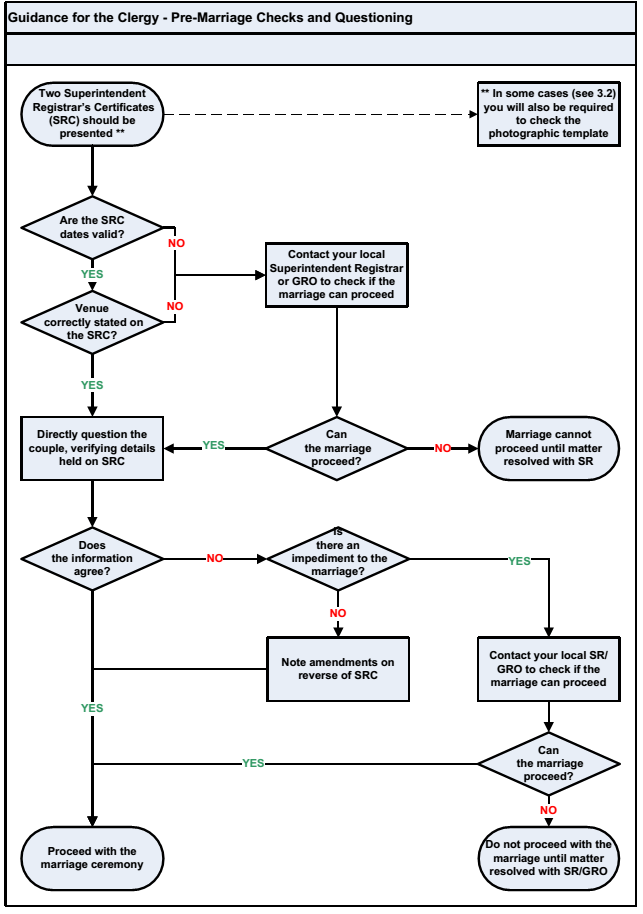
Ecclesiastical Stationery Supplies 1 Rookwood Way, Haverhill, Suffolk, CB9 8PB

Tel: 01440 703303

Forced Marriage Unit, Foreign &

Commonwealth Office Tel: 0207 008 0151

### Appendix B How to Establish Nationality



### Appendix C - Naval, Military and Air Force Chapels

Part V (sections 68 to 71) of the Marriage Act 1949 enables the bishop of the diocese in which a naval, military or air force chapel is situated, to authorise the publication of the banns of marriage and the solemnization of marriages in the chapel according to the rites of the Church of England or the Church in Wales.

However, before this can take place, the Secretary of State for Defence (or any person authorised by him) has to have:

* + licensed the building,
  + appointed one or more members of the clergy to register marriages solemnized according to the rites of the Church of England in each licensed chapel, and advised GRO of the above actions.

Marriages which are solemnized in a chapel licensed in accordance with these provisions must:

* + only be in the presence of an appointed minister,
  + be registered in the marriage register books supplied by the Registrar General for use in the chapel, and
  + have at least one of the parties to the marriage be a “qualified person” when banns are first published or notice of marriage (civil preliminaries) are given.

A 'qualified person' is someone who:

* + is a man or woman serving in any of the regular armed forces of the crown; or
  + has served in any force included above, otherwise than with a commission granted or under an engagement entered into only for the purpose of war or other national emergency; or
  + is a member of a reserve of officers, a reserve force, the Territorial and Volunteer Reserve Army or the Royal Auxiliary Air Force, called out on actual or permanent service, or embodied; or
  + is a son or daughter, including an adopted son or daughter, stepson or stepdaughter of a person qualified under any of the foregoing paragraphs.
  + is a member of the forces of one of the following countries stationed in England and Wales, or the daughter of a member of any such force:

|  |  |  |
| --- | --- | --- |
| Australia | Guyana | Norway |
| Bangladesh | India | Portugal |
| Barbados | Italy | Sierra Leone |
| Belgium | Jamaica | Singapore |
| Botswana | Kenya | Sri Lanka |
| Canada | Lesotho | Swaziland |
| Cyprus | Luxembourg | Tanzania |
| Denmark | Malawi | Tonga |
| Fiji | Malaysia | Trinidad and Tobago |
| France | Malta | Turkey |
| Gambia (The) | Mauritius | Uganda |
| Germany | Netherlands | United States of America |
| Ghana | New Zealand | Zambia |
| Greece | Nigeria | Zimbabwe |

* + or a military member (or his daughter) of any of the following headquarters and defence organisations; or a civilian member (or his daughter) of any of those headquarters or organisations, who is not a citizen of the United Kingdom and Colonies;

The Supreme Headquarters Allied Powers Europe (SHAPE)

The Headquarters of the Supreme Allied Commander Atlantic (SACLANT) The Headquarters of the Allied Commander in Chief Channel (CINCHAN)

The Headquarters of the Commander of the Allied Maritime Air Force, Channel Committee(COMMAIRCHAN)

The Headquarters of the Commander in Chief of the Eastern Atlantic Area (CINCEASTLANT)

The Headquarters of the Commander of the Maritime Air Eastern Atlantic Area (COMMAIREASTLANT)

### Appendix D - Description of Occupation

The following are examples of the description of occupation that, subject to the wishes of the parties, should be used when recording a rank or profession

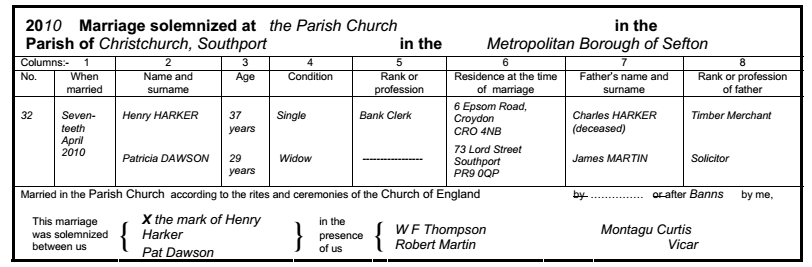
The kind of industry/business and any professional qualification should be added.

|  |  |
| --- | --- |
| Agent | Letting Agent, Estate Agent, Booking Agent, Literary Agent |
| Civil Servant | Official rank to be stated, followed by the name of the Department in which employed e.g. Administrative Officer, Ministry of Defence |
| Clerk | Audit clerk, Shipping Clerk, Purchasing Clerk, Advertising clerk |
| Designer | Garden Designer, Costume Designer, Set Designer, Graphic Designer |
| Director | Film Director, Company Director, Marketing Director, Funeral Director |
| Driver | Fork Lift Truck Driver, Coach Driver, Driver – Hot Food Delivery, Taxi Driver |
| Engineer | Civil Engineer, Electrical Engineer, Computer Engineer. |
| Fitter | Tyre/Exhaust Fitter, Electrical Fitter, Carpet Fitter, Machine Tool Fitter |
| Labourer | Agricultural Labourer, Building Labourer, General Labourer |
| Manager | Retail Shop Manager, Sales Manager, Project Manager, Bank Manager |
| Officer | Finance Officer, Clerical Officer, Prison Officer, Welfare Officer |
| Technician | Technical Assistant A.M.I.Mech.E, Department of Trade and Industry. |

### Appendix E- Example of a superintendent registrar's certificate for marriage

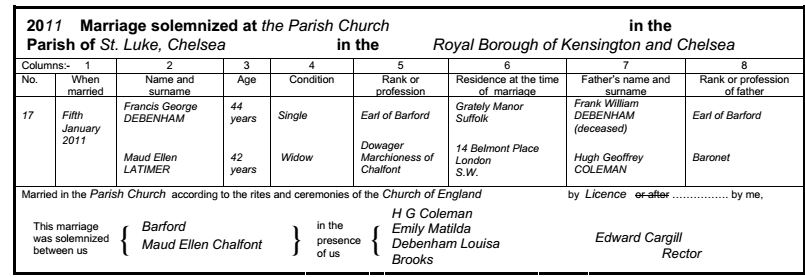
### Appendix F: Sample Marriage Registry Entries

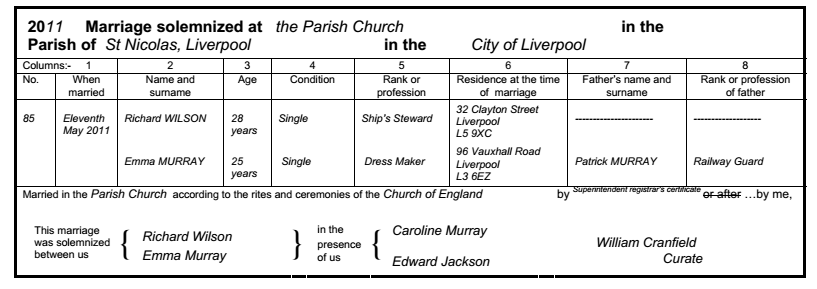
Examples showing how marriages, solemnized by members of the clergy, should be registered



Example 1: Marriage after banns.

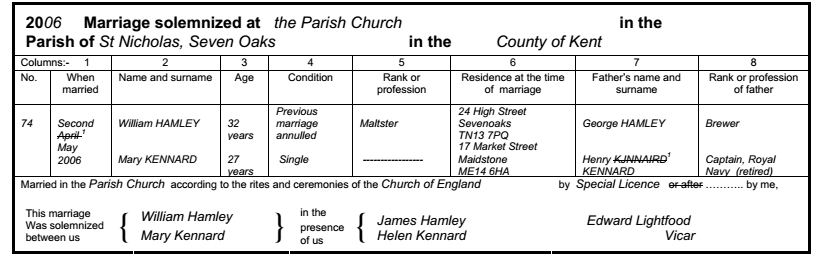
Example 2: Marriage by licence. Showing how to correctly record an Earl and a Dowager Marchioness in the entry.



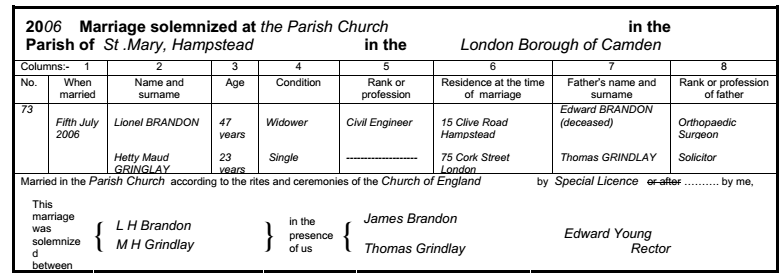
Example 3: Superintendent Registrar’s certificate. No fathers details for the groom.

### Appendix G Marriage Corrections

Example 1: Correction discovered before completion of the entry.



Example 2: Formal correction to include grooms middle name.



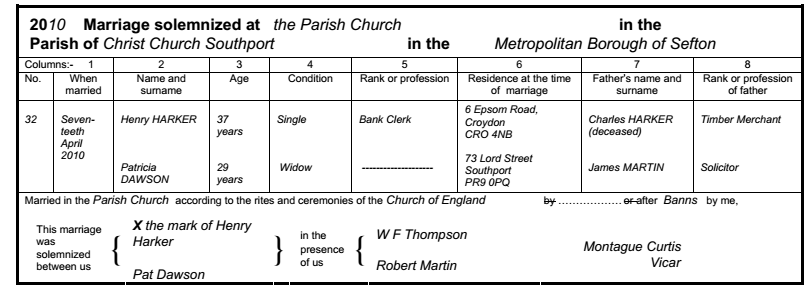
In entry no 73, col. 2, for “Lionel Brandon” read “ Lionel Harvey Brandon”.

Corrected on the 15th July 2011 by me Edward Young Rector

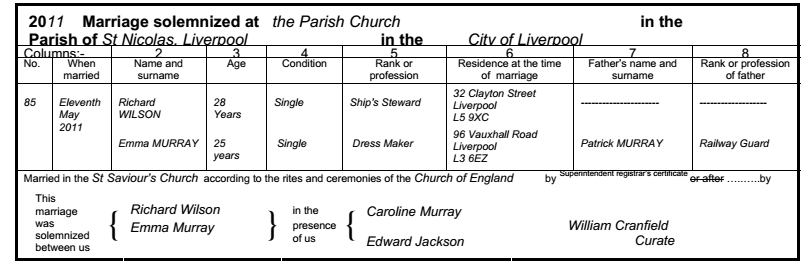
In the presence of LH Brandon and HM Brandon, the parties married.

Example 3: Formal correction to correct the groom and his father’s surname. In the presence of the superintendent registrar and 2 nominated witnesses

In entry no 32, col’s. 2 and 7and in the attestation for “Harker” read “Harcourt”, Corrected on the 25th April 2011 by me Montague Curtis Vicar. In the presence of nominated witnesses Robert Martin and Thomas Harcourt and Richard Brown, Superintendent Registra



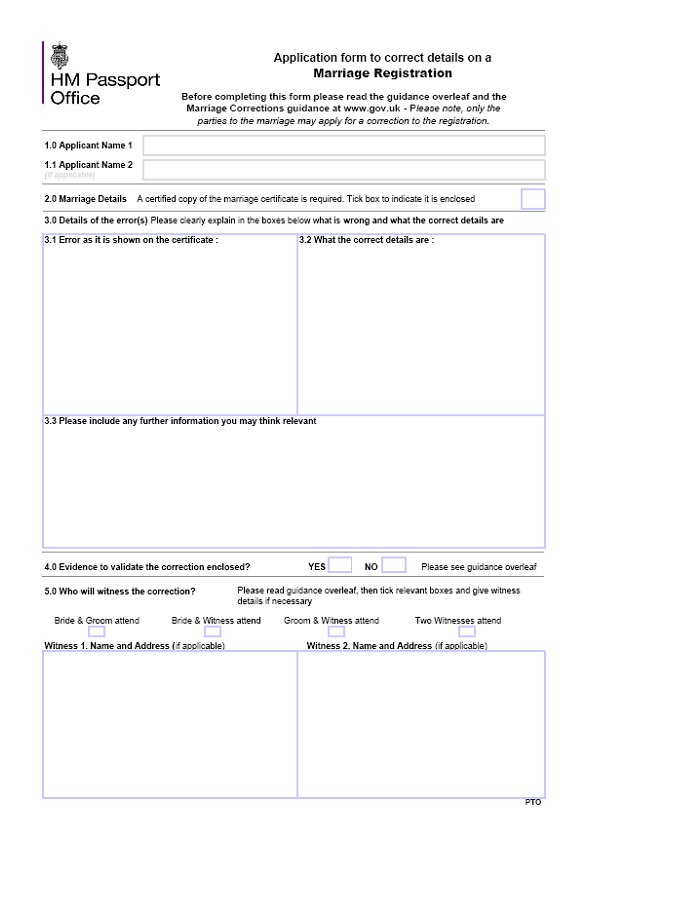
Example 4: Correction to the bride’s age.



In entry no 85, col. 3, for “25”

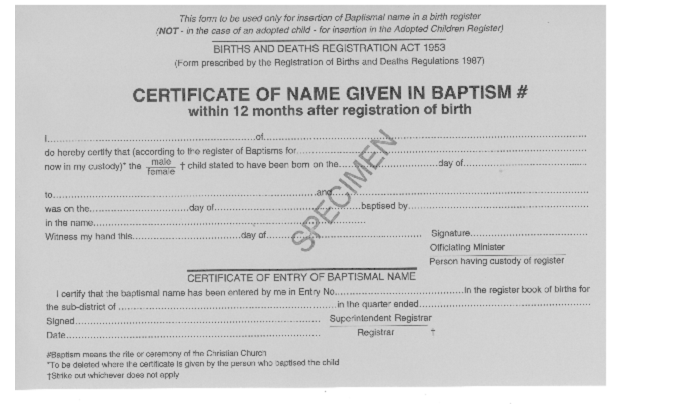
read “35”. Corrected on the 25th June 2011 by me William Cranfield Curate In the presence of Richard Wilson and Emma Wilson, the parties married.

### Appendix H- Marriage correction application form and guidance notes

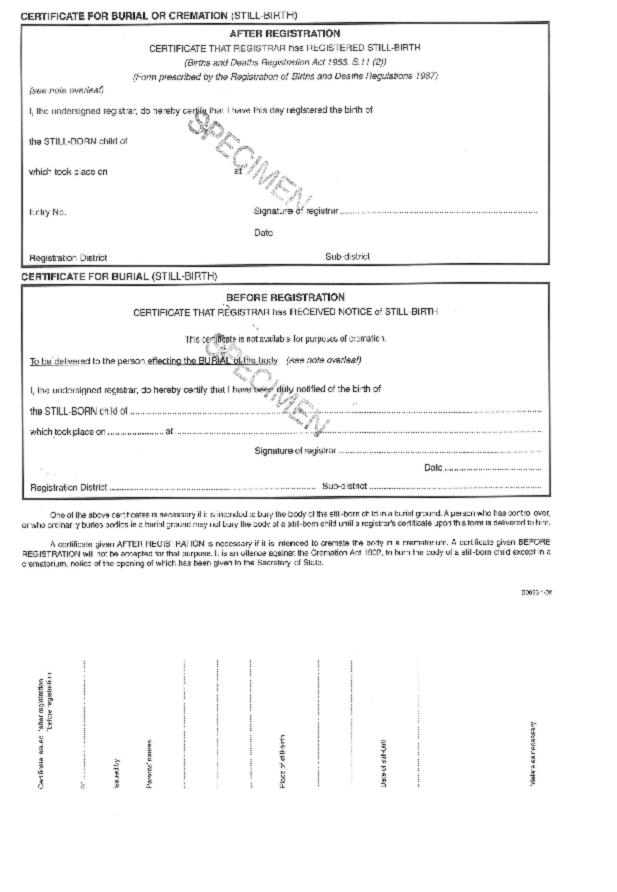




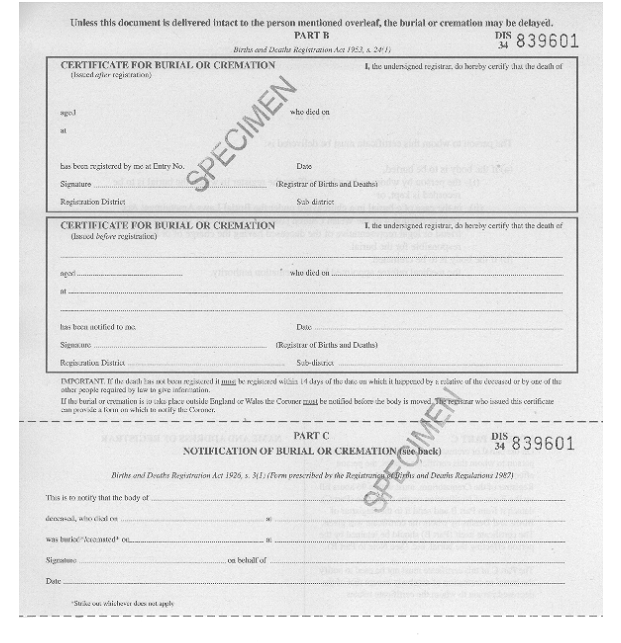
### Appendix I - Certificate of Name Given in Baptism



### Appendix J – Certificate for burial or cremation (still-birth)

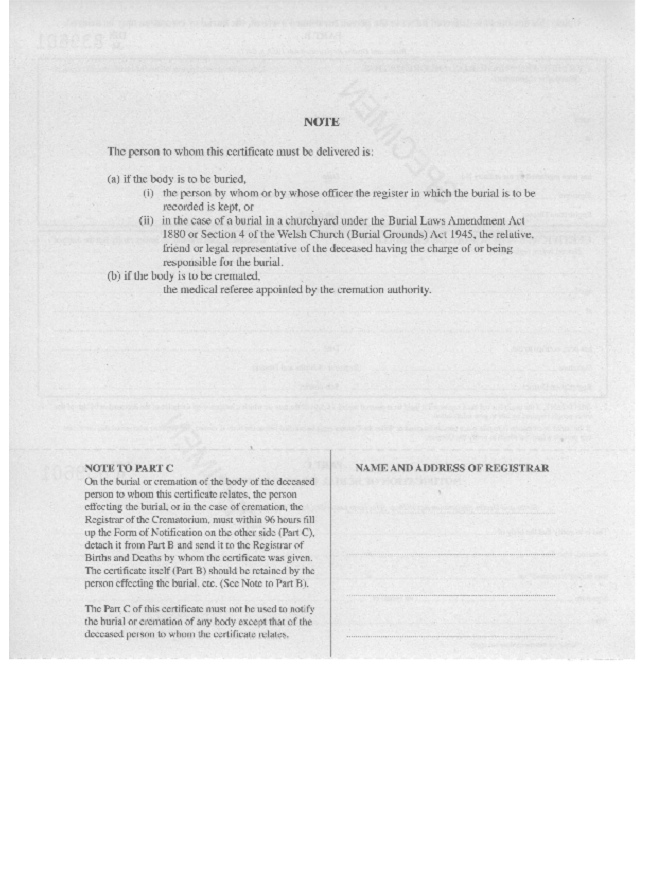


### Appendix K - Certificate for burial or cremation

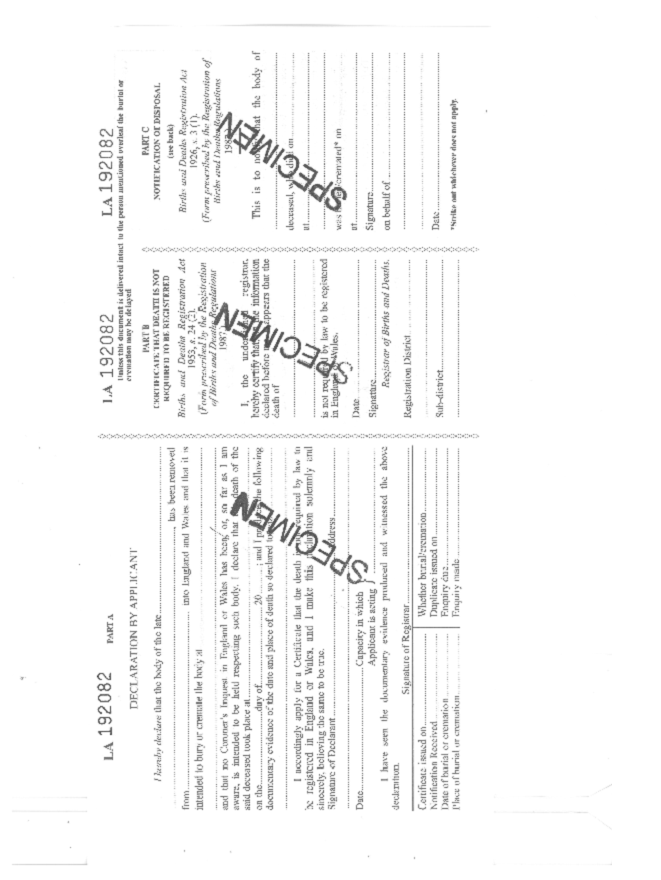
Unless this document is delivered intact to the person mentioned overleaf, the burial or cremation may be delayed.

### Appendix K (continued)

Notes which appear on the back of the form of Certificate for Burial or Cremation

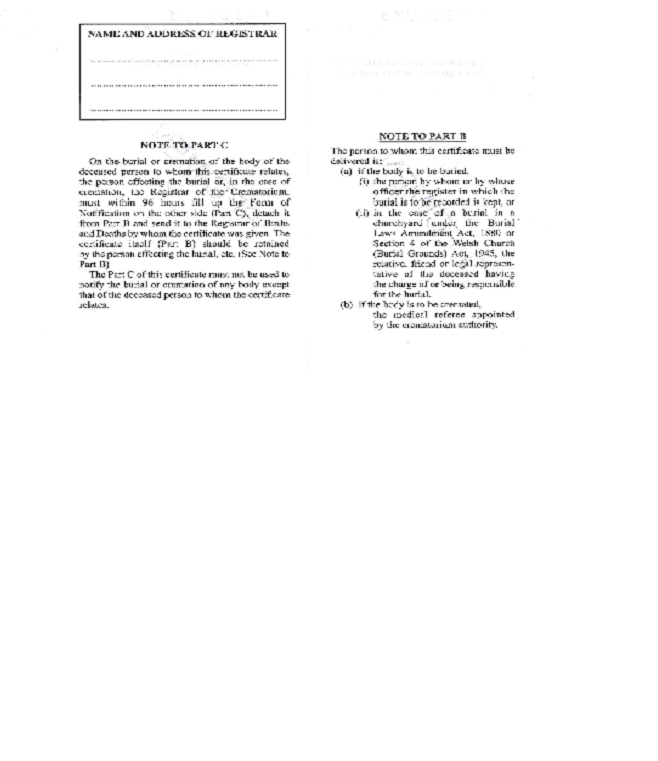


### Appendix L -Certificate that death is not required to be registered

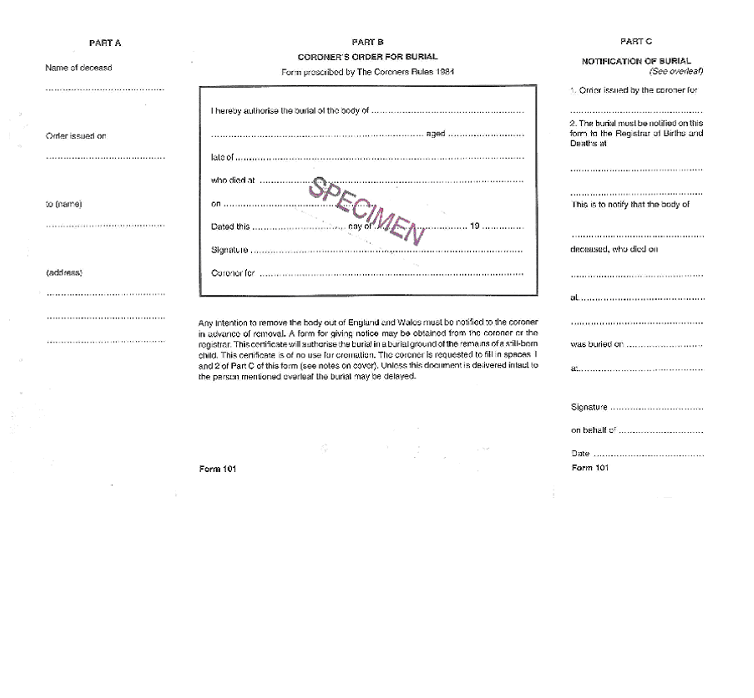


**Appendix L (continued)**

Notes which appear on the back of the form of Certificate that death is not required to be registered



### Appendix M - Coroner’s Order for Burial: Notification of Burial



### Appendix M (continued)

Notes which appear on the back of the form of Coroner’s Order for Burial



### Appendix N - Declaration that Certificate or Order has been issued

I………………………………………………of……………………………………… in pursuance of the Births and Deaths Registration Act 1926, declare:

* 1. That I am the person procuring the burial of the body of …………………………..…… who died at …………………………………………………………………………………… on the ……………………………………………………………………………………….…
  2. that a registrar’s certificate\* authorising burial was issued by the registrar\*………… coroner’s order coroner

at …………………………………………… to ………………………………………...…… living at ……………………………………………on …………………………………….…

and

* 1. that the reason why the said document cannot be delivered before burial is that:………………………………………………………………………………………………

I make this declaration believing the same to be true.

Signature of declarant ………………………………………………………………………… Date ……………………………………..………………………………………………………

\* Strike out whichever does not apply.

### Appendix O - Certificate of burial under the Burial Laws Amendment Act 1880

Form of certificate to be transmitted to the Rector, Vicar or Incumbent under Section 10 of the Burial Laws Amendment Act 1880 (43 & 44 Vict. C. 41)

I ……………………………… of …………………………, the person having the charge of (or being responsible for) the burial of the deceased, do hereby certify that on the

…………………… day of ………………………………, A.B. of …………………………………, aged ……………, was buried in the churchyard (or graveyard) of the parish (or district) of

…………………………………………………………………………………………………………. To the Rector (or, as the case may be) of …..…*………………………………………………….*

## How to apply for a correction to a marriage registration

#### General Information

A correction can only be made when the information in the marriage register is wrong. The registration cannot be corrected to show new information if your circumstances change after the date of marriage.

To establish if the error is in the original entry and not just on the certificate you will need to contact either:

* The register office who conducted your civil marriage, or
* The incumbent, authorised person, or registering officer who registered your religious marriage.

#### How do I apply for a correction?

If your marriage was according to the rites and ceremonies of the Church of England or Church of Wales please contact the church where your marriage took place. Otherwise, once you have established that the error is in the register and not just a copying error, you will then need to complete an application form and send it to GRO.

#### Where can I get an application form?

by downloading it from [www.gov.uk/correct-marriage-registration/how-to-apply](http://www.gov.uk/correct-marriage-registration/how-to-apply)

your local register office may be able to supply you with one

you can get one from GRO by ringing 0300 123 1837

#### Who can apply for a correction?

Either the Bride or Groom can apply, however both will need to be aware of the correction to the marriage entry. If both parties are no longer alive then we will not be able to correct the entry.

#### What does a correction look like?

The original information will always be shown as it was first given, but a note will be written against the registration explaining what the correct information should be and the date when the correction was made. All certificates issued from that point on will include the note in the margin.

#### Do I need to prove that the marriage certificate is wrong?

You will need to show that the information originally given at the time of your marriage was wrong. You will have to provide a copy of the marriage certificate and produce document(s) that clearly shows what the correct information should have been. These document(s) should be valid or dated around the date of the marriage.

It is not possible to list every example of what will be acceptable but it should be an official document which shows the correct information. Typical examples will include:

* passport
* identity card
* photocard driving licence
* letter from a government department
* bank/building society statement
* utility bill
* credit card statement
* letter from a hospital/doctor

If you cannot send us any proof, then normally a correction will not be possible. Further advice can be obtained by ringing 0300 123 1837

#### Do I need to send in original documents?

You should only send in documents which have been certified by a professional person or a person of good standing in the community as a true copy of the original. A list giving examples of the type of person that would be suitable can be found at:

https[://w](http://www.gov.uk/countersigning-passport-applications)ww[.gov.uk/cou](http://www.gov.uk/countersigning-passport-applications)n[tersigning-passport-applications](http://www.gov.uk/countersigning-passport-applications) Acceptable certifiers are listed in the section ‘Occupations’.

The person should not be related by birth or marriage to the applicant(s), be in a personal relationship with the applicant or live at the same address. The person certifying documents should:

* include the words - “Certified to be a true copy of the original seen by me”
* sign
* print their name
* confirm their occupation
* add their address and telephone number

However, GRO reserves the right to ask you to submit the original document if needed.

GRO will confidentially destroy all certified copies submitted here unless we are asked to return them.

#### Do I have to be there when the registration is corrected?

A correction to a marriage entry always has to be witnessed. This will be by either:

* both parties to the marriage, or
* 2 witnesses nominated by the parties to the marriage.

The witnesses do not need to have been present at the marriage but do need to be aware of the information that is being corrected.

#### How long will it take for my entry to be corrected?

If there are no problems with your application, you can expect the paperwork authorising the correction to be sent ou within 10 working days. If GRO ask you for more information or you need to send in more paperwork, each further reply may to take up to 20 working days.

However, you should be aware that in exceptional circumstances, it may not always be possible to meet these targets.

You will then need to liaise with the register holder to find a mutually convenient time for the correction to be made. We therefore cannot give precise timescales.

#### Where can I find out more?

You can either contact the religious building or register office in the area where the marriage took place. They will be happy to explain what you need to do.

Alternatively, you can telephone GRO who will advise you on your individual circumstances and how to apply for a correction.

#### Our contact details are :

Address: GRO Casework Team, PO Box 476, Southport, PR8 2WJ

Phone: 0300 123 1837

mail: [grocasework@gro.gsi.gov.uk](mailto:grocasework@gro.gsi.gov.uk)

Internet: Go to [www.gov.uk/correct-marriage-registration](http://www.gov.uk/correct-marriage-registration) to find forms for downloading.

For the purpose of detecting and preventing crime, information relating to an application may be shared and verified with other government departments or law enforcement agencies.

### Marriage in church after divorce: Guidance Leaflet for Couples

The Church of England teaches that marriage is for life. It also recognizes that some marriages sadly do fail and, if this should happen, it seeks to be available for all involved. The Church accepts that , in exceptional circumstances, a divorced person may marry again in church during the lifetime of a former spouse.

If you are thinking about asking to be married in church, you should discuss this with your local parish priest. Please do this well before choosing a date for your wedding.

Some priests may be willing to take such a marriage, others may not be prepared to do so, on grounds of conscience, and may not allow the use of their church either. The law of the land permits them this choice.

If your parish priest is willing to discuss the possibility of conducting your marriage, he/she will want to talk to you frankly about the past, your hopes for the future and your understanding of marriage. You and your intended spouse should therefore be prepared to consider some questions. You are advised to reflect beforehand on the issues they raise – and should be prepared to answer them honestly.

* What does marriage mean to you?
* What have you learned from your previous marriage?
* Has there been healing of past hurt s?
* If you have children, how are they being looked after?
* What do others think of your marriage plans?
* When did your new relationship begin?
* Have either of you been divorced more than once?
* Are you wanting to grow in the Christian faith?

If you wish to proceed with your enquiry, both of you should complete the attached

application form and hand it to your parish priest. You will also need to bring with you

written legal proof that any divorce decree is absolute. (A decree nisi will not be sufficient.)

It is likely that your priest may ask for more than one confidential interview with you and your intended spouse together. Your priest may also feel the need to consult with the bishop or his adviser, before making a decision, although the decision remains with the parish priest. This process could easily take some time, and you should discuss how long it might take with your parish priest at your initial meeting.

If it is not possible for your proposed marriage to take place in church, your priest may consider other alternatives with you. If your priest agrees to conduct a marriage service, you may be invited to take part , possibly with other couples, in marriage preparation.

The process this leaflet describes reflects the Church’s commitment both to lifelong marriage, and to taking seriously your wish to marry in church. You may be certain that your application will be received and considered with dignity, care and loving concern. Whether or not you proceed to marriage in church, your priest and your local church are available to offer you guidance and support as you proceed on life’s journey.

The grace of our Lord Jesus Christ, and the love of God, and the fellowship of the Holy Spirit, be with you.

#### Application form

Application for marriage in the parish of \_\_\_\_\_\_\_\_\_\_

(Diocese of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

[Sections 1 – 4 to be completed by the couple, as appropriate, as fully as you can.]

1. A person who is divorced

(if both applicants are divorced, the other should fill in section 2) Full name

Address

Telephone/fax/email

Age

In which parish do you live?

In which church, if any, do you worship?

Date and place of previous marriage, and age at that time

Name of previous spouse

Date of separation

Date of decree absolute

Age(s) of any children

Was this your only previous marriage? (If not, provide details of any other marriages – as above – on a separate sheet.)

1. A second person who is divorced *(if applicable)*

Full name

Address

Telephone/fax/email

Age

In which parish do you live?

In which church, if any, do you worship?

Date and place of previous marriage, and age at that time

Name of previous spouse

Date of separation

Date of decree absolute

Age(s) of any children

Was this your only previous marriage? (If not, provide details of any other marriages – as above – on a separate sheet.)

1. A person who is either single or widowed (*if applicable*)

Full name

Address

Telephone/fax/email

Age

In which parish do you live?

In which church, if any, do you worship?

Single/Widowed

Age(s) of any children

Please state why you want to be married in church.

Is this your first application for marriage in church to a partner who is divorced with a former partner still living? (If not, please give the name, address and telephone number of the priest to whom you previously applied.)

1. For both applicants

[Please note that the parish priest will refer to the information in this application form and other relevant information from meeting with you when considering and responding to your request to be married in church. He or she may also choose to share it with the diocesan bishop and/or the bishop’s adviser. If your application is not accepted, and you later make a further application in another parish, the information you have given on this occasion may be shared with the priest who considers your further application. With these exceptions, the information you have given in this form and in your interview will be treated as confidential.]

We wish to have our application for marriage in church considered, and give our consent to the use of the information we have given in this application form as set out above. If either of us has made a previous application, we agree that you may contact the priest named in paragraph 1 and/or 2 above and that he or she may share with you information relating to that previous application.

Signed

Date

Sections 5 and 6 to be completed by the parish priest (or officiating cleric).

1. Grounds for accepting/refusing the application.
2. Signature of the parish priest (or officiating cleric)

Date

# Care of Church Buildings

## Pastoral Department

Stephen Roberts  
Deputy Diocesan Secretary

Stephen is Secretary to the Diocesan Advisory Committee (DAC), Diocesan Mission & Pastoral Committee (DMPC) and Diocesan Board of Patronage.

Tel: 020 7939 9456 e-mail: stephen.roberts@southwark.anglican.org

**Administrator**  
Luke Tatam joins the Department as Assistant Secretary to the DAC in April 2016.

Tel: 020 7939 9457 e-mail: Luke.Tatum@southwark.anglican.org

What the Pastoral Department does

DAC (Diocesan Advisory Committee)

* **Faculties**: we support the DAC in its work of advising the Chancellor of the Diocese and parishes, helping parishes through the faculty procedure. We work closely with the Archdeacons, who are usually the first point of contact for parishes wanting to carry out work to the church. Dealing with faculties accounts for most of our time. We do *not* issue the faculty itself, which is the responsibility of the Chancellor.
* **Site visits**: we sometimes visit churches, along with the Archdeacon and selected DAC members, to offer informal advice to parishes. Such visits are by arrangement, usually in the early stages of a major project. We can also arrange for a particular adviser from the DAC to visit to offer specialist advice, for example on organ repairs or heating systems.
* **Quinquennial inspections**: we keep copies of recent inspection reports, maintain the approved list of professional advisers, and remind architects and parishes of their responsibilities.
* **Briefing** new incumbents on the work of the DAC.

DMPC (Diocesan Mission & Pastoral Committee)

* **Pastoral schemes**: we support the DMPC in its work of advising the Bishop and preparing schemes for pastoral reorganisation, suspension of livings, Bishop’s Mission Orders, use of redundant churches, etc.

11.02.16

## FACULTY PROCEDURE GUIDANCE NOTES

**Issued** by **the Registrar of the Diocese**

**for the guidance of Parishes**

**February 2016**

### Introduction

All Parish Churches and most other Churches, together with the Churchyards, curtilage and articles belonging to those Churches are subject to the Faculty Jurisdiction.

A Faculty is the Church of England's equivalent to planning permission or listed building consent.

At present most Church of England Churches are exempt from Local Authority listed building and conservation area control. This is known as the "ecclesiastical exemption". Local Authority planning permission may nevertheless be required for certain external works.

The Faculty Jurisdiction can take into account pastoral needs and the role of a Church as a local centre of worship and mission. Local Authority listed building control would be unlikely to do this.

The exemption will be lost if the Faculty Jurisdiction is not properly observed.

This note is intended to help Clergy, Churchwardens and PCCs in understanding the process of obtaining a Faculty. Revised rules came into effect on 1 January 2016 which made some important changes to the procedure. You are advised to read this leaf let carefully before making your application.

If after reading it you are still unsure how to proceed, please telephone or email the Diocesan Registry (020 7593 5110 / [registry@wslaw.co.uk](mailto:registry@wslaw.co.uk)). My colleagues and I will be happy to help.

PAUL C. E. MORRIS

Registrar

February 2016

### Preliminary Matters

**Some useful addresses :-**

Mr Paul Morris

Registrar of the Diocese of Southwark

Minerva House, 5 Montague Close

London SE1 9BB

Tel No: 020 7593 5110

Email: [registry@wslaw.co.uk](mailto:registry@wslaw.co.uk)

The Revd Canon Stephen Roberts

Diocesan Advisory Committee

Trinity House, 4 Chapel Court, Borough High Street

London SE1 lHW

Tel. No : 020 7939 9456

Email: [stephen.roberts@southwark.anglican.org](mailto:stephen.roberts@southwark.anglican.org)

Before any works or alterations are carried out to a Church or its furnishings, or in the churchyard or curtilage, or before anything is introduced into or removed from a Church, the law requires that it be authorised by a Faculty. The grant of a Faculty is a judicial process. Applications are considered by the Chancellor of the Diocese, who is the Judge of the Consistory Court. Some minor works do not require a Faculty but may require consultation with and/or approval of the Archdeacon. The Archdeacon may need to consult the Diocesan Advisory Committee (DAC).

Works which fall within either Schedule A or Schedule B of the Faculty Jurisdiction Rules 2015 do not require a Faculty as such. Works within List A require no specific approval. Works within List B require consultation with and the approval of the Archdeacon and following written notice.

The Chancellor makes his decision on the basis of the evidence before him, although a Court Hearing is not normally necessary. In making decisions the Chancellor takes into account the advice of the Diocesan Advisory Committee (see below).

Matters requiring a Faculty are first scrutinised by the Diocesan Advisory Committee ("DAC")(see paragraph 8 below). Once the DAC has issued its advice, a Petition for Faculty should be completed.

The Registrar submits Petitions for decision by the Chancellor at the appropriate time. Full details of the procedure are set out in the Faculty Jurisdiction Rules 2015 (mentioned above) which are made under the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. A simplified version of the procedure is set out below. This will apply in most cases when a Parish applies for a Faculty.

The necessary forms can be obtained from the DAC Secretary at the above address.

## The Diocesan Advisory Committee for the Care of Churches

The first step is to seek the advice of the DAC, which is the advisory body on matters affecting places of worship in the Diocese. The Committee is required to give advice to the Chancellor, the Archdeacon and intending applicants in connection with Faculty applications and List B matters.

The Committee normally meets every month, except in August. It is important to find out from the DAC Secretary the date of the next meeting because papers will need to be submitted by the closing date before that meeting. The DAC issues an informal guide to Parishes on the information which an application should contain. This can be obtained from the DAC Secretary.

Full details of the proposed work, with a brief statement indicating the need for the work to be carried out, together with plans, designs and specifications, usually with an estimate for the work, the comments of the Quinquennial Inspector, the name of the Architect employed (if it is not to be the Quinquennial Inspector) and the firm which will carry it out, together with photographs of the Church and any articles to be introduced or removed from the Church, should be sent to the DAC Secretary at the above address. If the building is not listed, it is still a good idea to provide a statement as to the need for the work, even though a formal statement is not strictly necessary. If the proposals involve a significant change to a listed building, the DAC should be provided with both a "Statement of Need" and a "Statement of Significance". Information on these can be obtained from the Registry or the DAC Secretary. Examples of each are attached. You are also advised to refer to the Church Care website – churchcare.co.uk – which gives useful information.

If the proposals concern an organ, bells, a clock, etc., the matter will be referred to the Committee's specialist Advisers on these matters by the DAC Secretary. They will report on the technical merits of the proposals.

After the proposals have been considered by the Committee the plans and other documents will be returned to the applicants. The applicants will also receive the Committee's notification of advice relating to the proposals, on which will be listed the plans and specifications recommended by the DAC. This will indicate whether the Committee has decided to recommend the proposals, or to raise no objection to them, or not to recommend them.

It will also indicate (i) whether or not the Committee considers that the proposals will result in a material alteration to the appearance of the Church or affect its setting, and (ii) whether or not it is considered that the proposals will affect the archaeological interest of the Church. In this respect it may also recommend that the applicants should consult Historic England, the local Planning Authority, the relevant national amenity society and/ or the Church Buildings Council, before submitting a Petition.

NOTE- A Petition may still be submitted to the Diocesan Registrar even if the DAC have decided not to recommend the proposal. It should be borne in mind, though, that the Chancellor places considerable weight on the advice of the DAC, although not bound by it.

### The Petition

This is the formal application for a Faculty. The form, together with the standard information form and the form of Public Notice (see paragraph 16) will be forwarded by the DAC Secretary. The Petitioners are normally the Incumbent and Churchwardens of the parish.

NOTE: If the Petition is for authority to execute a Licence for the use of either the Church or Church land by a third party, or if there is no Incumbent, advice should be sought from the Diocesan Registrar before completing the Petition as to who should be the Petitioners. In such cases the proposed third party Licensee should normally be a petitioning party together with the Incumbent, Churchwardens and PCC.

It is important that the form is completed accurately. The Chancellor will require also a clear explanation of why the proposed works are needed. This should be contained within the "Statement of Need" (if applicable) sent to the DAC.

NOTE: If an application is for authority to replace an item, then it may be necessary to include a request for the disposal of the item replaced (i.e. organ, pews, etc.). The Chancellor may direct that there should be consultation with the Church Buildings Council about this. It is important, of course, that the works or purposes set out in the Schedule are the same works or purposes as are referred to in the DAC notification of advice.

#### Public Notice

This is a notice to the public that a Faculty has been applied for. The form of Public Notice is supplied with the Petition, together with directions for its display and an example of how it should be completed. It is completed and signed by the Petitioners and published at the Church. At the same time plans must be exhibited in the Church and/or elsewhere and the Public Notice should be drawn to the attention of the congregation at each Sunday service during the period of Public Notice. This is particularly important in re-ordering cases.

The Schedule of works or purposes on the Public Notice form should refer to all the works or purposes set out in the Schedule to the Petition. If the Schedule refers to plans, then the Public Notice should contain an address at which the plans can be viewed during the Public Notice period. The Registrar is available to advise Petitioners on the wording of the Public Notice if necessary. The Public Notice must be returned to the Registrar (see paragraph 18(g)). If the Public Notice is not completed satisfactorily the Registrar will be obliged to order a further Public Notice to be published, and this will cause delay.

### Summary of Procedure on Application for a Faculty

(a) Have a resolution passed by the FCC approving the carrying out of the works.

* 1. Obtain a notification of advice from the DAC as described above.
  2. Obtain the necessary forms from the DAC Secretary.
  3. After the DAC has issued its notification of advice, the Public Notice is published.

This Public Notice must be displayed for a continuous period of not less than twenty-eight days including at least one Sunday when the Church is used for worship (Where there is no Sunday worship the Registrar should he consulted for advice) Anyone who wishes to object to the proposals has twenty-eight days from the time when the Public Notice was first displayed to lodge an Objection at the Diocesan Registry.

* 1. The completed form of Petition must be sent to the Registrar while the Public Notice is being published together with the following:-
     1. DAC notification of advice;
     2. a copy of the resolution of the PCC signed by the Chairman or the PCC Secretary;
     3. Statement of Needs and Statement of Significance (if applicable);
     4. the A copy of the Public Notice (this should be a copy of the Public Notice which is being published);
     5. the designs, plans, specifications and/ or estimates giving full particular of the proposed works and a copy of planning permissions (if required). These should be the same documents as were submitted to the DAC and should bear the DAC's stamp. These documents will be retained by the Registry;
     6. in the case of works which are likely to affect the organ, the electrical installation, or the security of the building against fire, vandalism, theft or other risks, a letter from the Insurance Office concerned confirming that the insurance cover for the Church will not be affected; and
     7. if the building has previously been the subject of a grant from Historic England, or if a grant aid is being sought from Historic England or any other bodies, copies of the relevant correspondence;
     8. if the DAC has recommended contacting Historic England or any other body, details of the contact made, and any comments received from them, should be supplied.
  2. The Registrar will forward the papers to the Chancellor for a decision.
  3. After the Public Notice has been displayed for twenty-eight days the Public Notice or a copy should be sent to the Registrar with the certificate of publication duly completed. A Faculty cannot be issued until this has been done.
  4. If the Chancellor is satisfied that the matter may proceed, and if no objections are received by the Registrar, the Faculty will be issued after the certificate of publication is received at the Registry, and after the period for objections has elapsed.

#### Special Cases

If in the judgment of the Chancellor the works :-

1. involve alteration to or extension of a church which is a listed building to such an extent as is likely to affect its character as a building of special architectural or historic interest, or
2. affect the archaeological importance of the church or archaeological remains existing within the church or its curtilage,

The Chancellor isobliged to ensure that Historic England, the local planning authority and any national amenity society (see below) that he considers to have an interest is made aware of the proposed works. Normally, these bodies will have already been contacted by the Petitioners, as recommended by the DAC Certificate. Unless there is correspondence in such a case showing these bodies have been previously notified to the proposed works, the Chancellor may order the Registrar to serve notification of the lodging of the Petition upon those bodies. The Registrar isalways ready to advise petitioners whether this special provision is likely to apply.

**NOTE:** Early consultation with bodies such as Historic England can help speed up the process. It is also important to ensure that members of the congregation are properly consulted in any case which *is* likely to be controversial e.g. a major re-ordering scheme. Your Archdeacon will be happy to advise you on this.

These notes are intended primarily for parishes. However, private individuals and corporate bodies are entitled to petition the Consistory Court. In such cases the Diocesan Registrar should always be consulted in advance.

#### Emergencies

In the event of an emergency please send a specification of work to be done and/ or a copyof any dangerous structure notice, if relevant, to the Registry who will then obtain the Chancellor's immediate instructions.

#### Experimental Re-ordering

If you wish to experiment with re-ordering a Church or part of it, the Archdeacon has authority to grant a licence for temporary re-ordering if he or she thinks fit. If it is decided to make this permanent a Faculty must be applied for within 15 months. Such a Licence may only be issued if the Church can easily be restored to its original layout.

### Other bodies which might need to be consulted

#### The Local Planning Authority

Planning permission (as distinct from listed building consent) may be needed for works affecting the exterior of the Church building, including the erection of noticeboards, or for change of use of part of the Church or for works in the Churchyard. In such cases enquiries should be made of the local planning authority. The planning permission, or a letter stating that planning permission is not necessary, should accompany the Petition.

#### National Amenity Societies

These are the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, the Victorian Society and the Twentieth Century Society.

#### The Commonwealth War Graves Commission

If the works or purposes affect or are likely to affect a grave or memorial maintained by this body, the Petitioners should seek its agreement to the proposals. If such agreement cannot be obtained, the Chancellor will require a special Citation to be served on the Commission by the Registrar giving it the right to enter an appearance in the Consistory Court.

#### The Church Buildings Council

Where the Chancellor is of the opinion that any Petition for a Faculty concerns or involves, or might concern or involve, an article or matter of historic or artistic interest, he is required to direct the Registrar to serve full details on this body.

#### Natural England

If bats use any part of the church, and it is possible that the works or purposes might harm or disturb the bats or their roosts, the advice of Natural England should be obtained before a Faculty is applied for. The letter of advice should be submitted with the Petition.

### Other Matters

#### Memorial Tablets

A Faculty will not readily be granted for the erection of a memorial tablet in any Church within the Diocese until some while has elapsed after the date of death of the person to be commemorated. Memorials to recently deceased parishioners are only permitted in very exceptional circumstances.

The Chancellor will carefully consider the circumstances, including whether or not the person to be commemorated gave outstanding service to, or was a prominent benefactor of the Church in question.

It is suggested that proposed inscriptions should be submitted to the DAC for recommendation or otherwise before a design is prepared in order to avoid unnecessary expense and delay.

#### Reservation of grave spaces

Grave spaces may only be reserved by Faculty. In these cases it will not be necessary for the matter to be referred to the DAC. Application should be made to the Registrar direct, who will supply the special form of Petition that is required.

**Demolition of churches or part of churches**

**Exhumations and Reinterments**

**Church extensions and sale of church goods**

In all such cases application should be made in the first place to the Registrar, who will give instructions on the procedure to be followed.

#### Trees

There are special rules dealing with the introduction or removal of trees and Petitioners should contact the Registry for advice. Briefly, List A allows some minimal works to trees. Some other works may come within List B. Otherwise a Faculty would be required. If a Tree Preservation Order is in effect, or if the tree is within a conservation area, the local authority must be consulted.

### Faculty Jurisdiction Rules 2015

From January 2016 there have been further changes to the rules that apply to faculty applications as the new simplified Faculty Jurisdiction Rules 2015 come into force.

The main changes are:

* There is a new national ‘A List’ of works which can be carried out on churches without a Faculty. This replaces all Diocesan De Minimus and Minor Works lists.
* There is a new national ‘B List’ of works which can be carried out once the written permission of the Archdeacon has been obtained. Most of these will be repairs and routine maintenance or small works identified in the QI report. The Archdeacon must consult the DAC (usually via the Secretary) for informed informal advice, but this should be a speedy and simple process enabling parishes to get on with the work without delay. The Archdeacon may set conditions on the way the works are carried out.
* The full rules and the 'A' & 'B' lists can be found on the ChurchCare website [here](http://www.churchcare.co.uk/churches/faculty-rules-2015) http://www.churchcare.co.uk/churches/faculty-rules-2015
* All other works will still require a Faculty, although the process has been simplified in a number of respects.

For further advice parishes are asked to contact Canon Stephen Roberts, the Deputy Diocesan Secretary by [e-mail](http://www.southwark.anglican.org/contacts/email.php?id=27) or by telephone on 020 7939 9456.

#### De Minimus

#### Table 1 List A

List A – Matters which may be undertaken without the need for consultation

This table prescribes matters which may be undertaken without a faculty subject to any specified conditions.

The matters prescribed in the table are subject to general exclusions set out in rule 3.5 which, among other things, excludes certain categories of works to listed buildings.

| Matter | Specified conditions |
| --- | --- |
| A1. Church building **etc.** |  |
| (1) Works of repair and routine maintenance to the church building not affecting the fabric or any historic material | The parochial church council’s insurers are notified if external scaffolding is to be erected |
| (2) Repairs and replacement of fittings in existing kitchens, lavatories and office accommodation |  |
| (3) Like for like repairs to window glass | The works do not include repairs to broken or cracked quarries in stained glass or historic clear glazed windows |
| (4) The repair or like for like replacement of wire mesh window guards | Only non-corroding fixings are used and, where practicable, are fixed in mortar joints |
| (5) Works of repair and routine maintenance to existing—  (a)  heating systems  (b)  gas, water or other services  (c)  electrical installations and other electrical equipment | The works do not involve making additions to an electrical installation  Any work to a gas fitting is carried out by a person who is registered on the Gas Safe Register (or is a member of another class of persons approved by the Health and Safety Executive for the purposes of Regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998)  Any work to an electrical installation or electrical equipment is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6)) |
| (6) The application of forensic marking on roof lead or other material covering a roof or to rain water goods or flashings |  |
| (7) Work to an existing lightning conductor | The parochial church council’s insurers are notified of the proposed work and the work is carried out by a specialist contractor approved by them |
| (8) The repair, maintenance, removal, disposal or replacement of a flagpole | Only non-corroding fixings are used where a flagpole is repaired or replaced |
| (9) The introduction, removal or disposal of furniture, furnishings, office equipment and minor fixtures (other than safes) in vestries and similar rooms | The existing use of the vestry is not changed  No article of historic or artistic interest is removed or disposed of |
| (10) The introduction, removal or disposal of fire extinguishers | Any instructions from the supplier or the parochial church council’s insurer in relation to their type or location are complied with |
| (11) The making of additions to an existing name board | The board is not a war memorial or roll of honour  The addition is in the same style (including colour and materials) as existing names on the board |
| (12) The installation of bat boxes as part of a bat management programme |  |
| (13) The introduction of anti-roosting spikes | Only non-corroding fixings are used and, where practicable, are fixed in mortar joints |
| A2. Musical instruments |  |
| (1) The introduction or disposal of musical instruments (other than organs and grand pianos) and associated equipment | No article of historic or artistic interest is disposed of |
| (2) The routine tuning and maintenance of organs and pianos | In the case of organs, any works do not involve tonal alterations, changes to the action or major dismantling of the instrument |
| A3. Bells etc. |  |
| (1) The inspection and routine maintenance of bells, bell fittings and bell frames | No tonal alterations are made to any bell  No bell is lifted from its bearings |
| (2) The repair and maintenance of clappers, crown staples (including re-bushing) and bell wheels | Works do not include the re-soling or re-rimming of a bell wheel  No bell is lifted from its bearings |
| (3) The repair or replacement of bell stays, pulleys, bell ropes (including in Ellacombe apparatus), rope bosses, sliders or slider gear | No bell is lifted from its bearings |
| (4) The repainting of metal bell frames and metal bell fittings | No bell is lifted from its bearings |
| A4. Clocks |  |
| The inspection and routine maintenance of clocks and clock faces | Works of maintenance do not include re-painting or re-gilding of clock faces |
| A5. Church contents |  |
| (1) The repair of woodwork, metalwork and movables | Matching materials are used  The repair does not involve any works to—   * woodwork or metalwork of historic or artistic interest * Royal coats of arms * hatchments or other heraldic achievements * paintings * textiles of historic or artistic interest * church plate (including candlesticks and crosses) |
| (2) The application to articles of forensic marking | No article of historic or artistic interest is marked |
| (3) The introduction, removal or disposal of kneelers, hassocks, pew runners and cushions | The introduction , removal or disposal of the articles does not result in a change to the overall appearance of the church  No article of historic or artistic interest is removed or disposed of |
| (4) The introduction, removal or disposal of—  (a)movable bookcases  (b)books  (c)free-standing noticeboards  (d)movable display stands  (e)cruets  (f)vases and flower stands  (g)hymn boards  (h)altar linen (but not altar frontals or falls)  (i)flags and banners used for temporary displays (but not the laying up of flags, or the removal or disposal of flags that have been laid up)  (j)the Union flag or St George’s flag (with or without the diocesan arms in the first quarter) for flying from the church | No article of historic or artistic interest is removed or disposed of |
| A6. Church halls and similar buildings |  |
| (1) Routine repairs to the building and the replacement of fittings in the building |  |
| (2) The introduction, removal or disposal of furniture | No article of historic or artistic interest is removed or disposed of |
| A7. Churchyard |  |
| (1) The introduction and maintenance of equipment for maintenance of the church and churchyard |  |
| (2) The repair of paths and other hard-surfaced areas, including resurfacing in the same materials and colour |  |
| (3) The routine maintenance of, repairs to, and like for like replacement of fences and gates (but not lychgates, walls or historic railings) | The works do not involve any new disturbance below ground level |
| (4) The carrying out of repairs to a notice board and the repainting of a notice board |  |
| (5) The grant by the incumbent of a licence for grazing in the churchyard | The licence is in a form approved by the chancellor |
| A8. Trees |  |
| (1) The felling, lopping or topping of a tree the diameter of any stem of which does not exceed 75 millimetres (measured over the bark at a height of 1.5 metres above ground level) | The works do not relate to any tree in respect of which a tree preservation order is in force or which is in a conservation area  Regard is had to guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards |
| (2) The lopping or topping of any tree—  (a)that is dying or dead; or  (b)has become dangerous | Regard is had to guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards |
| (3) The removal of dead branches from a living tree | Regard is had to guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards |

#### Table 2 List B

List B – Matters which may be undertaken without a faculty subject to consultation etc.

This table prescribes matters which may, subject to any specified conditions, be undertaken without a faculty if the archdeacon has been consulted and has given notice in writing that the matter may be undertaken without a faculty. The archdeacon may impose additional conditions in the written notice.

The matters prescribed in the table are subject to general exclusions set out in rule 3.5 which, among other things, excludes certain categories of works to listed buildings.

| Matter | Specified conditions |
| --- | --- |
|  |  |
| B1. Church building etc. |  |
| (1) Works of routine maintenance and repair affecting the fabric of a church or historic material | The works are identified as routine items of maintenance in the most recent report prepared in respect of the church pursuant to section 1(2) of the Inspection of Churches Measure 1955 (commonly known as the “quinquennial inspection report”) or in subsequent written advice from a person registered under the Architects Act 1997 or a member of the Royal Institution of Chartered Surveyors qualified as a chartered building surveyor  Details of any materials to be used are submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter  The works do not involve any new disturbance below ground level  The parochial church council’s insurers are notified if external scaffolding is to be erected |
| (2) The installation of a wall offertory box | The installation does not affect historic fabric |
| (3) The introduction of a safe in a vestry or similar room |  |
| (4) Works of external or internal redecoration (other than to areas of historic wall painting, even if already painted over) | Details of materials and colours are submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter  The overall appearance of the building is not changed  The parochial church council’s insurers are notified if external scaffolding is to be erected |
| (5) The treatment of timber against beetle or fungal activity | The works do not involve the replacement of timber |
| (6) Works of adaptation (not amounting to substantial addition or replacement) to—  (a)  heating systems  (b)  gas, water and other services  (c)  electrical installations and other electrical equipment | Any work to a gas fitting is carried out by a person who is registered on the Gas Safe Register (or is a member of another class of persons approved by the Health and Safety Executive for the purposes of Regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998)  Any work to an electrical installation or electrical equipment is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))  The parochial church council’s insurers are notified of the proposed works |
| (7) The replacement of a boiler in the same location and utilising an existing fuel supply and existing pipe-runs | Any work to a gas fitting is carried out by a person who is registered on the Gas Safe Register (or is a member of another class of persons approved by the Health and Safety Executive for the purposes of Regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998)  The works do not involve the creation of a new external flue  The parochial church council’s insurers are notified of the proposals |
| (8) The introduction or replacement of control equipment that is ancillary to a boiler or existing heating system | Any work to a gas fitting is carried out by a person who is registered on the Gas Safe Register (or is a member of another class of persons approved by the Health and Safety Executive for the purposes of Regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998)  Any work to an electrical installation or electrical equipment is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))  The parochial church council’s insurers are notified of the proposals |
| (9) The like for like replacement of roofing material | The material being replaced was not introduced unlawfully  The parochial church council’s insurers are notified of the proposals |
| (10) The installation of a roof alarm | The amount of associated cabling is kept to the minimum that is reasonably practicable |
| (11) The installation of lighting and safety equipment | The lighting or other equipment—   * is installed only in a part of the church (such as a tower or crypt) that is not normally visible to the public, or * when installed will not be visible from ground level   Any work to an electrical installation or electrical equipment is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))  The installation will not affect any graves or vaults  The parochial church council’s insurers are notified of the proposals |
| (12) The installation of a lightning conductor | The parochial church council’s insurers are notified of the proposals and the work is carried out by a specialist contractor approved by them |
| (13) The installation of a sound reinforcement system or loop system or the alteration of an existing system |  |
| B2. Bells etc. |  |
| (1) The lifting of a bell to allow the cleaning of bearings and housings | Regard is had to any guidance issued by the Church Buildings Council  The bell is currently in a fit condition to be rung |
| (2) The like for like replacement of—  (a)  bearings and their housings  (b)  gudgeons  (c)  crown staple assembly  (d)  steel or cast iron headstocks  (e)  wheels | Regard is had to any guidance issued by the Church Buildings Council  The bell is currently in a fit condition to be rung  The works do not involve the drilling or turning of the bell |
| (3) The replacement of—  (a)  bell bolts  (b)  a wrought iron clapper shaft with a wooden-shafted clapper | Regard is had to any guidance issued by the Church Buildings Council  The bell is currently in a fit condition to be rung |
| (4) The treatment of timber bell frames with preservative or insecticide materials |  |
| (5) The re-pinning or re-facing of hammers in Ellacombe apparatus | Regard is had to any guidance issued by the Church Buildings Council  The bells are currently in a fit condition to be rung |
| (6) The introduction of peal boards in a location not normally visible to the public |  |
| B3. Clocks |  |
| (1) Alterations to striking trains to prevent striking at night | No part of the clock mechanism is affected |
| (2) The upgrading of electrical control devices and programmers |  |
| B4. Church contents |  |
| (1) The repair and maintenance of church plate (including candlesticks and crosses) not of special historic or artistic interest |  |
| (2) The introduction, maintenance or replacement of portable audio-visual equipment used in connection with church services | No equipment is fixed to the fabric of the church |
| (3) The replacement of carpets or other floor covering and underlay | Only breathable underlay is used when underlay is replaced |
| (4) The replacement of curtains (other than curtains and other hangings associated with an altar) |  |
| (5) The treatment of fixtures and furniture against beetle or fungal activity |  |
| (6) The introduction of a book of remembrance and stand |  |
| (7) The introduction of a fixed internal noticeboard |  |
| (8) The disposal of free-standing chairs | No chair of historic or artistic interest is disposed of |
| (9) The replacement of a grand piano with another grand piano and the disposal of the original grand piano | No piano of historic or artistic interest is disposed of |
| B5. Churchyard |  |
| (1) The introduction of benches in a churchyard | No bench has an inscription on it which would not be permitted on a monument in the churchyard under the applicable churchyard regulations made or approved by the chancellor |
| (2) The replacement of gas or oil tanks | The replacement tank is of similar dimensions and in substantially the same location  No works of excavation are involved  The local planning authority is notified of the proposal |
| (3) The routine maintenance, repair or rebuilding of walls | The works do not relate to any wall which is included in the Schedule maintained for the purposes of the Ancient Monuments and Archaeological Areas Act 1979  The works are identified as routine items of maintenance in the most recent report prepared in respect of the church pursuant to section 1(2) of the Inspection of Churches Measure 1955 (commonly known as the “quinquennial inspection report”) or in subsequent written advice from a person registered under the Architects Act 1997 or a member of the Royal Institution of Chartered Surveyors qualified as a chartered building surveyor  Details of any materials to be used are submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter  The works do not involve any new disturbance below ground level  The parochial church council’s insurers are notified if external scaffolding is to be erected |
| (4) The routine maintenance or repair of lychgates | The lychgate is not separately listed as a building of special architectural or historic interest under the Planning (Listed Buildings and Conservation Areas) Act 1990 |
| B6. Trees |  |
| (1) The planting of trees | Regard is had to the guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards |
| (2) The felling of a tree—  (a)  that is dying or dead; or  (b)  has become dangerous | In the case of any tree in respect of which a tree preservation order is in force or which is in a conservation area, section 206 of the Town and Country Planning Act 1990 (which provides for the planting of replacement trees) is complied with  Regard is had to the guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards |
| (3) All other works to trees (whether or not prescribed in List A) except felling | If applicable, the law relating to the preservation of trees in respect of which a tree preservation order is in force or which are in a conservation area is complied with  Regard is had to the guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards |

## Guidance on Applying for a Faculty

### Statement of Significance

Section 1: Brief history and description of the church building(s), contents, churchyard and setting

Section 2: The significance of the church (including its contents and churchyard) in terms of:

1. Its special architectural and historical interest
2. Any significant features of artistic or archaeological interest

Please state if you have taken expert advice to help you define the significance, and from whom.

Section 3: Assessment of the impact of the proposals on the significance defined in Section 2

### Statement of Needs

Section 1. General information

This should provide an overview of the parish and the current use of the building.

Section 2. What do you need?

Briefly explain your needs (not your proposals). Append any brief for your architect.

Section 3. The proposals

Set out what you are proposing to do in order to meet the needs set out in section 2.

Section 4. Why do you need it and why do you need it now?

Justify your proposals by explaining why you can’t meet your needs without making changes. Also include anything which may have prompted the proposals.

Section 5. Justification

If the proposals are likely to harm the significance outlined in the Statement of significance, explain how the proposals would result in public benefits which outweigh such harm (public benefits include matters such as liturgical freedom, pastoral wellbeing and putting the church to viable uses that are consistent with its role as a place of worship and mission).

### Statement of Significance - Guidance on completion

Use the following guidance and key questions to help you complete the form

### Section 1: Brief history and description of the church building(s), contents, churchyard and setting

#### Church Building(s)

What is the history of the church; when was a church first established on the site and how has it changed over time; who are the architects, artists and other craftsmen who have been involved; have there been any significant benefactors and has this affected the choice of architect / artist or the incorporation of any monuments in the church? How does work carried out on the church link to international, national, regional or local architectural and artistic movements? What is its plan form, spatial quality, building materials used? how it is lit and heated? What is the theological ‘message’ communicated by the exterior and interior of the church? Are there any significant events or personalities associated with the church? Are there important memories associated with the church or churchyard?

#### Contents

These may include; Altar; Reredos; Pulpit; Lectern; Font; Stained glass; wall paintings; Bells and Bell frame; Monuments; Organ; Communion plate; Registers; Pews and other woodwork; Metalwork; Communion rails; floor finishes. Do the contents relate to any particular historical changes to the church and do they contribute to the significance of those changes? Are any of the artists or craftsmen of international, national, regional or local importance?

It is reasonable to group these if there is a contemporary scheme which is significant as such, for example one could say a complete scheme of 18th-century furnishings.

#### Churchyard

Is the church or churchyard used by protected species or species with Biodiversity Action Plans? Are there any ancient, very prominent, rare or unusual trees? How good a habitat is the churchyard for fauna and flora?

#### Setting

Are there distant or near views which are valued by the congregation / wider community / visitors / experts? How do the trees contribute to the setting? What is known of the landscape design and history of the churchyard, including extensions? Are there archaeological remains? Are adjacent buildings similar, complementary or contrasting in age, style, materials or age? How are the boundary and entrances marked? Are the monuments, war memorials significant?

### Section 2: The significance of the church (including its contents and churchyard) in terms of:

#### Its special architectural and historical interest

#### Any significant features of artistic or archaeological interest

This should provide an overview of the significance of the church, and the contribution of its setting to that significance. This should be compiled before any specific proposal has been worked up, and can be re-used for each faculty application, although of course it will have to be kept up to date. Refer to the terminology in the introductory section of this guidance document to help you define significance.

Please state if you have taken expert advice to help you define the significance, and from whom.

### Section 3: Assessment of the impact of the proposals on the significance defined in Section 2

Section 3 will be prepared in draft form for any pre-application consultations, and finalised to accompany a faculty application when a scheme has been worked up.

This should not be a justification of your scheme, which should be in the Statement of Need. The level of detail provided should be proportionate to the importance of the heritage asset and sufficient to understand the impact of the proposal on the significance of the heritage asset.

Identify the parts of the church and/or churchyard which will be directly or indirectly affected by your proposal. Describe and assess the impact of your proposal on these parts, and on the whole. Impacts could include loss, alteration, obscuring, change of setting and change of use. Characterise impacts as either low, moderate or high.

Explain how you intend, where possible, to mitigate the impact of the proposed works on the significance of the parts affected and the whole.

### Sources consulted

List the sources consulted. These may include:

* ‘Buildings of England’ series by Pevsner
* Reports by the Royal Commission on the Historical Monuments of England (RCHME), now part of English Heritage
* The local history society
* The local museum
* Diocesan Record Centre
* County Record Centre
* County Biological Records Centre
* Historic Environment Record (HER), maintained by your local authority.
* Victoria County History (VCH)

Statutory designations and descriptions for churchyards, churches or objects within them can be checked through your local planning authority, English Heritage and Natural England (Nature Conservation significance).

Useful web sites include:

* ChurchCare <http://www.churchcare.co.uk/>
* Shrinking the footprint <http://www.churchcare.co.uk/shrinking-the-footprint>
* Heritage Gateway [www.heritagegateway.org.uk/](http://www.heritagegateway.org.uk/)
* Magic [www.magic.gov.uk](http://www.magic.gov.uk/)
* Caring for God’s Acre [www.caringforgodsacre.org.uk](http://www.caringforgodsacre.org.uk/)

### Statement of Needs – Guidance on completion

Use the following guidance and key questions to help you complete the form

### Section 1. General information

This should provide an overview of the parish and the current use of the building. This may include:

* How many people live in the parish/ village/ town?
* What different type of services take place in the church each week/ month and how many people attend each of the different services on average?
* How many people are on the electoral roll?
* What is the age profile of the congregation? What children's provision is there? On Sundays and midweek? How many children attend these activities?
* Is the church normally left open during daylight hours?
* What other activities happen in the church alongside prayer and worship?
* What is the financial position of the church (e.g. reserves, payment of quota). Are funds available now? Or have funds been applied for or are being applied for? Please state to whom applications have been made and if applications have been successful or refused?
* When was the last Quinquennial report? What were the major issues which were highlighted? Are you on top of these issues? Do you have a maintenance plan?

### Section 2. What do you need?

Briefly explain your needs (not your proposals). Append any brief for your architect. You may find it helpful to divide the needs up into areas such as:

* Facilities e.g. we need one accessible toilet and the ability to serve refreshments.
* Space e.g. we need a meeting room to accommodate up to 25 people sitting and 40 people standing.
* Access e.g. we need to provide a permanent route into the building which is accessible for wheelchairs.
* Liturgy e.g. we need to make arrangements to use a nave altar. Other e.g. we need to install a new heating system

### Section 3. The proposals

Set out what you are proposing to do in order to meet the needs set out in section 2.

### Section 4. Why do you need it and why do you need it now?

Justify your proposals by explaining why you can’t meet your needs without making changes. Also include anything which may have prompted the proposals.

* How will this proposal help the ministry of the church? How will it enhance the liturgical space and services?
* How will it help small group work and midweek meetings? How will it help the mission of the church?
* What new groups of people will be drawn into the life of the church? What new activities and events will be able to take place in the church? How will it help your financial situation?
* How is the proposal contributing to the need for environmental sustainability?

Describe any recent changes which have taken place which have led to the need arising, for example:

* In the church congregation: rise in numbers attending, growth in particular age group such as children, introduction of new services and activities, arrival of new Vicar or church plant.
* In the local area: new housing development, increase/decrease in population, major regeneration scheme, major change in infrastructure such as transport links, employment opportunities
* In the church building: deterioration of fabric, vandalism or other damage, subsidence, etc.
* In the financial situation: a large bequest may have been made, there may be a pressing need to generate more money through the use of the building due to rising costs of ministry and mission.

### Section 5. Justification

If the proposals are likely to harm the significance outlined in the Statement of significance, explain how the proposals would result in public benefits which outweigh such harm (public benefits include matters such as liturgical freedom, pastoral wellbeing and putting the church to viable uses that are consistent with its role as a place of worship and mission).

What other options to meet the need were considered?

These may include: larger or smaller schemes, different designs, locating the scheme/proposal in a different part of the church building, not making a change at all, providing a management solution rather than a change in the fabric, using a different building in the wider community e.g. school, community hall, another church. What were the pros and cons of each option?

## A framework for the use of parish buildings by independent churches

## A. Context

The Diocese of Southwark recognises the importance of being part of a total Christian presence in South London. It particularly notes the significant and growing role played by independent churches, some with black majority leadership and membership, some with Asian, Latin American and Eastern European origins, and it is committed to working with them wherever appropriate in the furtherance of the Christian mission.

The Diocese appreciates that independent churches need premises in which to base their worship, fellowship and witness, that purchasing premises is often beyond their capability, at least initially, and that therefore parish churches and halls are a resource for these purposes. Parishes should consider making such resources available on clearly stated terms to independent churches that fulfil certain criteria.

### B. Some issues

There is a wide variety of practice across churches in the arrangements for the use of Church of England buildings by independent congregations and also a diversity in the nature of the relationships between the local parish church and those who use its premises. There is however a wide recognition on all sides that greater consistency is needed across the Diocese. This guidance sets out some possibilities and first attempts to clarify some underlying issues.

#### 1. Language

Obviously, all arrangements must be expressed with clarity and technical accuracy; at the same time, it is important to remember that they can express a link between two Christian bodies who should ideally relate to each other as `host’ and ‘guest’ as well as being in a hiring situation. This paper uses the language of `host church’ and ‘hiring church’ to express this relationship.

#### 2. Beliefs

If a hiring church is intending to hold acts of worship and particularly if it wishes to use a consecrated Church of England building, a host church will wish to be assured that the hiring church stands within the mainstream of Trinitarian Christian orthodoxy. Most churches seeking to use Church of England buildings will have a statement of faith and it is suggested that a reference point for testing this statement should be the basis for membership of Churches Together in England (CTE):

‘CTE unites in pilgrimage those churches….which, acknowledging God’s revelation in Christ, confess the Lord Jesus Christ as God and Saviour according to the scriptures and, in accordance with God’s will and in the power of the Holy Spirit, commit themselves:

* to seek a deepening of their communion with Christ and with one another in the Church, which is his body, and
* to fulfil their mission to proclaim the gospel by common witness and service in the world
* to the glory of the one God, Father, Son and Holy Spirit.’

A host church would also wish to be assured that its buildings, whether consecrated or not, will at no time be used for teaching that constitutes an explicit attack on the Christian faith of the Church of England.

#### 3. Ecumenism and mission

Local hiring arrangements may be simply that – a transaction between a church that has a building and one that needs one. They can however be seen as an expression of the unity for which Christ prays and a sharing of the gifts and fruit of the Spirit. They can be a means of using a building to reach out to the community in new ways, of developing mutual understanding between the congregations through joint worship, fellowship and witness and of providing new opportunities for mission in the parish. They can also be a means by which the host church encourages the hiring church to make links with national networks and with local churches together groups.

#### 4. Leadership

The host church incumbent/priest in charge and the hiring church lead pastor play a crucial part in initiating and nurturing the arrangements and in promoting understanding and development of the relationship. They have a particular role in ensuring that others involved in the arrangements - wardens, PCC, administrators, caretakers, congregation – appreciate both the general policy expressed in 1, 2 and 3 above and the practical details contained in the agreement. Any changes in leadership in both the host church and the hiring church should result in a new agreement being drawn up and signed.

#### 5. Consultation

The host church incumbent/priest in charge should consult with his/her Archdeacon about any new arrangements and for advice on ongoing arrangements. In cases where use of consecrated church buildings is envisaged, detailed legal advice will always be required, and parishes should be aware that this will involve costs.

#### 6. Reviewing

It is good practice for there to be a joint host church/hiring church group, meeting at least twice a year, to review the arrangements to deal with problems and possibilities.

#### 7. Incompatibilities

There may be some circumstances in which the beliefs and practices of the host church and the hiring church are or become incompatible; in these cases, there may be no alternative but to cancel the arrangements, or not to embark on them in the first place, and to learn from the experience.

### C. Possibilities

The arrangements for hosting can vary according to three factors:

The nature of the relationship between the hosting and hiring churches

This is categorised below though there are obviously subtleties in the relationships and the possibility of development over time:

#### Hiring only

In some cases, and often initially, the arrangements are a straightforward use of the building with no intention of any co-operation. The relationship is limited to an agreement on terms of use and finance.

#### Some co-operation

In other cases, sometimes from the beginning and sometimes as the relationship develops, there is a willingness on the part of both churches to worship and work together occasionally or more regularly.

#### Partnership

In yet other cases, both churches recognise that they have a shared mission in their community and wish to express that partnership more fully.

#### Covenant

If it is accepted that both churches, though normally meeting separately, are committed to a continuing partnership, a covenant may be an appropriate way of strengthening the relationship. It could begin with a statement such as

`In obedience to the call of Christ, we, the minister and people of [the host church] and [the hiring church], who have increasingly shared our Christian life in a variety of ways over recent years, now desire to show our love for God and for one another by a more formal commitment.’

It could include all the necessary elements for sharing but it would be couched in more dynamic terms eg with specific targets and an agreement to review progress annually. It would be signed and renewed at joint acts of worship.

### D. The `status’ of the hiring church

The hiring church may be in one of two broad categories:

#### A church to which the Sharing of Church Buildings Act (1969) applies

A SOCBA church is one that that is named in the list of churches that were party to the original act or have been included since by being gazetted ie published in the London Gazette as wishing to avail themselves of the Act’s provisions. A number of black majority churches are in this category including the New Testament Church of God, New Testament Assembly, Shiloh United Church of Christ Apostolic and the Cherubim and Seraphim Council of Churches. The current list is held by Churches Together in England

Some churches are affiliated to national networks which are included in the act, for example the International Ministerial Council of Great Britain, the Council of African and Afro-Caribbean Churches, the Joint Council of Anglo-Caribbean Churches, The TransAtlantic and Pacific Alliance of Churches – the full list is again held by Churches Together in England. Their individual member churches can be regarded as churches to which SOCBA applies.

#### Independent, non-affiliated churches

The majority of churches applying to hire buildings are likely to be single congregations, not named as SOCBA churches and not affiliated to any national network.

### E. The Status of the Building

Whether the building to be hired is a consecrated church building or another building such as a hall

If the building to be hired is **a consecrated church building** the agreement to use it must be in the form of one of the following:

#### Licence under faculty

This is a permission granted by the Chancellor of the Diocese for the use of the church for purposes other than those of the Church of England; the licence will spell out in detail the conditions of such use. In cases where the hiring church is neither a member of Churches Together in England nor belongs to a body that is itself a member, use of the church building for worship by that church can only take place by licence under faculty. The incumbent/priest in charge should make contact in the first place with the Diocesan Registry in consultation with the Archdeacon.

#### Sharing agreement under the Sharing of Church Buildings Act 1969

If the hiring church is one to which the Sharing of Church Buildings Act applies, it is possible to undertake this formal arrangement. The Sharing Agreement provides a legal contract to enable two partner denominations to have joint use of the building and to apportion that use and the various costs of maintenance. There will normally be a Joint Church Council with representatives from the authorities of the partner denominations and the congregations using the building. Before this way forward is considered, the incumbent/priest in charge should consult with the Archdeacon.

Whichever of the above is used, there must also be a hiring agreement – see D below and Appendices 2 and 3.

#### If the building to be hired is not consecrated,

a hiring agreement is sufficient - again see below and the Appendices.

Appendix 1 sets out these possibilities in the form of a matrix.

### F. Hiring agreement

This can be in the form of the basic agreement normally used by the host church for rentals to other groups and this may be appropriate in some cases. It can however also be enhanced by a recognition that the host church and the hiring church share a common Christian faith and both are engaged in worship, fellowship and witness. A hiring agreement can only apply to a consecrated church building if it forms part of a licence under faculty; this is not necessary in the case of other parish buildings which do not fall under faculty jurisdiction, such as many church halls.

It can be expected that an agreement will include the following information as of the first importance:

* The names of the host church and hiring church making the agreement
* A description of the beliefs and purposes of both churches, a recognition that they worship and serve God, Father Son and Holy Spirit, and an undertaking that they will work together wherever possible
* A commitment to use the building together in mutually supportive ways
* A clear statement of which building or parts of a building are covered by the arrangements
* The days and times on which the building will be used
* The purposes for which the building will be used
* The amount to be paid, its frequency, and arrangements for annual review
* Undertakings with regard to insurance, in particular an assurance that the hiring church has public liability cover of not less than £2 million and contents cover and fire risk assessment
* Undertakings by the guest church on the protection of children and vulnerable adults as follows:

The hiring church is required to ensure that children and vulnerable adults are protected at all times, by taking all reasonable steps to prevent injury, illness, loss or damage occurring, and carries full liability insurance for this. In particular:

* the hiring church shall sign an agreement (Appendix 2) to comply with the host church’s policies in safeguarding children and safeguarding adults who may be vulnerable, in the operation of all of its activities where children and adults who may be vulnerable are present
* the hiring church will provide the host church with a copy of its own safeguarding children and safeguarding vulnerable adults policies
* the hiring church will inform the Parish Safeguarding Officer of the host church of any allegations of abuse or causes of concern relating to any of its membership or leadership, and work in co-operation with the host church in managing such allegations
* the hiring church will inform the Parish Safeguarding Officer of the church of known offenders seeking to join their church, and work with statutory agencies and the host church in establishing appropriate agreements for the limits on their membership
* the hiring agreement may be suspended, pending investigation, if the host church is concerned that its policies in safeguarding children and safeguarding adults who may be vulnerable is being violated in any way.
* A statement on treating the fabric with respect
* A statement about the maximum number of people in the church or hall, both seated and standing
* A statement about fire regulations
* Arrangements for access, leaving and security
* Arrangements for heating and lighting
* Arrangements for storage
* Arrangements for use of the kitchen
* Arrangements for cleaning and the recycling or disposal of rubbish
* Arrangements for reporting and repairing any damage
* Arrangements for notice boards, both within and outside the church
* Undertakings with regard to noise, including respect for neighbours
* Undertakings with regard to fire precautions and evacuation procedures
* Undertakings with regard to smoking, alcohol and drugs
* Undertakings with regard to health and safety regulations
* A statement about the notice to be given by the host church (two months minimum) when it needs to cancel the guest church’s use of the premises at a particular time
* The requirement to have a deposit equivalent of two months rental from the hiring church to cover breakages and other damage
* The names of the key contact people for both the host church and the hiring church
* The establishment of a group for the purposes of monitoring the arrangements and proposing developments in the relationship

The agreement should spell out clearly:

* The notice required for the arrangements to be terminated by either the host church or the hiring church
* Procedure for the agreement to be terminated by the host church if the conditions are violated

Appendices 2, 3 and 4 set out templates for, respectively, a hiring agreement, an enhanced hiring agreement and provision for child protection.

### G. Final comments

This framework has attempted to combine two perspectives; on the one hand, a belief that the independent churches make a welcome contribution to the Christian life of South London and the Southwark Diocese has, in its buildings, a resource to encourage and support that contribution; on the other hand, an acceptance that the Diocese has a clear responsibility to ensure that arrangements for the use of its buildings are in accordance with its legal obligations and good practice, both for the sake of the Diocese itself and of the independent churches that will use its buildings.

Each local setting will have different elements that will need to be dealt with sensitively and not every point made above will be appropriate. I hope however that the framework and the various appendices will provide a good basis for hospitality and relationships that will strengthen the work of the church in our communities.

John Richardson

Ecumenical Project Officer, Diocese of Southwark

Version 1 - 5 February 2009

### Appendix 1: Matrix of possibilities

|  |  |  |
| --- | --- | --- |
|  | Using church or other consecrated building | Using church hall or other building that is not consecrated |
| Church to which the Sharing of Church Buildings Act applies:   * Hiring only * Some co-operation * Partnership | Licence under faculty Enhanced hiring agreement  Licence under faculty Enhanced hiring agreement  Licence under faculty Enhanced hiring agreement Covenant  Sharing agreement | Hiring agreement  Enhanced hiring agreement  Enhanced hiring agreement Covenant |
| Non-affiliated church:   * Hiring only * Some co-operation * Partnership | Licence under faculty Enhanced hiring agreement  Licence under faculty Enhanced hiring agreement  Licence under faculty Enhanced hiring agreement Covenant | Hiring agreement  Enhanced hiring agreement  Enhanced hiring agreement Covenant |

### Appendix 2:Draft template agreement for the use of parish buildings by independent churches

1. **Host church incumbent/priest in charge contact details:** Name………………………………………………………………………. Position……………………………………………………………………. Postal address…………………………………………………………….

……………………………………………………………………………….

……………………………………………………………………………… Telephone number……………………………………………………… Mobile number…………………………………………………………… Email address ……………………………………………………………

1. **Hiring church contact details:** Name………………………………………………………………………. Position……………………………………………………………………. Postal address…………………………………………………………….

……………………………………………………………………………….

……………………………………………………………………………… Telephone number……………………………………………………… Mobile number…………………………………………………………… Email address ……………………………………………………………

1. Parts of the church/hall to be used by the hiring church:

…………………………………………………………………………………………..

…………………………………………………………………………………………..

1. Purposes for which the church/hall will be used by the hiring church:

..................................................................................................................................

…………………………………………………………………………………………………

1. **Days/times of the use of the church/hall by the hiring church:** Day…………………………………… Start time……… … End time…….. Day…………………………………… Start time……… … End time…….. Day…………………………………… Start time……… … End time…….. Day…………………………………… Start time……… … End time……..
2. Approximate number of people attending during the times of use by the hiring church (which should not exceed \*\*)

Adults …………………………………………………………………………………………….. Children under 18………………………………………………………………………………… Specific regular activities for children under 18: ...............................................................

1. Conditions of use
2. The church/hall is available to the hiring church between the times stated and may only be used outside these times with the prior written agreement of the incumbent/priest in charge.
3. The hiring church may only have access to other parts of the premises not covered in this agreement with the prior written agreement of the incumbent/priest in charge.
4. The hiring church shall not use the church/hall for any purposes other than described above; use for any other purpose must be with the prior written agreement of the incumbent/priest in charge.
5. The host church reserves the right for the incumbent/priest in charge or his/her representative to enter the church/hall at any time.
6. The host church reserves the right to cancel or change the day and time of booking in the event of it requiring the use of the church/hall for a special event; it will give at least two months notice and will refund any money paid for a booking that is cancelled or changed in these circumstances.
7. The host church reserves the right to cancel or change the day and time of booking without notice if exceptional or unforeseen circumstances arise; it will refund any money paid for a booking that is cancelled or changed in these circumstances.
8. The hiring church shall not allow the numbers present to exceed the maximum number of people in the church/hall, both seated and standing *[give precise figures]*
9. The hiring church shall, during the period of occupancy, be responsible for the supervision and security of the church/hall, protection of the fabric and contents from damage, and the behaviour of all persons using the premises
10. The hiring church shall report to the host church any damage caused during its use of the church/hall and shall indemnify the host church for the cost of repair of any damage caused by the hiring church while using the premises.
11. In accordance with Fire Regulatory Order 2005, the host church shall give a copy of the fire regulations and evacuation procedures to the hiring church and the hiring church shall agree to observe them at all times.
12. In accordance with Fire Regulatory Order 2005, the hiring church shall carry out a fire risk assessment for its use of the church/hall and shall give a copy to the host church
13. The hiring church shall, during the period of occupancy, be responsible for the proper supervision of car parking arrangements so as to maintain access to the car park and avoid obstruction of the highway.
14. The hiring church shall use the heating and lighting facilities of the church/hall with regard for reasonable economy.
15. The hiring church may use *[precise areas]* in the church/hall for goods to be stored *and* shall ensure that it is safely stored away when not in use; permission shall not be given for the storage of LPG/Calor gas canisters of cylinders.
16. The hiring church shall be responsible for ensuring that the church/hall is left clean and tidy after each booking and that rubbish is recycled or disposed of.
17. The host church shall make the kitchen available for use during the times of booking and the hiring church shall ensure that it is kept clean and tidy.
18. The host church shall make the toilets available for use during the times of booking and the hiring church shall ensure that they are kept clean and tidy.
19. The hiring church may, with the express permission of the incumbent/priest in charge, have designated key-holders who shall be responsible for locking and securing the church/hall after use.
20. The hiring church shall only use notice boards, both within and outside the church, with the written agreement of the incumbent/priest in charge; no notices shall be fixed to walls or woodwork.
21. The hiring church shall ensure that noise both within and outside the building is kept at a level which will not disturb people at other functions in the church/hall or in neighbouring houses and will take responsibility for addressing any complaints arising from its activities.
22. The hiring church shall be responsible for the observance of all regulations affecting the premises imposed by licensing justices, the fire authority, the local authority and other relevant bodies, and must do nothing to contravene the laws of betting, gaming and lotteries.
23. The hiring church shall not sub-let the premises.
24. The hiring church shall not use the premises for any unlawful purpose, or in any unlawful way do anything or bring anything on to the premises anything that may endanger the premises, their users or insurance policies relating thereto.
25. The hiring church shall, if selling goods on the premises, comply with all fair trading laws and any local code of practice issued in connection with such sales and shall ensure that its public liability cover includes products liability.
26. Smoking is not permitted anywhere inside the host church premises.
27. The use of drugs is not permitted anywhere inside the host church premises.
28. Alcohol consumption may only be permitted with the prior written agreement of the incumbent/priest in charge.
29. No articles shall be ordered by the hiring church for delivery to the host church outside the times of use unless prior arrangements have been made with the host church.
30. The hiring church shall abide by the health and safety regulations in operation in the host church.
31. The hiring church will provide evidence that it has a current insurance with public liability of not less than £2 million and contents cover and shall display its insurance certificate in the church/hall.
32. The hiring church shall ensure ensure that children and vulnerable adults are protected at all times, by taking all reasonable steps to prevent injury, illness, loss or damage occurring, and carries full liability insurance for this. The hiring church shall sign and abide by the attached agreement (appendix 4), provide the host church with a copy of its child protection and vulnerable adults policy, and shall regularly provide adequate evidence to demonstrate that this is effectively implemented and monitored.
33. Any changes made by the host church in the conditions shall be communicated in writing to the hiring church and the revised conditions shall be shall be jointly accepted and signed.
34. The hiring church acknowledges that no tenancy is intended to be created between the host church and the hiring church and that no relationship of landlord and tenant exists between them.
35. Two months notice shall be given by the host church or the hiring church for the termination of the agreement.
36. The host church reserves the right to terminate the agreement with immediate effect In the event of conditions being violated.
37. A group representing the host church and the hiring church shall be established for the purposes of monitoring the arrangements and proposing developments in the relationship.
38. Finance
39. The charge for the use of the church/hall shall be £………. per session/month
40. Payments shall be made by the hiring church at the end of each month
41. Cheques shall be made payable to `St Mark’s PCC’ or by bank transfer to ……….
42. A deposit equivalent to two months use of the church/hall shall be paid at the beginning of its use to cover breakages and other damage.
43. The charge for the use of the church/hall shall be reviewed each year and two months notice shall be given by the host church of any change in the amount.
    1. Guidance notes

This section is an opportunity to indicate the location of the following:

Lights

Heating controls First aid box Accident book Fire extinguishers

Cleaning equipment Rubbish bins

Also to give the contact details of the caretaker or equivalent

Signed on behalf of St Mark’s PCC……………………………………………………… Signed on behalf of The Abundant Life Fellowship…………………………………… Date…………………………………

One signed copy of this form shall be kept by the host church and one by the hiring church.

### Appendix 3 Draft template enhanced agreement for the use of parish buildings by independent churches

Recognising that St Mark’s Church PCC (hereafter known as `the host church’) and The Abundant Life Fellowship (hereafter known as `the hiring church’) acknowledge God’s revelation in Christ, confess the Lord Jesus Christ as God and Saviour according to the scriptures and, in accordance with God’s will and in the power of the Holy Spirit, commit themselves to seek a deepening of their communion with Christ and with one another in the Church, which is his body, and to fulfil their mission to proclaim the gospel by common witness and service in the world, to the glory of the one God, Father, Son and Holy Spirit, the following terms for the use of the St Mark’s church/hall by the hiring church are agreed.

1. **Host church incumbent/priest in charge contact details:** Name………………………………………………………………………. Position……………………………………………………………………. Postal address…………………………………………………………….

……………………………………………………………………………….

……………………………………………………………………………… Telephone number……………………………………………………… Mobile number…………………………………………………………… Email address ……………………………………………………………

1. **Hiring church contact details:** Name………………………………………………………………………. Position……………………………………………………………………. Postal address…………………………………………………………….

……………………………………………………………………………….

……………………………………………………………………………… Telephone number……………………………………………………… Mobile number…………………………………………………………… Email address ……………………………………………………………

1. Parts of the church/hall to be used by the hiring church:

…………………………………………………………………………………………..

…………………………………………………………………………………………..

1. Purposes for which the church/hall will be used by the hiring church:

..................................................................................................................................

…………………………………………………………………………………………………

1. **Days/times of the use of the church/hall by the hiring church:** Day…………………………………… Start time……… … End time…….. Day…………………………………… Start time……… … End time…….. Day…………………………………… Start time……… … End time…….. Day…………………………………… Start time……… … End time……..
2. Approximate number of people attending during the times of use by the hiring church (which should not exceed \*\*)

Adults …………………………………………………………………………………………….. Children under 18………………………………………………………………………………… Specific regular activities for children under 18: ...............................................................

1. Conditions of use
2. The church/hall is available to the hiring church between the times stated and may only be used outside these times with the prior written agreement of the incumbent/priest in charge.
3. The hiring church may only have access to other parts of the premises not covered in this agreement with the prior written agreement of the incumbent/priest in charge.
4. The hiring church shall not use the church/hall for any purposes other than described above; use for any other purpose must be with the prior written agreement of the incumbent/priest in charge.
5. The host church reserves the right for the incumbent/priest in charge or his/her representative to enter the church/hall at any time.
6. The host church reserves the right to cancel or change the day and time of booking in the event of it requiring the use of the church/hall for a special event; it will give at least two months notice and will refund any money paid for a booking that is cancelled or changed in these circumstances.
7. The host church reserves the right to cancel or change the day and time of booking without notice if exceptional or unforeseen circumstances arise; it will refund any money paid for a booking that is cancelled or changed in these circumstances.
8. The hiring church shall not allow the numbers present to exceed the maximum number of people in the church/hall, both seated and standing *[give precise figures].*
9. The hiring church shall, during the period of occupancy, be responsible for the supervision and security of the church/hall, protection of the fabric and contents from damage, and the behaviour of all persons using the premises.
10. The hiring church shall report to the host church any damage caused during its use of the church/hall and shall indemnify the host church for the cost of repair of any damage caused by the hiring church while using the premises.
11. In accordance with Fire Regulatory Order 2005, the host church shall give a copy of the fire regulations and evacuation procedures to the hiring church and the hiring church shall agree to observe them at all times.
12. In accordance with Fire Regulatory Order 2005, the hiring church shall carry out a fire risk assessment for its use of the church/hall and shall give a copy to the host church.
13. The hiring church shall, during the period of occupancy, be responsible for the proper supervision of car parking arrangements so as to maintain access to the car park and avoid obstruction of the highway.
14. The hiring church shall use the heating and lighting facilities of the church/hall with regard for reasonable economy.
15. The hiring church may use *[precise areas]* in the church/hall for goods to be stored *and* shall ensure that it is safely stored away when not in use; permission shall not be given for the storage of LPG/Calor gas canisters of cylinders.
16. The hiring church shall be responsible for ensuring that the church/hall is left clean and tidy after each booking and that rubbish is recycled or disposed of.
17. The host church shall make the kitchen available for use during the times of booking and the hiring church shall ensure that it is kept clean and tidy.
18. The host church shall make the toilets available for use during the times of booking and the hiring church shall ensure that they are kept clean and tidy.

The hiring church may, with the express permission of the incumbent/priest in charge, have designated key-holders who shall be responsible for locking and securing the church/hall after use.

1. The hiring church shall only use notice boards, both within and outside the church, with the written agreement of the incumbent/priest in charge; no notices shall be fixed to walls or woodwork.
2. The hiring church shall ensure that noise both within and outside the building is kept at a level which will not disturb people at other functions in the church/hall or in neighbouring houses and will take responsibility for addressing any complaints arising from its activities.
3. The hiring church shall be responsible for the observance of all regulations affecting the premises imposed by licensing justices, the fire authority, the local authority and other relevant bodies, and must do nothing to contravene the laws of betting, gaming and lotteries.
4. The hiring church shall not sub-let the premises.
5. The hiring church shall not use the premises for any unlawful purpose, or in any unlawful way do anything or bring anything on to the premises anything that may endanger the premises, their users or insurance policies relating thereto.
6. The hiring church shall, if selling goods on the premises, comply with all fair trading laws and any local code of practice issued in connection with such sales and shall ensure that its public liability cover includes products liability.
7. Smoking is not permitted anywhere inside the host church premises.
8. The use of drugs is not permitted anywhere inside the host church premises.
9. Alcohol consumption may only be permitted with the prior written agreement of the incumbent/priest in charge.
10. No articles shall be ordered by the hiring church for delivery to the host church outside the times of use unless prior arrangements have been made with the host church.
11. The hiring church shall abide by the health and safety regulations in operation in the host church.
12. The hiring church will provide evidence that it has a current insurance with public liability of not less than £2 million and contents cover and shall display its insurance certificate in the church/hall.
13. The hiring church shall ensure ensure that children and vulnerable adults are protected at all times, by taking all reasonable steps to prevent injury, illness, loss or damage occurring, and carries full liability insurance for this. The hiring church shall sign and abide by the attached agreement (appendix 4), provide the host church with a copy of its child protection and vulnerable adults policy, and shall regularly provide adequate evidence to demonstrate that this is effectively implemented and monitored.
14. Any changes made by the host church in the conditions shall be communicated in writing to the hiring church and the revised conditions shall be shall be jointly accepted and signed.
15. The hiring church acknowledges that no tenancy is intended to be created between the host church and the hiring church and that no relationship of landlord and tenant exists between them.
16. Two months notice shall be given by the host church or the hiring church for the termination of the agreement.
17. The host church reserves the right to terminate the agreement with immediate effect In the event of conditions being violated.
18. A group representing the host church and the hiring church shall be established for the purposes of monitoring the arrangements and proposing developments in the relationship.
19. Finance
20. The charge for the use of the church/hall shall be £………. per session/month
21. Payments shall be made by the hiring church at the end of each month
22. Cheques shall be made payable to `St Mark’s PCC’ or by bank transfer to ……….
23. A deposit equivalent to two months use of the church/hall shall be paid at the beginning of its use to cover breakages and other damage.
24. The charge for the use of the church/hall shall be reviewed each year and two months notice shall be given by the host church of any change in the amount.
    1. Guidance notes

This section is an opportunity to indicate the location of the following: Lights

Heating controls First aid box Accident book Fire extinguishers

Cleaning equipment Rubbish bins

Also to give the contact details of the caretaker or equivalent

Signed on behalf of St Mark’s PCC……………………………………………………… Signed on behalf of The Abundant Life Fellowship…………………………………… Date…………………………………

One signed copy of this form shall be kept by the host church and one by the hiring church.

### Appendix 4: Form for regular hirers of church premises

The Parochial Church Council of ……………………............…………………Parish Church has a Policy and Procedures for Safeguarding Children and Adults who may be vulnerable; a sample copy is attached. Your booking agreement is conditional upon you complying with it. You are required to ensure that children and adults who may be vulnerable are protected at all times, by taking all reasonable steps to prevent injury, illness, loss or damage occurring; and that you carry full liability insurance for this.

In particular this means that:

1. you will comply with the Guidelines for Activities with children and young people/adults who may be vulnerable as attached
2. you will provide the church with a copy of your organization’s Safeguarding Children/ Safeguarding Adults who may be vulnerable policy, and review and update it annually
3. you will recruit safely all current paid and voluntary workers who have regular and direct contact with children and adults who may be vulnerable, by obtaining from them and storing confidentially and indefinitely, a signed Confidential Declaration, and obtaining satisfactory enhanced disclosures from the Criminal Records Bureau
4. you will keep a list of the names of all paid and voluntary workers with regular and direct contact with children/adults who may be vulnerable, and update it annually
5. you will always have at least two leaders in any group of children and young people, no matter how small the group
6. no person under the age of 18 years will be left in charge of children of any age
7. no child or group of children or young people should be left unattended at any time
8. a register of children or adults who may be vulnerable attending the activity will be kept. This will include details of their name, address, date of birth and next of kin
9. you will immediately (within 24 hours) inform the Parish Safeguarding Officer of
10. any allegations of abuse or causes of concern relating to members or leaders of your church, and
11. any known offenders seeking to join your membership, and manage such allegations or agreements with offenders in co-operation with statutory agencies, and with the church.

The Parish Safeguarding Officer for............................................….. Church is:

Name: ……………………………………………………………………........................................

E-mail: …………………………….Tel. No: …………….........

Declaration

I have received and agree to abide by the Safeguarding Children and Adults who may be vulnerable Policy and Procedures of ……………………………………………… Parish Church, and I will show evidence of this to ……………………………………… if required.

I understand that my booking agreement may be terminated in the event of my failing to comply with these procedures.

Signed ………………………………………………… Designation …………………………… Organisation ………………………………………….. Date ……………………………………

Please sign 2 copies, one to be retained by the church, and one by the organisation

# Parish Registers and Records

## Introduction

Since 1978 with the passing of the Parochial Registers and Records Measure, the long-term care of parish registers and other important parochial archives has been covered by law. The 1978 Measure was brought up to date by the Church of England (Miscellaneous Provisions) Measure 1992, which came into force on 1st January 1993. A Guide to the Parochial Registers and Records Measure has been published[[23]](#footnote-23).

This revision of the 2006 Guide is intended to provide some brief, practical notes to be used by the various parish officers who find themselves involved in managing records on behalf of the parish. The information in this leaflet has been taken from a number of sources including the Advisory Group of the Church of England Record Centre, the Council for the Care of Churches, Cheshire Record Office, Kent Archive and Local History Service, the Legal Office of the National Church Institutions. The National Archives and the Society of Archivists.

It is to the Diocesan Record Office (The DRO), that parishes should look for advice and guidance on the care of record material, ancient or modern.

## Why Bother?

There are a number of reasons why parishes need to manage their records properly. Without proper organisation the sheer volume of records (whether stored in paper or electronic format) can easily become overwhelming. Many areas of parish activity are subject to external regulation; for example in areas of child protection, finance, and the preservation and maintenance of our historic buildings; which makes it essential to maintain proper records. Good record keeping, particularly in these areas, demonstrates the Church’s wider accountability to Society in relation to its activities and reflect the true complexity and diversity of the Church’s activities.

The Church also has theological reasons for managing its records as a testimony of its various activities as part of its continuing witness to Christians, those of other faiths and those of none.

The main purpose of managing your records is to ensure that: “the right information is with the right people at the right time.”[[24]](#footnote-24)

If you have too many records then the important information can get buried; but if you can’t find the information when you need it there is little point in keeping it in the first place. On the other hand, if records are destroyed before they need to be, then the parish may not have the information which is required to deal with issues that arise.

Managing the records detailed in the Parochial Registers and Records Measure 1978 is straightforward. These guidelines are designed to help parish officers to distinguish between the different kinds of records and decide how long and where they need to be kept.

## Looking after your electronic records

### General Advice

Whilst information technology has made parish administration much easier electronic records need to be subject to the same rules of management particularly in regard to retention and destruction as traditional paper records.

It is recommended that parishes routinely tackle the preservation of electronic records which are of permanent historical value. It is not recommended to store such records on magnetic media but only in hard copy format in the absence of a supported electronic archive or document management system. Magnetic media can be corrupted and it is better to capture the permanent copy early on in the life of the document (it is recommended that this is done as soon as the final document has been completed).

Even records stored on CD/R or DVD media can be subject to corruption although this is a better option than many.

It is recommended that all IT systems which are used to create and maintain electronic documents in the course of parish administration are backed up on a regular basis. The back ups should be stored securely away from the location of the machine or system on which they were created, ideally in another building or at the least, in a different room in the same building.

All applications should have appropriate virus checking software, especially if documents are transferred between a number of computers.

It is also advisable for parishes to ensure that compatibility of existing data is addressed when buying and installing new computer systems. Otherwise significant re-keying or loss of data may occur.

Many parishes now maintain web sites. If the technical expertise is available it is of value to take a snapshot of the parish web site twice or three times a year (depending on how frequently the web site is updated). All master documents made available via the web site should be captured in hard copy format in the same way as other records stored on magnetic media.

### Document Management Advice

#### Naming Files and folders

All documents (e.g. a report or spreadsheet or powerpoint presentation) in Microsoft Office are called “files” and are stored in “folders”. You should have a file plan - a documented arrangement of all your folders. You can give names to files and folders and the combination of file and folder name should clearly indicate the subject content. For example:

Minutes - name of the group or committee and meeting date in a recommended format (yyyymm or yyyymmdd) e.g. “PCC Minutes 200708.doc” or “Fabric Committee, Minutes 200805.doc”rather than “May.doc”. Having year then month in number format in the file title means any file list on screen will be in a helpful and logical order. Store minutes in appropriately named folders e.g. PCC Minutes 2007 or Fabric Committee Minutes 2008.

Reports – name of the report, date and version number if applicable e.g. “Fabric Committee Minutes 2007.doc.v1”

Filenames – add the filename and filepath to the footer of every document you create once it has been saved, to enable anyone with a paper copy to identify what it is and where the electronic copy can be found.

Folders should carry a readily identifiable name that indicates their purpose. The default should always be to put documents into global or shared folders and have a clear policy on folder names.

Consider:

Is there a recognised term for the subject? Use this for preference.

Is the term likely to be recognised in the future? Try not to use current buzz words which may have passed out of use in the future when the folders have not.Try not to use abbreviations unless they are very obvious.

Can a complete newcomer understand the subject from the folder name and find the information quickly using the folder name?

#### Storing Files - Folders

Within shared drives create individual folders for each activity or function. If there are lots of files in a folder it can be hard to find specific information. Use additional folders to structure this as a hierarchy – general activities first, then more specific folders and files as you move down the hierarchy. If you already have a paper filing structure that people are familiar with then look at replicating that for your shared folders rather than trying to create something new. Put yourself in the shoes of someone trying to find a document in the future who is not familiar with the files: what folder and file titles will make it easiest for them to find the right document or file?

#### Version Control

Where a document goes through a number of changes and earlier copies are kept, it is essential that version control be applied. This can be of two types.

Version 0.1, 0.2 – where small changes are being made to an existing document.

Version 2, Version 3 Final – where a major revision is made and a new revised version will replace an earlier version.

Doing this will make it easier to track changes as a document develops. The version information should appear in the file name and on the front page of the document (e.g. Mission Policy – Version 3 Final – 2006). Consider whether you want to retain or delete earlier versions. If a version represents a significant change in policy, thought or expression from its predecessor, and vice versa it should be retained.

#### Templates and Styles

If you often have to produce the same type of documents it makes sense to have standard templates that new versions can be copied from - this saves time formatting documents and helps consistency. Structuring documents using Word styles also makes it easy to format documents and maintain consistency throughout them, particularly standard ones such as letters, reports, minutes etc.

#### Security and Access

The greatest risk to your records is misplacement, loss and unauthorised access. Consequently it is vital that you properly control access to and use of your records. In an office or on shared computers store documents on shared drives so that they can be readily accessed by colleagues – better one copy in a shared drive than several all in personal drives or folders. Where necessary, access to shared folders can be limited to those who have a need to access the contents. This can be done on a folder by folder basis. Alternatively an individual document can be password protected; though if you forget the password, recovering the contents may be extremely difficult.

#### Retention and Deletion

Shared folders just like filing cabinets – they take up space and cost money. The difference is that you cannot see the space – but you still need to clear them out and weed them in exactly the same way you would a filing cabinet. You need to have a clear policy on what you keep and for how long. For specific guidance about the retention or disposal of records not included in this guide and in the absence of a diocesan policy, please contact the Record Centre for further advice, Tel. 020 7898 1030 or e-mail: [archives@churchofengland.org.](mailto:archives@churchofengland.org)

#### Back Ups

It is essential to make regular back ups of files on you computer. One way of doing this is to buy an external hard drive - these are now cheap (well under £100), reliable and easy to use. Many broadband and email providers now also offer free or cheap online storage of documents including back ups. Avoid saving only onto memory sticks or flash drives – it isn’t safe or secure! Obviously this will sometimes be unavoidable – so do transfer files to a computer soon as possible.

#### E-mails

Naming email – always use the “subject” box to give a proper title to the email that describes what it is about. Limit each email exchange to one clear subject wherever possible – do not reply to a previous email to start a new topic, instead start a new email with its own clear subject heading - it makes it easier to find them later.

Saving email – Parish related e-mails you need to keep as part of the corporate information of the parish should be treated in the same way as any other electronic or paper record and stored in a way that provides security and access to those who need it.

#### Saving emails can be done in two ways –

within Outlook as a “live” email. While this retains the flexibility of access and use - you can forward it, reply etc., and can store emails in various sub-folders; the disadvantage is this will over time clog up your email inbox making it harder to manager the information. Email is also not a satisfactory means of long term storage of important information.

Outside of Outlook. Content of emails that need to be saved longer term can be stored outside the email system by saving the email in message file (use the “save as” option and choose “Outlook Message Format” in the save as type field) in a shared folder under the appropriate subject heading – this saves the email text as a document with the to/from/date details intact and allows it to be stored with related documents. The actual email can then be deleted. In a Microsoft Windows environment, such e-mails can be simply dragged from Outlook to the appropriate folder.

#### Dates

Always date documents. Do not use the “date” field option as it enters the current date and automatically updates every time the document is opened.

(j) Master Copies

The master copy of any document or file should be kept by the creator or the main contributor to its creation. If several people hold copies of documents then decide who is the master copy owner – they are responsible for ensuring a complete set of records e.g. of a series of meetings, so that the parish has a full set and everyone else can dispose of theirs and not have to keep their own duplicate copies. This applies to paper as well as electronic records. For example the master copy of the PCC Minutes would be usually be held by the PCC Secretary.

### Looking after your paper records

#### Creating and storing your records

Taking trouble from the moment records are created is always important. It is useful to give some thought as to the length of time which a record will need to be retained. These guidelines together with the retention schedule in section 8 can be useful. If a record is likely to be retained permanently (for example, it is of historical or legal value) it may be appropriate to use an archival quality paper, to avoid the use of post-it notes on the text, to use brass paper clips or brass staples for securing papers, not to use self-adhesive tape to “mend” papers and not to use tippex on documents. All these precautions will extend the life of the record.

However, it would be an over-reaction (not to mention expensive) to apply these guidelines to routine financial information, for example, or general correspondence files which will be retained for much shorter periods of time.

#### Good Practice

Avoid using brown paper, envelopes or newspaper for wrapping up records. Coloured or recycled paper is not suitable for records which are likely to be retained as permanent archives, and good quality pen ink should be used in preference to pencil or ballpoint pen.

Avoid metals that can rust in all clips, pins, staples, tags and containers. Many metals corrode and cause damage to documents. Brass, plastic and other non-rusting paper clips can be obtained. When tying bundles use white tape rather than string, and string rather than rubber bands, which perish and damage paper. Wrap bundles in strong white paper before tying. Keep documents free from dust, grease and other foreign substances.

#### Storage

Registers and other vital documents should be stored in a safe which should be located in a secure, cool and dry place. Avoid basements and attics for this purpose as these are likely to suffer from dampness or high temperatures. However, the records should not be stored in the same place as stationery and general office supplies but in clearly designated areas from where they can be easily retrieved and which they can be safeguarded from fire, flood, theft or unauthorised access.

Make sure that documents are protected from immediate contact with metal, in cupboard walls, shelves, trays and the like. Make sure that the records are packed in boxes rather than plastic bags. Plastic bags prevent air circulation and can also give off gases harmful to paper.

Do not place documents at floor level or where leaking water pipes could cause damage. If the area is prone to floods, store well above the known highest flood level.

Check all electrical circuits have been tested during the last two years. Keep a carbon dioxide fire extinguisher nearby. Use a liquid fire extinguisher only in the last resort.

If you need advice about storing parish records or about the environmental conditions in which your records are currently stored please contact your local DRO.

As part of the business continuity planning it may be worth considering have a contract with a document salvage company for the recovery of records in the aftermath of a major incident such as a flood or fire.

Faxes on thermal image paper fade rapidly and the chemicals present in many fax papers cause discolouration in adjacent papers- these should be replaced if not on plain paper then with photocopies at the earliest opportunity.

Advice about appropriate conditions for the storage of records can be found on the University of Edinburgh Records Management Section website: <http://www.recordsmanagement.ed.ac.uk/infostaff/rmstaff/recordstorage/recordstorageareas.htm>.

#### Protection and repair of your documents

Records face deterioration through the direct impact of fire and flood, but usually much more so from more indirect causes such as aging of their component materials and from inappropriate handling. This section sets out the steps you can take to protect your records and if necessary where you can seek advice and help.

If the documents are in a poor condition, or in case of damage by fire or flood, get in touch with the Diocesan Record Office (the “DRO”) as soon as possible, where they will be able to offer advice and assistance. Protect damaged documents first with white blotting paper, and then place them within folders. Do not bring any abrasive material such as metal bulldog clips into immediate contact with a fragile document. Do not attempt to dry sodden documents. Store them in a plastic bag in a domestic freezer until advice is available from the DRO or document salvage company.

Do not attempt any type of repair. Repairs need to be carried out under the direction of those with professional expertise. Materials likely to be at hand, such as mass-produced gum or glue, and the transparent self-adhesive strips intended for packages and parcels, and also said to be suitable for repairing printed books, must not be used on any documents, for they themselves in time cause damage.

If a document is damp and smells of mould, isolate it and place it in a natural current of cold dry air. Seek advice as soon as possible, as the mould may still be active. For general advice on conservation see the National Archives web site: <http://www.nationalarchives.gov.uk/preservation>

#### Allowing use of records

To avoid blots and smudges which can obscure the original text, make sure that no-one who uses core records for research purposes uses anything but a soft-leaded pencil. It is also important that no one using core records for research purposes eats, drinks or smokes whilst anywhere near your records and that any notebook, laptop or writing paper is not put on top of the records. Encourage the use of reading aids such as foam wedges and weights. Researchers need to be directly supervised to avoid the risk of damage or loss.

### Data Protection

The purpose of the data protection legislation is to prevent wrong decisions about people being based on inaccurate data and unauthorised use of personal information. The Data Protection Act 1998 (“the 1998 Act” give individuals the right to know what information is held about them and provides a frame work to ensure that personal information is handled properly.

All parishes collect personal information and are subject to the 1998 Act. A statutory requirement is that every organization that processes personal information electronically must notify the Information Commissioner’s Office (ICO), unless it is exempt. Failure to notify is a criminal offence. Notifications are required to be renewed annually and this can be done online and a fee of £35 is charged. Most PCCs will be able to claim the exemption from notification for small not for profit organisations (Further details of which are available on the Information Commissioner’s website).

Dioceses are subject to the eight data protection principles and must manage all personal data against these principles:

1. Personal data shall be obtained and processed fairly and lawfully.
2. Personal data shall be obtained only for specified and lawful purposes and shall not be used for any other purpose.
3. Personal data should be adequate, relevant and not be more than is necessary to complete the task for which it was collected for. However, keeping records for historical and research purposes are a legitimate reason for keeping records.
4. Personal data shall be accurate and, where necessary, kept up-to-date.
5. Personal data should not be kept for longer than is necessary for completion of the task it was collected for.
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection legislation.
7. Personal data should be kept securely and safely with appropriate technical and organisational measures being taken against unauthorised or illegal processing, accidental loss or destruction of personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country ensures an adequate level of protection of the rights of data subjects.

The implication of these principles is that organisations should have procedures in place to cover the review of personal information held on files and databases. This means organisations must assess how long they need to keep information for, the purpose for which they are holding it and when it will be destroyed.

The 1998 Act also provides individuals with important rights, which include the right for individuals to find out what personal information is held on computer and in most paper records.

Should an individual or organisation feel they’re being denied access to personal information to which they are entitled, or feel their information has not been handled according to the eight principles, they can contact the Information Commissioner’s Office for help. Complaints are usually dealt with informally, but if this isn’t possible, enforcement action can be taken.

Further information can be found on the Information Commissioners web site: [http://www.ico.gov.uk](http://www.ico.gov.uk/)

### Copyright

Copyright protects the physical expression of ideas, in general, it protects, it protects the maker of a work from appropriation of their labours by another. As soon as an idea is given physical form, e.g. a piece of writing, a photograph, music, a film, a web page, it is protected by copyright. There is no need for registration or to claim copyright in some way, protection is automatic at the point of creation. Both published and unpublished works are protected by copyright for a specified period, typically 70 years from the date of publication or death of the author.

Copyright is normally owned by the creator(s) of the work, e.g. an author, composer, artist, photographer etc. If the work is created in the course of a person's employment, then the copyright holder is usually the employer.

Copyright is a property right and can be sold or transferred to others. Authors of articles in academic journals, for example, frequently transfer the copyright in those articles to the journal's publisher. It is important not to confuse ownership of a work with ownership of the copyright in it: a person may have acquired an original copyright work, e.g. a painting, letter or photograph, but unless the copyright in it has expressly also been transferred, it will remain with the creator.

Copyright is regulated by law, the principal statute in the UK being the Copyright Designs and Patents Act 1988 (CDPA). (amended on a number of occasions since coming into force on 1 August 1989). In addition the law relating to copyright has been affected by various statutory instruments. Including the Copyright and Related Rights Regulations 2003 which incorporated into UK law the changes required by the EU Copyright Directive.

Copyright law grants to copyright holders certain exclusive rights in relation to their works. They have the right to: copy a work, issue copies to the public, perform show or play it, make adaptations or translations. They also have the right to prevent:

* others communicating a work to the public by electronic transmission, e.g. broadcasting it or putting it on a website.
* others making available to the public a recording of a performance by electronic transmission, e.g. putting it on a website.

The law provides certain ways in which copyright works may be used without the need to first obtain permission from the copyright holder(s) - these include, fair dealing, library privilege, copying for examinations and copying for instruction. Copyright licenses permit copyright works to be copied and used in various ways. Otherwise, written permission must first be obtained from a copyright holder before their work is used or copied. Infringing the rights of copyright holders may be a criminal offence and/or cause them to sue for damages.

As a result of certain international treaties and conventions, works produced in many other countries have the same copyright protection in the UK as those created here. For further information, see Intellectual Property Office website: [http://www.ipo.gov.uk](http://www.ipo.gov.uk/)

## Deciding what the Parish needs to keep

When the majority of older parish registers and records have been deposited in the Diocesan Record Office, most parishes will only be responsible for records of current administrative value. Although many of these will be of little or no historical value, it is important to be able to distinguish between these records and those which will be of historical value.

The purpose of this leaflet is to give parish officers the confidence to distinguish between the records which ought to be kept permanently and those which may safely be thrown away when they are no longer, required for administrative purposes. This advice applies equally whether the records are traditional paper records or have an electronic format.

For ease of reference records have been grouped into separate subject categories. The guidance about the retention or otherwise of records has been divided into three categories:

The parish must keep: This section contains the records which parishes are legally required to maintain whilst the records are in use and then to transfer to the Diocesan Record Office when the records have ceased to be of use in the parish.

The parish may keep: This section contains the records, which parishes may keep or may not; parishes are advised to consider keeping these records that may be of permanent interest, however the Diocesan Record Office may not be able to accept deposits of such records.

The parish should dispose of: This section relates to records, which may be safely disposed of at the end of their administrative life.

For ease of reference records have been grouped into separate subject categories.

### Church Services

The parish must keep:

1. Registers of baptisms, marriages and burials - Permanent (deposit at the Diocesan Record Office)
2. Registers of banns, confirmations and services - Permanent (deposit at the Diocesan Record Office))

The parish may keep:

1. Registers of marriage blessings
2. Registers of funerals/interments
3. An archive copy of any service sheets for special services or any surveys of church attendance.
4. Photographs of special services, church events, clergy and congregation The parish should dispose of:
5. Baptism certificate counterfoils, marriage certificate counterfoils, copies of burial and cremation certificates, copies of banns certificates and applications for banns, baptisms and marriage services

### Church Buildings and Property

Churchwardens are required by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (which came into force on 1st March 1993) to compile and maintain (in the form recommended by the Council for the Care of Churches) a terrier and inventory and a logbook giving details of alterations, additions and repairs to, and other events affecting the church or the articles or land belonging to it, and with a note of the location of any other relevant documents.

The churchwardens must send a copy of the inventory to the person designated by the bishop as soon as practicable after it has been compiled, and it would be wise also to send a copy to the Diocesan Registrar if they are not the designated recipient. They must notify the designated recipient of any alterations at intervals laid down by the bishop.

The terrier and inventory and the logbook must be presented by the churchwardens to the parochial church council at the beginning of each year, together with a signed statement to the effect that the contents are accurate. Mention should be made of new items, losses or disposals.

The parish must keep:

1. Former terriers, inventories and logbooks - Permanent (deposit)
2. Faculties, and accompanying papers, photographs, plans and drawings - Permanent (deposit)
3. Plans, correspondence, accounts and photographs relating to major repairs or alterations - Permanent (deposit)
4. Reports by Council for the Care of Churches, English Heritage and other conservation organisations - Permanent (deposit)

The parish may keep:

A logbook or scrapbook recording parish events[[25]](#footnote-25)

### General Parish Administration

The core documents are the minutes of the parochial church council and its committees.

If these are still paper documents, but no longer written by hand in bound volumes, it is important that the signed copies of minutes are properly kept. It is recommended that PCC secretaries maintain minutes, produced by a word processor and kept in folders, by the standards outlined in the Company Secretaries Handbook[[26]](#footnote-26). Advice about this can be obtained from your Diocesan Record Office.

Pasting or sticking typed copies in bound volumes is not recommended because of the generally unsound archival quality of glues and adhesives as well as the risk of breaking the spine of the binding. Care must be taken, too, with ring binders because of the metal parts, which may rust. Loose minutes should either be properly bound into volumes or kept in an archival box, in which case the pages should be consecutively numbered. For legal reasons it is strongly recommended that pages of minutes are not kept loose but are filed in meeting order in files which comply with the standards outlined in the Company Secretaries Handbook.

The parish must keep:

* The signed copies of the PCC minutes and its committees and any accompanying papers and reports - Permanent (deposit)

The parish may keep:

1. Letters and reports relating to major developments in the parish if they contain important information
2. An archive copy of questionnaire returns
3. Any statement as to the conditions, needs and traditions of the parish (a ‘parish profile’) produced by the parochial church council under the Patronage (Benefices) Measure 1986 on a vacancy in the benefice, as well as other documents held for or on behalf of the parochial church council or churchwardens in relation to the vacancy and the appointment of the new incumbent
4. Maps of the parish specially prepared for church purposes
5. Church electoral rolls and parish audits
6. An archive copy of all printed items, such as booklets, produced by the parish
7. An archive set, preferably bound, of all parish magazines
8. An archive set of the weekly notice sheets if the parish does not produce a parish magazine or if the weekly notice sheets contain information of long-term interest

All these documents should be dated. The parish should dispose of:

* Correspondence and other records relating to routine parish administration

### Parish Finance

Most parishes generate a considerable quantity of financial records, but not all of these need be kept permanently.

The parish must keep:

* The annual accounts of all parochial church council funds

The parish should dispose of:

* Other supporting documents, including cash books, bank statements, wages records, vouchers and routine correspondence (more than 7 years old)
* Planned giving and gift aid records (more than 7 years old)

However, where Gift Aid Declarations are open-ended in the form ‘all my past and future donations’, these need to be kept for as long as they are still valid, plus 6 years. Her Majesty’s Revenues and Customs have the right to audit them whilst tax claims are still being made and for 6 years thereafter.

### Pastoral Care, Safeguarding and Health and Safety

Personnel files relating to the clergy kept by bishops and their staff fall outside the scope of this guide. In most parishes the clergy will keep records dealing with pastoral matters many of which are likely to be highly confidential. It is recommended that these are disposed of once the matter has been resolved in line with data protection recommendations. Where the subject of the information gives expressed informed permission, it can be very important to pass on the information to another incumbent or another church minister if they move. (This would usually be to their benefit in that subsequent care will be continued).

If these records are being retained for research purposes, such a purpose should be included in the Data Protection notification, if there is one and if deposited in the Diocesan Record Office a closure period of at least 85 years must be applied to the records from the date of the most recent document on the file.

Permission is not required, unless it can be safely obtained, if failing to pass the information on would mean there is a likely potential risk to a child or vulnerable adult, or such failure would prejudice the detection or prevention of a criminal offence.

The same rules should be applied to any confidential papers relating to the selection of any new incumbent for the parish. Your diocese will be the ‘Registered Body’ for processing applications to the Criminal Records Bureau (CRB) on behalf of the Parish. CRB certificates will normally be held at diocesan level by the Registered Body (for up to 6 months). The Parish Child Protection or Safeguarding Representative should keep all their documentation relating to recruitment or other child or vulnerable adult protection securely. Such records must be passed on to subsequent representatives and incumbents. It is strongly recommended a file is kept for each lay employee and volunteer and that this should be kept for a minimum of 50 years after their appointment ceases.

These files should be kept in a locked filing cabinet by the incumbent or in the parish office. It is essential to keep accurate records of any concerns, disclosures and allegations relating to children and vulnerable adults. Facts observed or disclosed should be accurately recorded, signed and dated. If records are being kept without the knowledge of the subject, it should be clearly recorded why this is so, for instance if there is a pattern of behaviour which needs to be monitored or third party information, such as a letter of complaint or police information. Actions taken and decisions made should be noted. Who is party to the information, for example, the subject of the report, the child’s parent etc, ‘a need to know’ monitoring group for a sex offender, should be recorded.

The parish must keep securely:

1. A file for each lay member of staff and volunteer[[27]](#footnote-27)
2. Parish agreement with the diocese on obtaining CRB Disclosures
3. Letters and other correspondence pertaining to disclosures from the diocese should be kept for as long as those volunteers and employees are in the particular role for which Disclosure was obtained. CRB certificates must never be duplicated and must be destroyed within 6 months of a recruitment decision being made.
4. A dated register of those who have been CRB cleared, for administrative purposes (such as ensuring renewals, or to provide a quick reference). However, any copies of actual CRB disclosures should be kept for no longer than 6 months.
5. Any communication from third parties, e.g. complainants on any matter, the police or Social Services and a factual record of the actions taken.

### Legal Documents

The parish must keep:

1. Title Deeds
2. Local Ecumenical Partnership Agreements
3. Pastoral Schemes
4. Orders in Council for the closure of a churchyard
5. Charity Schemes
6. Other Parish Records

In most cases the parish records fall clearly into a category in which they either have to be retained or may be destroyed after they cease to be current. However, there are is a small number of records where historical value is limited but the bulk is considerable. In such cases it is permissible to retain a representative sample of records to be determined by the parish in consultation with the Diocesan Record Office.

The parish may keep:

1. Public notices
2. Rota duty lists
3. Routine correspondence

Some of these are records which have been outlined for destruction in the advice given above. If it is decided to sample these records then the basis for the sample must be determined at the outset and rigidly adhered to. A good basis for sampling is to keep all records in the sample categories for a fixed period, eg one month in every year, or one year in every ten. Where doubt exists your Diocesan Record Office will be able to advise. It may be appropriate to transfer the whole series to the Diocesan Record Office in order to allow the archivist to take an appropriate sample.

### Parish Organizations

Where separate organizations in the parish maintain their own records they should manage their records against the guidelines outlined in 7.1-7.4 above.

### Publications

The service books used by a parish form part of its liturgical history and consideration should be given to keeping a representative sample in the parish. Publications produced by the parish such as parish magazines and church guides for visitors and parish histories should be kept and copies offered to the Diocesan Record Office and to the appropriate local reference library.

1. A copy of all printed service books, communion booklets, Bibles etc. as they are replaced by new versions
2. Finely bound altar and desk editions of the Book of Common Prayer and of the Bible7
3. One copy of hymn and prayer books and psalters, service sheets and communion booklets (these are of value for the study of liturgy in the parish)
4. A copy of each edition of the church guide
5. One copy of a parish history

### Retention Guidelines

This section sets out the retention advice given in Sections 7.1 – 7.9 in the form of a table and follows the same order of record groups.

The following retention guidelines give suggested minimum periods for keeping each type of parish record less than 100 years old. If you are in any doubt please seek advice from your Diocesan Record Office, which is usually your local Archives and Local History Service.

**Key:**

**Deposit** at the at the Diocesan Record Office/Registry: Important material which needs to be kept permanently. It is acceptable to deposit originals with the Diocesan Record Office or Diocesan Registry.

**Destroy**: Ephemeral material which can be discarded once its purpose has been served. Do not destroy if there is any possibility that the document may be required as evidence.

**Review/Sample:** Material where a proportion needs to be kept, either by reviewing its value after an agreed period, or by taking a sample. Where it is appropriate transfer the whole record series to the Local Record Office to allow the archivists there to take an appropriate sample.

#### Church Services

|  |  |  |
| --- | --- | --- |
| Basic record description | Keep in parish | Final Action |
| Baptism, marriage, burial, and confirmation registers | Arrange phased transfer to the Archives and Local History Service | Permanent (deposit) |
| Banns registers | Arrange phased transfer to the Archives and Local History Service | Permanent (deposit) |
| Service Registers | Arrange phased transfer to the Archives and Local | Permanent (deposit) |
| Orders of Service | Arrange phased transfer to the Archives and Local History Service | Permanent (deposit) |
| Baptism certificate counterfoils; marriage certificate counterfoils; copy burial and cremation certificates; applications for baptisms, banns and marriages | Last entry + 2 years | Destroy |
| Intercession lists | Last entry + 5 years | Review/Sample |

#### Church Buildings and Property [see also Legal Documents]

|  |  |  |
| --- | --- | --- |
| Basic record description | Keep in parish | Final Action |
| Church, furnishing and contents |  |  |
| Faculties, citations and accompanying records | Last action + 5 years | Permanent (deposit) |
| Terrier and inventory, logbook | Last action + 1 year | Permanent (deposit) |
| Architects’ Quinquennial reports | Last action + 5 years | Permanent (deposit) |
| Minutes, accounts, specifications, tenders, contracts, plans, photographs, drawings and other papers relating to major works to the church | Last action + 5 years | Permanent (deposit) |
| Contracts, tenders and specifications for minor works | Last action + 6 years | Destroy |
| Organ specifications, contracts, papers | Last action + 5 years | Permanent (deposit) |
| Parsonage House |  |  |
| Plans, photographs, drawings | Last action + 5 years | Review for possible deposit |
| Minutes, accounts, specifications, tenders, contracts, plans, photographs, drawings and other papers relating to major works to the parsonage house | Last action + 5 years | Review for possible deposit |
| Contracts, tenders and specifications for minor works | Last action + 6 years | Destroy |
| Quinquennial reports | Last action + 5 years | Review for possible deposit |
| Churchyard |  |  |
| Plans, registers of graves, faculties, citations and accompanying records | Last action + 5 years | Permanent (deposit) |
| Agreements concerning maintenance of churchyard, graves and memorials | Last action + 5 years | Permanent (deposit) |
| Minutes, accounts, specifications, tenders, contracts, plans, photographs, drawings and other papers relating to major works to the churchyard | Last action + 5 years | Permanent (deposit) |
| Contracts, tenders and specifications for minor works | Last action + 6 years | Destroy |
| Church Hall |  |  |
| Plans, architects’ reports | Last action + 5 years | Permanent (deposit) |
| Music, dancing and P.R.S. licences | Last action + 5 years | Review/Sample |
| Agreements for use of hall | Current year + 6 years | Review/Sample |
| Minutes, accounts, specifications, tenders, contracts, plans, photographs, drawings and other papers relating to major works to the church hall | Last action + 5 years | Permanent (deposit) |
| Contracts, tenders and specifications for minor works | Last action + 6 years | Destroy |

#### General Parish Administration

|  |  |  |
| --- | --- | --- |
| Basic record description | Keep in parish | Final Action |
| Institutions, admissions, licences | Current year + 6 years | Review for possible deposit |
| Correspondence concerning appointments | Last action + 5 years | Review/Sample |
| Union of Benefice papers, pastoral schemes and orders; plurality orders; documents establishing team or group councils; Joint PCCs or District Church Councils, and relevant papers and correspondence | Last action + 5 years | Permanent (deposit) |
| Ministers’ papers relating to major parish developments or parish audits | Last action + 5 years | Permanent (deposit) |
| Ministers’ correspondence and other papers on routine administration | Current year + 3 years | Destroy |
| Maps of parish boundaries, street lists | Last action + 5 years | Permanent (deposit) |
| Copies of replies to questionnaires or important circulars | Last action + 5 years | Permanent (deposit) |
| Parochial Church Councils, Team and Group Councils, District Church Councils, etc; Churchwardens and other parish officers |  |  |
| Minutes of Council and Committees, Parochial Church Meetings, and Meetings of Parishioners for Appointment of Churchwardens | Last action + 5 years | Permanent (deposit) |
| Electoral Rolls | Last complete review + 6 years | Review/Sample |
| Parish profiles on vacancy in benefice | Last action + 5 years | Permanent (deposit) |
| Visitation papers | Last action + 5 years | Permanent (deposit) |

|  |  |  |
| --- | --- | --- |
| Copies of replies to Articles of Enquiry | Last action + 5 years | Permanent (deposit) |
| Sequestration records | Current year + 6 years | Review/Sample |
| Visitors' books | Last entry + 3 years | Destroy |
| Routine correspondence | Current year + 3 years | Destroy |
| Copies of circulars sent by other organisations, non-local material | Current year + 1 year | Destroy |

#### Parish Finance

|  |  |  |
| --- | --- | --- |
| Basic record description | Keep in parish | Final Action |
| Annual audited accounts | Current year + 6 years | Permanent (deposit) |
| Cash books, bills, vouchers, bank statements, other subsidiary financial records | Current year + 6 years | Destroy |
| Planned giving schemes | Current year + 6 years | Destroy unless anonymised |
| Gift Aid Declarations | Keep as long as they are valid + 6 years | Destroy |
| Insurance policies – employers’ liability | Current year + 40 years | Destroy |
| Insurance policies – other than employers’ liability | Current year + 6 years | Destroy |
| Church Copyright Licence information | Current year + 6 years | Review/Sample |

#### Pastoral Care, Safeguarding and Health and Safety

|  |  |  |
| --- | --- | --- |
| Basic record description | Keep in parish | Final Action |
| Accident reporting sheets or book – if relating to adults | Date of incident + 20 years | Destroy |
| Accident reporting sheets or book – if relating to children | The date when a child became an adult + 20 years | Destroy |
| A clear Criminal Records Bureau (CRB) certificate or disclosure letter of confirmation. | Within 6 months of the recruitment decision | Destroy |
| Risk assessment recommendations and management plan in the event of an unclear or blemished CRB disclosure. | 50 years after appointment/employment ceases | Destroy |
| Records of other safeguarding adult or child protection incidents either within the parish or within a family/ by an individual where the Parish was the reporting body or involved in care or monitoring plans. That is, any sex offender risk assessments and monitoring agreements. | 50 years after the conclusion of the matter. | Destroy |
| Records of any children’s activities, Sunday school/ junior church/youth club registers and related general safety risk assessments. Any communication from parents or other parties in relation to the above. | 50 years after the activity ceases. | Destroy |
| Personnel records relating to lay employees not working with children and vulnerable adults: including annual performance assessments, disciplinary matters, job descriptions, training and termination documentation. | 6 years after employment ceases | Destroy |
| Personnel records with contact with children and vulnerable adults including all documentation concerning any allegations and investigation regardless of the findings. | 50 years after the conclusion of the matter. | Destroy |
| Parish agreement with the diocese on Obtaining CRB Disclosures. | Last action + 5 years | Permanent (deposit) |

#### Legal Documents

|  |  |  |
| --- | --- | --- |
| Basic record description | Keep in parish | Final Action |
| Deeds, Local Ecumenical Partnership agreements, statutory documents etc; title deeds, other documents relating to title, acquisition, disposal, or rights over a property; statutory notices, orders etc, including Orders in Council for closure of churchyard; and relevant correspondence | For all documents in this category, consult the Diocesan Registrar | Permanent (deposit) |
| Charities: deeds, schemes, orders, minutes, accounts, distribution lists, benefactions | Consult Trustees’ Solicitor | Permanent (deposit) |

## Other Parish Records

|  |  |  |
| --- | --- | --- |
| Basic record description | Keep in parish | Final Action |
| Public Notices | Current year + 5 years | Consider sampling |
| Rota Duty Lists | Current year + 2 year | Destroy |
| Routine Correspondence | Current year + 6 years | Destroy |

#### Parish Organisations

|  |  |  |
| --- | --- | --- |
| Basic record description | Keep in parish | Final Action |
| Parish organisations - M.U., Youth Clubs, choir, bell- ringers etc |  |  |
| Minutes, reports, accounts | Last action + 5 years | Permanent (deposit) |
| Membership lists | Last action + 5 years | Destroy |
| Correspondence and contracts | Current year + 6 years | Review/Sample |
| Choir register | Current year + 3 years | Review for possible deposit |
| Music lists | Current year + 3 years | Review/Sample |

#### Publications

|  |  |  |
| --- | --- | --- |
| Basic record description | Keep in parish | Final Action |
| Bibles ,Communion Books, Hymn Books, Prayer Books, Psalters and Service Books. | Replace with new versions | Consider keeping one sample copy on replacement |
| Altar and desk editions of the Bible, Common Book of Prayer and Common Worship. | Replace with new versions | Permanently retain in the parish. |
| Church Guides and Parish Histories | Replace with new versions | Permanent (deposit |
| Parish magazines | Last action + 5 years | Permanent (deposit) |
| Scrapbooks, newspaper cuttings, brochures, record of gifts, photographs | Last action + 5 years | Permanent (deposit) |

# Appendices

## The Ministry of Absolution: GS Misc 1085

At its meeting on 30 September the Archbishops' Council considered what advice to offer to the Convocations on its treatment, in the proposed revision of the Guidelines for the Professional Conduct of the Clergy, of the ministry of absolution for which provision is made in Canon B 29. The Annex to this paper sets out the background to the revision process.

The Working Party preparing the revised draft of the revised Guidelines on behalf of the Convocations proposed that the section dealing with "Reconciliation" should, amongst other matters, describe the current legal position in relation to the formal ministry of absolution.

The legal position in that respect is governed by the unrepealed proviso to Canon 113 of the Code of 1603, which reads as follows:

"Provided always, that if any man confess his secret and hidden sins to the minister, for the unburdening of his conscience, and to receive spiritual consolation and ease of mind from him; we do not in any way bind the said minister by this our Constitution, but do straitly charge and admonish him, that he do not at any time reveal and make known to any person whatsoever any crime or offence so committed to his trust and secrecy (except they be such crimes as by the laws of this realm his own life may be called into question for concealing the same), under pain of irregularity."

This is the one provision of the 1603 Code which was not repealed as part of the complete overhaul of the Canons of the Church of England in the 1950s, which led to the present Code being enacted by the Convocations in 1964 and 1969.

The effect of the proviso is that, where the formal ministry of absolution as described in Canon B 29 is sought, if the penitent makes a confession with the intention of receiving absolution, the priest is forbidden to reveal or make known to any person what has been confessed. That requirement of absolute confidentiality applies even after the death of the penitent.[[28]](#footnote-28)

The Archbishops' Council recognized that the practice of the ministry of absolution has a well-established place in the life of the Church of England, playing an important part in the spiritual life of some of its members and representing a significant aspect of the ministry of some of its clergy.

However, the Council also recognized the responsibility of the Church to protect children and vulnerable adults from harm, and the force of the argument that the legal framework of the Church should accordingly, in all respects, be such as to enable those who present a risk to children and vulnerable adults to be identified - both so that they can be held to account for past wrongs and be prevented from doing further harm. The Council is also aware that there has been some wider debate as to whether Parliament should legislate to make it an offence not to report evidence of child abuse to the statutory agencies.

The Council therefore decided to commission further theological and legal work to enable it to review, in consultation with the House of Bishops, the purpose and effect of the unrepealed proviso to the Canon of 1603, with a view to enabling the Synod to decide whether it wished to legislate to amend it. At their November meeting the Council will consider the terms of that review and who should conduct it, with a view to putting their proposals in those respects to the House of Bishops when it meets in December.

In the light of its decision, the Council invited the Working Party undertaking the revision of the Guidelines to consider further the section on "Reconciliation". It has now been amended to make clear that the present law, which is explained there, is now to be the subject of a review.

William Fittall

SECRETARY GENERAL

22 October 2014

## Approved and Commended forms of service under Canons B 2, B 4 and B 5

Authorized Services (Approved by the General Synod pursuant to Canon B 2see Canon B 2 pages 14 –16)Alternative to The Book of Common Prayer as at 1 January 2008

Published in Common Worship: Services and Prayers for the Church of England and Common Worship: Collects and Post Communions

1. Calendar
2. A Service of the Word
3. Schedule of permitted variations to *Common Worship* Orders for Morning and Evening Prayer where these occur in*The Book of Common Prayer*
4. Prayers for Various Occasions
5. The Litany
6. Authorized Forms of Confession and Absolution
7. Creeds and Authorized Affirmations of Faith
8. The Lord’s Prayer
9. The Order for the Celebration of Holy Communion also called TheEucharist and The Lord’s Supper
10. Collects and Post Communions
11. Rules for Regulating Authorized Forms of Service
12. The Lectionary
13. Opening Canticles at Morning and Evening Prayer; Gospel Canticles;Other Canticles; A Song of Praise (Epiphany); Te Deum Laudamus

Published in Common Worship: Christian Initiation

1. Holy Baptism
2. Emergency Baptism
3. Holy Baptism and Confirmation
4. Seasonal Provisions and Supplementary Texts
5. Affirmation of Baptismal Faith
6. Reception into the Communion of the Church of England

Published in Common Worship: Pastoral Services

1. Wholeness and Healing
2. The Marriage Service with prayers and other resources
3. Thanksgiving for the Gift of a Child
4. The Funeral Service with prayers and other resources
5. Series One Solemnization of Matrimony
6. Series One Burial Services

Published in Common Worship: Ordination Services

1. Ordination Services

Published separately

1. Public Worship with Communion by Extension (NB explicitpermission must be obtained from the bishop for the use of this rite.)
2. Weekday Lectionary

The above are all authorized for use until further resolution of the Synod.

Form of service approved by the Archbishops of Canterbury and York without time limit for use in their respective Provinces

A Service for Remembrance Sunday (included in Common Worship: *Times and Seasons* – see below)

Commended services and resources

(Material commended by the House of Bishops as being suitable for use by ministers in exercise of their discretion under Canon B 5)(see Canon B 5, page 20)

Published in Common Worship: Services and Prayers for the Church of England

1. Introduction to Morning and Evening Prayer on Sunday
2. Introduction to Holy Baptism
3. Short Prefaces for the Sundays before Lent and after Trinity
4. Additional Canticles

**Published in the President’s Edition of *Common Worship***

Additional Blessings

**Published in Common Worship: Christian Initiation**

Rites Supporting Disciples on the Way of Christ

Admission of the Baptized to Communion

Celebration after an Initiation Service outside the Parish

Thanksgiving for Holy Baptism

A Corporate Service of Penitence

The Reconciliation of a Penitent

Published in Common Worship: Pastoral Services

An Order for Prayer and Dedication after a Civil Marriage

Thanksgiving for Marriage

Ministry at the Time of Death

Receiving the Coffin at Church before the Funeral

Funeral of a Child: Outline Orders and Resources

At Home after the Funeral

Memorial Services: Outline Orders and Sample Service

Prayers for Use with the Dying and at Funeral and Memorial Services

Canticles for Marriages, Funerals and Memorial Services

**Published separately**

Material contained in New Patterns for Worship

Material contained in Common Worship: Time and Seasons

Material contact in Common Worship: Festivals

Admission and Licensing of Readers

Services which comply with provisions of a Service of the Word

(see Authorised Services, no. 2)

As at 1 January 2008

**Published in Common Worship: Services and Prayers for the Church of England**

An Order for Morning Prayer on Sunday

An Order for Evening Prayer on Sunday

An Order for Night Prayer (Compline)

An Order for Night Prayer (Compline) in Traditional Language

Canon B 2 gives the bishop limited power to permit individual parishes and congregations to continue, for a strictly limited period, the use of forms of service which cease to be approved generally. The following services ceased to be approved generally on 31 December 2008 but may be extended by exercise of the bishop’s power under

Canon B 2

The Ordinal from The Alternative Service Book 1980 (as amended in 2000)

Weekday Lectionary (2000)

## Legal Terms used in Canon Law

**A note about Legal Terms**

It might be useful to have some basic information about terminology used and this is a very basic attempt.

**Acts of Parliament**

Parliament may legislate (and indeed has legislated) on matters pertaining directly and indirectly to the Church of England.

**Measures of the General Synod**

Measures of the General Synod and its predecessor body – the Church Assembly are primary legislation carrying the equivalent force as an Act of Parliament. Clearly such Measures bind all to whom they apply, both clergy and laity.

**Canons**

The current Canons of the church were radically revised and reformed in the period between 1945 and 1969. Prior to that the code that operated in England was that of 1603. The Canons seek to govern and order church life and certainly bind the clergy as well as the lay officers to whom they refer. How much they bind the laity beyond this is a moot point and the subject of much legal debate resting on proving which parts of the pre-reformation Canon law still exist within the system today!

**Church Courts**

The Ecclesiastical Courts in the Church of England are properly constituted courts in the same way as other secular courts. Their jurisdiction is exclusively ecclesiastical. In each diocese the Bishop has his own Court known as a Consistory Court. Although the Bishop’s Court in practice he delegates authority to his judge, known as the Chancellor (who has to be appropriately legally qualified). The Consistory Court deals mainly with faculty applications and the Chancellor has a role in some clergy discipline matters. The Chancellor also plays a part in the issue of Common Licences.

**The Diocesan Registrar** is the Registrar of the Consistory Court as well as the keeper of a record of all the bishop’s public acts. He or she also serves as the legal advisor to the Bishop. The Diocesan Registrar must be a solicitor.

There is an appeal system from the Consistory Courts to the Dean of the Arches in the southern province and to the Auditor of the Chancery Court of York, in the northern province. The offices of Dean and Auditor are now held by one person (currently Charles George, QC) there are a panel of people who hear cases with the Dean. From here appeal lies to the Judicial Committee of the Privy Council

For clergy discipline cases involving matters of doctrine, ritual or ceremonial there is a different system. These matters are heard by the Court of Ecclesiastical Causes Reserved. The five judges of the court comprise of 2 people who have held high judicial office and three bishops. There is also a panel of eminent theologians to advise them.

## Glossary of Administrative and Record Terms

Archive – (1) To permanently retain records that are of value for legal, constitutional or historical purposes.

(2) A place for keeping records permanently.

Benefice – is the church office held by the clergy and by reason of its historical origins or the result of statutory provisions can be termed a rectory or vicarage.

Data Protection – The law protecting the privacy of individuals by regulating access to confidential information held on them by both private and public organisations. The current Legislation is the Data Protection Act 1998. See Section 5.

Diocesan Record Office (DRO) – A Record Office which is an agreed place of deposit for diocesan records and usually parish records as well. This will usually be the local authority archive service.

Electronic Records – Any recorded information created, received and maintained in electronic format by an organisation or individual in the course of its activities.

Electronic Records Management - A digital environment for capturing electronic records and applying standard records management practices. Electronic Records Management supports the medium to long term information management needs of business.

Faculties – A document issued by the Bishop’s Chancellor or Archdeacon, authorising additions or alterations to consecrated buildings and lands and their contents. A faculty is normally issued after consultation with the Diocesan Advisory Committee.

Finding Aids –Indexes, schedules, subject thesauruses and referencing systems which structure and identify information to enable its easy retrieval.

FOI (Freedom of Information) –The law regulating public access to official information held by public bodies as defined in the schedule of the Act. This law generally does not apply to the Church of England, except marriage registers dated after 1837, which technically belong to the Registrar General of Births, Deaths and Marriages.

Functions –The activities of the record creator and for which the records were created to support. It is important to establish the functions which records are created to support particularly as in most institutions organisational change is common and can lead to records and records creators being split.

Incumbent – The priest in charge of a parish whether as Rector, Vicar or Priest in Charge.

Institution/Induction – The first is admission of a new incumbent into the “spiritualities” or pastoral responsibilities of a benefice. Followed by the induction which is admission of a priest into the possession of the “temporalities” of a benefice including the church.

Interregnum – The period between the resignation of an incumbent and the admission of a successor.

LEP - Local Ecumenical Partnership (LEP) a formal agreement under Canon B44 between the bishop and the appropriate authority of the participating Christian denomination to operate a joint ministry in a parish or part of a parish.

Parish – Is the geographical area entrusted by a bishop to a priest who has the responsibility for the care of the souls within it.

Parochial Church Council – A body of lay persons, elected at the Annual Parish Meeting, who together with the incumbent, licensed clergy, the churchwardens, ex offico and co-opted members (if any), are responsible for the initiation, conduct and development of the Church’s work within the parish, and outside, whereby the whole mission of the Church is promoted.

Parochial Registers and Records Measure – Is the legislation which regulates the care of parish registers and parochial archives. The 1978 Measure was amended by the Church of England (Miscellaneous Provisions) Measure, 1992. A Guide to the Parochial Registers and Records Measure 1978 (as amended at 1st January 1993) with practical suggestions for custodians and users is obtainable from Church House Publishing, Great Smith Street, London SW1P 3BN. ISBN 0 7151 3747 6.

Records – Recorded information (documents) regardless of form or medium created, received and maintained by an agency, institution, organisation or individual in pursuance of its legal obligations or the transaction of business.

Quinquennial Inspection – The survey of the church fabric undertaken every 5 years by an architect or surveyor approved by the Diocesan Advisory Committee. The report will make recommendations categorised in varying terms of urgency and cost.

Records Management - The procedures and practices employed to structure control and regulate records whatever their medium, electronic, paper or microform. The management of records ensures efficiency and economy in their use, storage and disposal and the selection of those of value for permanent preservation.

Register – Formal record of a transaction or right for example the Register of Patrons created by the Patronage (Benefices) Measure 1986.

## The Canons

[**Divine service and the administration of the sacraments**](https://www.churchofengland.org/about-us/structure/churchlawlegis/canons/canons-7th-edition.aspx#ch3)

**B 1 Of conformity of worship**

1. The following forms of service shall be authorized for use in the Church of England:

(a)   the forms of service contained in *The Book of Common Prayer*;

(b)   the shortened forms of Morning and Evening Prayer which were set out in the Schedule to the Act of Uniformity Amendment Act 1872;

(c)   the form of service authorized by Royal Warrant for use upon the anniversary of the day of the accession of the reigning Sovereign;

(d)   any form of service approved under Canon B 2 subject to any amendments so approved, to the extent permitted by such approval;

(e)   any form of service approved under Canon B 4 subject to any amendments so approved, to the extent permitted by such approval;

(f)   any form of service authorized by the archbishops under Canon B 5A, to the extent permitted by such authorization.

2. Every minister shall use only the forms of service authorized by this Canon, except so far as he may exercise the discretion permitted by Canon B 5. It is the minister's responsibility to have a good understanding of the forms of service used and he shall endeavour to ensure that the worship offered glorifies God and edifies the people.

3. In this Canon the expression 'form of service' shall be construed as including -

1. the prayers known as Collects;
2. the lessons designated in any Table of Lessons;
3. any other matter to be used as part of a service;
4. any Table of rules for regulating a service;
5. any Table of Holy Days which expression includes 'A Table of all the Feasts' in *The Book of Common Prayer* and such other Days as shall be included in any Table approved by the General Synod.

**B 2 Of the approval of forms of service**

1. It shall be lawful for the General Synod:

(a)   to approve forms of services for use in the Church of England and to amend any form of service approved by the General Synod under this paragraph;

(b)   to approve the use of any such form of service for a limited period, or without limit of period;

(c)   to extend the period of use of any such form of service and to discontinue any such form of service;

and any form of service or amendment thereof approved by the General Synod under this paragraph shall be such as in the opinion of the General Synod is neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.

2. Any approval, amendment, continuance or discontinuance of any form of service under paragraph 1 above shall not have effect unless the form of service or the amendment, continuance or discontinuance thereof is finally approved by the General Synod with a majority in each House thereof of not less than two-thirds of those present and voting.

2A. (1) It shall be lawful for the bishop of a diocese or other Ordinary of the place, on request made in accordance with sub-paragraphs (5) and (6) below on behalf of a parish or a place of worship of a kind specified in sub-paragraph (5)(a) below, by notice in writing to approve the continued use in the parish or place of worship, for such period as shall be specified in the notice, of any form of service –

(a)   the use of which has ceased to be approved by the General Synod by virtue of the expiry of any limited period imposed under paragraph 1(b) above; or

(b)   the use of which has ceased to be approved by the General Synod by virtue of the expiry of any period of extension granted under paragraph 1(c) above; or

(c)   which has been discontinued under paragraph 1(c) above.

(2) Approval under sub-paragraph (1) above for the continued use of a form of service on a request made on behalf of a parish shall either -

(a)   apply to all places of worship in the parish in question; or

(b)   be limited in its application to such place or places of worship in the parish as may be specified in the notice.

(3) Where a bishop or other Ordinary has approved the continued use of a form of service under sub-paragraph (1) above he may, on a request made on behalf of the parish or place of worship concerned in accordance with sub-paragraphs (5) and (7) below, by notice in writing extend (on one occasion only) the period of continued use of the form of service for such further period as shall be specified in the notice.

(4) The period of continued use referred to in sub-paragraphs (1) and (3) above shall commence on the date on which the use of the form of service in question ceases or ceased to be approved by the General Synod or on the expiry of the original period of continued use, as the case may be.

(5) A request for approval under sub-paragraph (1) above for the continued use of a form of service or for an extension under sub-paragraph (3) shall be made -

(a)   in the case of a place of worship which is in an extra-parochial place or in respect of which a clerk in holy orders is licensed under section 2 of the Extra-Parochial Ministry Measure 1967, by the minister concerned; and

(b)   in any other case, by the minister and parochial church council concerned acting jointly.

(6) A request for approval under sub-paragraph (1) above for the continued use of a form of service shall not be made after the expiry of the period of twelve months following the date on which the use of the form of service has ceased to be approved by the General Synod and the period for which approval is given shall not exceed three years.

(7) A request for an extension under sub-paragraph (3) above of a period of continued use for a further period shall not be made after the expiry of the original period and the further period shall not exceed the original period or two years, whichever is the less.

**Cathedrals**

2B. (1) Paragraph 2A above (except sub-paragraphs (2) and (5) and with the omission from sub-paragraphs (1) and (3) of references to the Ordinary) shall apply to forms of service used in a cathedral church as it applies to forms of service used in a parish, with the following adaptations.

(2) Where Part I of the Cathedrals Measure 1999 applies in relation to the cathedral church, for references to a request on behalf of a parish or place of worship there shall be substituted references to the request of the Chapter with the consent of the dean.

(3) Where the Cathedrals Measure 1963 continues to apply in relation to a cathedral church in accordance with section 38(3) of the said Measure of 1999, for references to a request on behalf of a parish or place of worship there shall be substituted references to the request of the following bodies acting jointly, namely

(a)   the administrative body; and

(b)   the dean or provost as the case may be; and also

(c)   in the case of a parish church cathedral for the parish of which there is a parochial church council whose functions have not been transferred to the administrative body in pursuance of a section 12(1), that council.

In this sub-paragraph 'administrative body' and 'parish church cathedral' have the same meaning as in the Cathedrals Measure 1963.

(4) In relation to the cathedral church of Christ in Oxford, for references to a request on behalf of a parish or place of worship there shall be substituted references to the request of the dean and canons.

2C. In the case of a request in respect of a cathedral church or a place of worship which is in an extra-parochial place, the request shall only be made after consultation with the representatives of persons over the age of sixteen years who worship regularly therein.

3. In this Canon the expression 'form of service' has the same meaning as in Canon B 1 and the reference in paragraph 2A(5)(b) above to the minister shall, where there is no minister, be construed as a reference to the rural dean.

**Note:** The forms of service which are currently approved by the General Synod under paragraph 1 above are specified [here](https://www.churchofengland.org/about-us/structure/churchlawlegis/canons/supplementary-material.aspx#p186)).

**B 3 Of the form of service to be used where alternative forms are authorized**

1. Decisions as to which of the forms of service authorized by Canon B 1, other than the services known as occasional offices, are to be used in any church in a parish or in any guild church shall be taken jointly by the minister and the parochial church council or, as the case may be, by the vicar of the guild church and the guild church council. In this Canon 'church' includes any building or part of a building licensed by the bishop for public worship according to the rites and ceremonies of the Church of England.

2. If there is disagreement as to which of the said forms of service are to be used in any such church, then, so long as the disagreement continues, the forms of service to be used in that church shall be those contained in *The Book of Common Prayer* unless other forms of service authorized by Canon B 1 were in regular use therein during at least two of the four years immediately preceding the date when the disagreement arose and the parochial church council or guild church council, as the case may be, resolves that those other forms of service shall be used either to the exclusion of, or in addition to, the forms of service contained in the said Book.

3. The foregoing paragraphs of this Canon shall not apply in relation to a cathedral which is a parish church nor to any part of a cathedral which is a parish church.

4. Where more than one form of any of the services known as occasional offices, other than the Order of Confirmation, is authorized by Canon B 1 for use on any occasion the decision as to which form of service is to be used shall be made by the minister who is to conduct the service, but if any of the persons concerned objects beforehand to the use of the service selected by the minister and he and the minister cannot agree as to which form is to be used, the matter shall be referred to the bishop of the diocese for his decision.

5. Where more than one form of service of ordination of deacons or priests or of the ordination or consecration of a bishop is authorized by Canon B 1 for use, the decision as to which form of service is to be used shall be made by the bishop or archbishop, as the case may be, who is to conduct the service and, where more than one form of service of confirmation is so authorized, the decision as to which service is to be used shall be made by the bishop or archbishop, as the case may be, who is to conduct the service after consulting the minister of the church where the service is to be held.

6. In this Canon the expression 'form of service' has the same meaning as in Canon B 1.

**B 4 Of forms of service approved by the Convocations, Archbishops or Ordinary for use on certain occasions**

1. The Convocations of Canterbury and York may approve within their respective provinces forms of service for use in any cathedral or church or elsewhere on occasions for which no provision is made in *The Book of Common Prayer* or by the General Synod under Canon B 2, being forms of service which in both words and order are in their opinion reverent and seemly and neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.

2. The archbishops may approve forms of service for use in any cathedral or church or elsewhere in the provinces of Canterbury and York on occasions for which no provision is made in *The Book of Common Prayer* or by the General Synod under Canon B 2 or by the Convocations under this Canon, being forms of service which in both words and order are in their opinion reverent and seemly and are neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.

3. The Ordinary may approve forms of service for use in any cathedral or church or elsewhere in the diocese on occasion for which no provision is made in *The Book of Common Prayer* or by the General Synod under Canon B 2 or by the Convocation or archbishops under this Canon, being forms of service which in the opinion of the Ordinary in both words and order are reverent and seemly and are neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.

4. In this Canon the expression 'form of service' has the same meaning as in Canon B 1.

B 4A Of the approval of collects, lectionaries and table of rules to order the service

[Repealed by Amending Canon No. 17]

[**B 5 Of the discretion of ministers in conduct of public prayer**](https://www.churchofengland.org/about-us/structure/churchlawlegis/canons/canons-7th-edition.aspx#H1-14)

1. The minister who is to conduct the service may in his discretion make and use variations which are not of substantial importance in any form of service authorized by Canon B 1 according to particular circumstances.

2. The minister having the cure of souls may on occasions for which no provision is made in *The Book of Common Prayer* or by the General Synod under Canon B 2 or by the Convocations, archbishops, or Ordinary under Canon B 4 use forms of service considered suitable by him for those occasions and may permit another minister to use the said forms of service.

3. All variations in forms of service and all forms of service used under this Canon shall be reverent and seemly and shall be neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.

4. If any question is raised concerning the observance of the provisions of this Canon it may be referred to the bishop in order that he may give such pastoral guidance, advice or directions as he may think fit, but such reference shall be without prejudice to the matter in question being made the subject matter of proceedings under the Ecclesiastical Jurisdiction Measure 1963.

5. In this Canon the expression 'form of service' has the same meaning as in Canon B 1.

**Note:** The forms of service which have been approved by the Archbishops or commended by the House of Bishops as being suitable for use by ministers in exercise of their discretion under Canons B 4 or B 5 respectively are detailed [here](https://www.churchofengland.org/about-us/structure/churchlawlegis/canons/supplementary-material.aspx#p186)).

**B 5A Of authorization of forms of service for experimental periods**

1. Where a form of service has been prepared with a view to its submission to the General Synod for approval by the Synod under Canon B 2 the archbishops after consultation with the House of Bishops of the General Synod may, prior to that submission, authorize such form of service for experimental use for a period specified by them on such terms and in such places or parishes as they may designate.

2. Where any form of service has been authorized under paragraph 1 of this Canon for experimental use and it is proposed that it shall be used in any church the requirements of Canon B 3 shall apply.

3. In this Canon the expression 'form of service' has the same meaning as in Canon B 1.

**B 6 Of Sundays and other days of special observance**

1. The Lord's Day, commonly called Sunday, is ever to be celebrated as a weekly memorial of our Lord's Resurrection and kept according to God's holy will and pleasure, particularly by attendance at divine service, by deeds of charity, and by abstention from all unnecessary labour and business.

2. The principal Feasts which are to be observed in the Church of England are Christmas Day, Epiphany, the Annunciation of the Blessed Virgin Mary, Easter Day, Ascension Day, Whitsunday or Pentecost, Trinity Sunday and All Saints' Day.

3. The Days of Fasting or Abstinence and the Vigils which are to be observed in the Church of England are set out in The Book of Common Prayer, whereof the 40 days of Lent, particularly Ash Wednesday and the Monday to Saturday before Easter, ought specially to be observed.

4. Good Friday is ever to be observed by prayer with meditation on the death and Passion of our Lord and Saviour Jesus Christ, by self-discipline, and by attendance at divine service.

5. It is lawful for the General Synod to approve Holy Days which may be observed generally or provincially, and, subject to any directions of the Convocation of the province, for the Ordinary to approve Holy Days which may be observed locally.

**B 7 Of the giving notice of Feast Days and Fast Days**

The minister having the cure of souls shall give adequate public notice, in any way which is locally convenient, of the Feast Days and Fast Days to be observed and of the time and place of services on those days.

**B 8 Of the vesture of ordained and authorized ministers during the time of divine service**

1. The Church of England does not attach any particular doctrinal significance to the diversities of vesture permitted by this Canon, and the vesture worn by the minister in accordance with the provision of this Canon is not to be understood as implying any doctrines other than those now contained in the formularies of the Church of England.

2. Notwithstanding the provisions of this Canon no minister shall change the form of vesture in use in the church or chapel in which he officiates unless he has ascertained by consultation with the parochial church council that such changes will be acceptable: Provided always that in case of disagreement the minister shall refer the matter to the bishop of the diocese, whose direction shall be obeyed.

3. At the Holy Communion the presiding minister shall wear either a surplice or alb with scarf or stole. When a stole is worn other customary vestments may be added. The epistoler and gospeller (if any) may wear surplice or alb to which other customary vestments may be added.

4. At Morning and Evening Prayer on Sundays the minister shall normally wear a surplice or alb with scarf or stole.

5. At the Occasional Offices the minister shall wear a surplice or alb with scarf or stole.

**B 9 Of reverence and attention to be used in the time of divine service**

1. All persons present in the time of divine service shall audibly with the minister make the answers appointed and in due place join in such parts of the service as are appointed to be said or sung by all present.

2. They shall give reverent attention in the time of divine service, give due reverence to the name of the Lord Jesus and stand at the Creed and the reading of the Holy Gospel at the Holy Communion. When the Prayers are read and Psalms and canticles are said or sung, they shall have regard to the rubrics of the service and locally established custom in the matter of posture, whether of standing, kneeling or sitting.

**B 10 Of Morning and Evening Prayer in cathedral churches**

In every cathedral church the Common Prayer shall be said or sung, distinctly, reverently, and in an audible voice, every morning and evening, and the Litany on the appointed days, the officiating ministers and others of the clergy present in choir being duly habited.

**B 11 Of Morning and Evening Prayer in parish churches**

1. Morning and Evening Prayer shall be said or sung in every parish church at least on all Sundays and other principal Feast Days, and also on Ash Wednesday and Good Friday. Each service shall be said or sung distinctly, reverently, and in an audible voice. Readers, such other lay persons as may be authorized by the bishop of the diocese, or some other suitable lay person, may, at the invitation of the minister of the parish or, where the cure is vacant or the minister is incapacitated, at the invitation of the churchwardens say or sing Morning and Evening Prayer (save for the Absolution).

2. On all other days the minister of the parish, together with other ministers licensed to serve in the parish, shall make such provision for Morning and Evening Prayer to be said or sung either in the parish church or, after consultation with the parochial church council, elsewhere as may best serve to sustain the corporate spiritual life of the parish and the pattern of life enjoined upon ministers by Canon C 26. Public notice shall be given in the parish, by tolling the bell or other appropriate means, of the time and place where the prayers are to be said or sung.

3. The reading of Morning and Evening Prayer in any parish church as required by this Canon may only be dispensed with in accordance with the provisions of Canon B 14A.

[**B 11A Of services in churches and other places of worship**](https://www.churchofengland.org/about-us/structure/churchlawlegis/canons/canons-7th-edition.aspx#H1-22)

[Repealed by Amending Canon No. 17]

**Note:** See Canon B 14A [here](https://www.churchofengland.org/about-us/structure/churchlawlegis/canons/section-b.aspx#p31)).

**B 12 Of the ministry of the Holy Communion**

1. No person shall consecrate and administer the holy sacrament of the Lord's Supper unless he shall have been ordained priest by episcopal ordination in accordance with the provisions of Canon C 1.

2. Every minister, as often as he shall celebrate the Holy Communion, shall receive that sacrament himself.

3. No person shall distribute the holy sacrament of the Lord's Supper to the people unless he shall have been ordained in accordance with the provisions of Canon C 1, or is otherwise authorized by Canon or unless he has been specially authorized to do so by the bishop acting under such regulations as the General Synod may make from time to time.

4. Subject to the general directions of the bishop, the Epistle and the Gospel and the Prayer of Intercession may at the invitation of the minister be read by a lay person at the celebration of the Holy Communion.

**Note:** Regulations referred to in paragraph 3 above were made by the Church Assembly in November 1969. These remain in operation and have not been amended or revoked by the General Synod. They are reproduced [here](https://www.churchofengland.org/about-us/structure/churchlawlegis/canons/supplementary-material.aspx#p191).

**B 13 Of Holy Communion in cathedral churches**

1. In every cathedral church the Holy Communion shall be celebrated at least on all Sundays and other Feast Days, on Ash Wednesday, and on other days as often as may be convenient, according to the statutes and customs of each church. It shall be celebrated distinctly, reverently, and in an audible voice.

2. In every cathedral church the dean or provost, the canons residentiary, and the other ministers of the church, being in holy orders, shall all receive the Holy Communion every Sunday at the least, except they have a reasonable cause to the contrary.

**B 14 Of Holy Communion in parish churches**

1. The Holy Communion shall be celebrated in every parish church at least on all Sundays and principal Feast Days, and on Ash Wednesday and Maundy Thursday. It shall be celebrated distinctly, reverently, and in an audible voice.

2. The celebration of the Holy Communion in any parish church as required by this Canon may only be dispensed with in accordance with the provisions of Canon B 14A.

3. In churches and chapels dependent on a parish church, the Holy Communion shall be celebrated as regularly and frequently as may be convenient, subject to the direction of the Ordinary under Canon B 14A.

**B 14A Of services in churches and other places of worship**

1. The reading of Morning and Evening Prayer in any parish church as required by Canon B 11 or the celebration of the Holy Communion in any parish church as required by Canon B 14 may be dispensed with as follows:

(a)   on an occasional basis, as authorized by the minister and the parochial church council acting jointly;

(b)   on a regular basis, as authorized by the bishop on the request of the minister and the parochial church council acting jointly.

In exercising the powers under this paragraph the minister and the parochial church council or the bishop as the case may be must be satisfied that there is good reason for doing so and shall -

 (i)   have regard to the frequency of services of Morning and Evening Prayer or the celebration of the Holy Communion (as the case may be) in other parish churches or places of worship in the benefice; and

(ii)   ensure that no church ceases altogether to be used for public worship.

2. Where there is more than one parish church or place of worship in a benefice or where a minister holds benefices in plurality with more than one parish church or place of worship the minister and the parochial church council acting jointly shall make proposals to the bishop as to what services of Morning and Evening Prayer or the celebration of the Holy Communion (as the case may be) are to be held in each of the parish churches or places of worship and if the bishop is satisfied with the proposals he shall authorize them accordingly. In default of the minister and parochial church council making satisfactory proposals, the bishop shall make such direction as he considers appropriate. In exercising the powers under this paragraph the bishop shall ensure that no church ceases altogether to be used for public worship.

3. The powers under paragraphs 1 and 2 of this Canon shall extend to any parish centre of worship designated under section 29(2) of the Pastoral Measure 1983.

4. The bishop of a diocese may direct what services shall be held or shall not be required to be held in any church in the diocese which is not a parish church or in any building, or part of a building, in the diocese licensed for public worship under section 29 of the Pastoral Measure 1983 but not designated as a parish centre of worship.

**B 15 Of the receiving of Holy Communion**

1. It is the duty of all who have been confirmed to receive the Holy Communion regularly, and especially at the festivals of Christmas, Easter and Whitsun or Pentecost.

2. The minister shall teach the people from time to time, and especially before the festivals of Christmas, Easter and Whitsun or Pentecost, that they come to this holy sacrament with such preparation as is required by *The Book of Common Prayer.*

**B 15A Of the admission to Holy Communion**

1. There shall be admitted to the Holy Communion:

(a)   members of the Church of England who have been confirmed in accordance with the rites of that Church or are ready and desirous to be so confirmed or who have been otherwise episcopally confirmed with unction or with the laying on of hands except as provided by the next following Canon;

(b)   baptized persons who are communicant members of other Churches which subscribe to the doctrine of the Holy Trinity, and who are in good standing in their own Church;

(c)   any other baptized persons authorized to be admitted under regulations of the General Synod; and

(d)   any baptized person in immediate danger of death.

 2. If any person by virtue of sub-paragraph (b) above regularly receive the Holy Communion over a long period which appears likely to continue indefinitely, the minister shall set before him the normal requirements of the Church of England for communicant status in that Church.

3. Where any minister is in doubt as to the application of this Canon, he shall refer the matter to the bishop of the diocese or other Ordinary and follow his guidance thereon.

**Note:** The General Synod made the Admission of baptized children to Holy Communion Regulations 2006 on 8 February 2006 and these Regulations came into force on 15 June 2006. The Regulations are reproduced [here](https://www.churchofengland.org/about-us/structure/churchlawlegis/canons/supplementary-material.aspx#p192)).

**B 16 Of notorious offenders not to be admitted to Holy Communion**

1. If a minister be persuaded that anyone of his cure who presents himself to be a partaker of the Holy Communion ought not to be admitted thereunto by reason of malicious and open contention with his neighbours, or other grave and open sin without repentance, he shall give an account of the same to the bishop of the diocese or other the Ordinary of the place and therein obey his order and direction, but so as not to refuse the sacrament to any until in accordance with such order and direction he shall have called him and advertised him that in any wise he presume not to come to the Lord's Table: Provided that in case of grave and immediate scandal to the congregation the minister shall not admit such person, but shall give an account of the same to the Ordinary within seven days after at the furthest and therein obey his order and direction. Provided also that before issuing his order and direction in relation to any such person the Ordinary shall afford to him an opportunity for interview.

2. The references in this Canon to 'the bishop of the diocese or other the Ordinary of the place' and to 'the Ordinary' include, in the case of the Ordinary being the bishop of the diocese and the see being vacant, the archbishop of the province or, in the case of the archbishopric being vacant or the vacant see being Canterbury or York, the archbishop of the other province.

**B 17 Of bread and wine for the Holy Communion**

1. The churchwardens of every parish, with the advice and direction of the minister, shall provide a sufficient quantity of bread and wine for the number of communicants that shall from time to time receive the same.

2. The bread, whether leavened or unleavened, shall be of the best and purest wheat flour that conveniently may be gotten, and the wine the fermented juice of the grape, good and wholesome.

3. The bread shall be brought to the communion table in a paten or convenient box and the wine in a convenient cruet or flagon.

**B 17A Of the disposition of the alms at Holy Communion**

Notwithstanding any rubric in *The Book of Common Prayer* moneys given or collected in church at Holy Communion shall form part of the general funds of the parochial church council and shall be disposed of by the parochial church council in accordance with the provisions of section 7(iv) of the Parochial Church Councils (Powers) Measure 1956.

**B 18 Of sermons in parish churches**

1. In every parish church a sermon shall be preached at least once each Sunday, except for some reasonable cause approved by the bishop of the diocese.

2. The sermon shall be preached by a minister, deaconess, reader or lay worker duly authorized in accordance with Canon Law. At the invitation of the minister having the cure of souls another person may preach with the permission of the bishop of the diocese given either in relation to the particular occasion or in accordance with diocesan directions.

3. The preacher shall endeavour with care and sincerity to minister the word of truth, to the glory of God and to the edification of the people.

**B 19 Of the Bidding Prayer which may be used by a preacher before his sermon**

Before any sermon, lecture, or homily, the preacher may move the people to join with him in prayer in this form or to this effect, as briefly as is convenient, always concluding with the Lord's Prayer:

Ye shall pray for Christ's holy Catholic Church, that is, for the whole congregation of Christian people dispersed throughout the whole world, and especially for the Church of England.

And herein I require you most especially to pray for the Queen's most excellent Majesty our Sovereign Lady Elizabeth, by the grace of God of the United Kingdom of Great Britain and Northern Ireland, and of her other realms and territories, Queen, Head of the Commonwealth, Defender of the Faith, and ye shall also pray for Philip Duke of Edinburgh, the Prince of Wales, and all the Royal Family.

Ye shall also pray for the ministers of God's holy word and sacraments, as well archbishops and bishops, as other pastors and curates; for the Queen's most honourable Privy Council and the Ministers of the Crown, for the High Court of Parliament, for the Convocations of the Clergy, for the General Synod of the Church of England, and for civil governors and magistrates; that all and every of these, in their several callings, may serve truly and diligently, to the glory of God and the edifying and well governing of her people, remembering the strict and solemn account that they must one day make when they shall stand before the judgement seat of Christ.

And, that there may never be wanting a succession of persons duly qualified to serve God in Church and State, ye shall implore his blessing on all places of religious and useful learning, particularly the universities, colleges, and schools of this land; that in all places of education true religion and sound learning may for ever flourish and abound.

And more particularly (as in private duty bound) I ask your prayers for.…

Also ye shall pray for the whole people of this realm, that they may live in the true faith and fear of God, in dutiful obedience to the Queen, and in brotherly charity one to another.

Finally, let us praise God for all those who are departed out of this life in the faith of Christ, and pray unto God that we may have grace to direct our lives after their good example; that, this life ended, we may be made partakers with them of the glorious resurrection in the life everlasting.

**B 20 Of the musicians and music of the Church**

1. In all churches and chapels, other than in cathedral or collegiate churches or chapels where the matter is governed by or dependent upon the statutes or customs of the same, the functions of appointing any organist, choirmaster (by whatever name called) or director of music, and of terminating the appointment of any organist, choirmaster or director of music, shall be exercisable by the minister with the agreement of the parochial church council, except that if the archdeacon of the archdeaconry in which the parish is situated, in the case of termination of an appointment, considers that the circumstances are such that the requirement as to the agreement of the parochial church council should be dispensed with, the archdeacon may direct accordingly. Where the minister is also the archdeacon of the archdeaconry concerned, the function of the archdeacon under this paragraph shall be exercisable by the bishop of the diocese.

2. Where there is an organist, choirmaster or director of music the minister shall pay due heed to his advice and assistance in the choosing of chants, hymns, anthems, and other settings, and in the ordering of the music of the church; but at all times the final responsibility and decision in these matters rests with the minister.

3. It is the duty of the minister to ensure that only such chants, hymns, anthems, and other settings are chosen as are appropriate, both the words and the music, to the solemn act of worship and prayer in the House of God as well as to the congregation assembled for that purpose; and to banish all irreverence in the practice and in the performance of the same.

**B 21 Of Holy Baptism**

It is desirable that every minister having a cure of souls shall normally administer the sacrament of Holy Baptism on Sundays at public worship when the most number of people come together, that the congregation there present may witness the receiving of them that be newly baptized into Christ's Church, and be put in remembrance of their own profession made to God in their baptism.

**B 22 Of the baptism of infants**

1. Due notice, normally of at least a week, shall be given before a child is brought to the church to be baptized.

2. If the minister shall refuse or unduly delay to baptize any such infant, the parents or guardians may apply to the bishop of the diocese, who shall, after consultation with the minister, give such directions as he thinks fit.

3. The minister shall instruct the parents or guardians of an infant to be admitted to Holy Baptism that the same responsibilities rest on them as are in the service of Holy Baptism required of the godparents.

4. No minister shall refuse or, save for the purpose of preparing or instructing the parents or guardians or godparents, delay to baptize any infant within his cure that is brought to the church to be baptized, provided that due notice has been given and the provisions relating to godparents in these Canons are observed.

5. A minister who intends to baptize any infant whose parents are residing outside the boundaries of his cure, unless the names of such persons or of one of them be on the church electoral roll of the same, shall not proceed to the baptism without having sought the good will of the minister of the parish in which such parents reside.

6. No minister being informed of the weakness or danger of death of any infant within his cure and therefore desired to go to baptize the same shall either refuse or delay to do so.

7. A minister so baptizing a child in a hospital or nursing home, the parents of the child not being resident in his cure, nor their names on the church electoral roll of the same, shall send their names and address to the minister of the parish in which they reside.

8. If any infant which is privately baptized do afterwards live, it shall be brought to the church and there, by the minister, received into the congregation of Christ's flock according to the form and manner prescribed in and by the office for Private Baptism authorized by Canon B 1.

9. The minister of every parish shall warn the people that without grave cause and necessity they should not have their children baptized privately in their houses.

**B 23 Of godparents and sponsors**

1. For every child to be baptized there shall be not fewer than three godparents, of whom at least two shall be of the same sex as the child and of whom at least one shall be of the opposite sex; save that, when three cannot conveniently be had, one godfather and godmother shall suffice. Parents may be godparents for their own children provided that the child have at least one other godparent.

2. The godparents shall be persons who will faithfully fulfil their responsibilities both by their care for the children committed to their charge and by the example of their own godly living.

3. When one who is of riper years is to be baptized he shall choose three, or at least two, to be his sponsors, who shall be ready to present him at the font and afterwards put him in mind of his Christian profession and duties.

4. No person shall be admitted to be a sponsor or godparent who has not been baptized and confirmed. Nevertheless the minister shall have power to dispense with the requirement of confirmation in any case in which in his judgement need

so requires.

**B 24 Of the baptism of such as are of riper years**

1. When any such person as is of riper years and able to answer for himself is to be baptized, the minister shall instruct such person, or cause him to be instructed, in the principles of the Christian religion, and exhort him so to prepare himself with prayers and fasting that he may receive this holy sacrament with repentance and faith.

2. At least a week before any such baptism is to take place, the minister shall give notice thereof to the bishop of the diocese or whomsoever he shall appoint for the purpose.

3. Every person thus baptized shall be confirmed by the bishop so soon after his baptism as conveniently may be; that so he may be admitted to the Holy Communion.

**B 25 Of the sign of the Cross in baptism**

The Church of England has ever held and taught, and holds and teaches still, that the sign of the Cross used in baptism is no part of the substance of the sacrament: but, for the remembrance of the Cross, which is very precious to those that rightly believe in Jesus Christ, has retained the sign of it in baptism, following therein the primitive and apostolic Churches.

**B 26 Of teaching the young**

1. Every minister shall take care that the children and young people within his cure are instructed in the doctrine, sacraments, and discipline of Christ, as the Lord has commanded and as they are set forth in the Holy Scriptures, in *The Book of Common Prayer*, and especially in the Church Catechism; and to this end he, or some godly and competent persons appointed by him, shall on Sundays or if need be at other convenient times diligently instruct and teach them in the same.

2. All parents and guardians shall take care that their children receive such instruction.

**B 27 Of confirmation**

1. The bishop of every diocese shall himself minister (or cause to be ministered by some other bishop lawfully deputed in his stead) the rite of confirmation throughout his diocese as often and in as many places as shall be convenient, laying his hands upon children and other persons who have been baptized and instructed in the Christian faith.

2. Every minister who has a cure of souls shall diligently seek out children and other persons whom he shall think meet to be confirmed and shall use his best endeavour to instruct them in the Christian faith and life as set forth in the Holy Scriptures, *The Book of Common Prayer*, and the Church Catechism.

3. The minister shall present none to the bishop but such as are come to years of discretion and can say the Creed, the Lord's Prayer, and the Ten Commandments, and can also render an account of their faith according to the said Catechism.

4. The minister shall satisfy himself that those whom he is to present have been validly baptized, ascertaining the date and place of such baptism, and, before or at the time assigned for the confirmation, shall give to the bishop their names, together with their age and the date of their baptism.

5. If the minister is doubtful about the baptism of a candidate for confirmation he shall conditionally baptize him in accordance with the form of service authorized by Canon B 1 before presenting him to the bishop to be confirmed.

6. If it is desired for sufficient reason that a Christian name be changed, the bishop may, under the laws of this realm, confirm a person by a new Christian name, which shall be thereafter deemed the lawful Christian name of such person.

**B 28 Of reception into the Church of England**

1. Any person desiring to be received into the Church of England, who has not been baptized or the validity of whose baptism can be held in question, shall be instructed and baptized or conditionally baptized, and such baptism, or conditional baptism, shall constitute the said person's reception into the Church of England.

2. If any such person has been baptized but not episcopally confirmed and desires to be formally admitted into the Church of England he shall, after appropriate instruction, be received by the rite of confirmation, or, if he be not yet ready to be presented for confirmation, he shall be received by the parish priest with appropriate prayers.

3. If any such person has been episcopally confirmed with unction or with the laying on of hands he shall be instructed, and, with the permission of the bishop, received into the Church of England according to the Form of Reception approved by the General Synod, or with other appropriate prayers, and if any such person be a priest he shall be received into the said Church only by the bishop of the diocese or by the commissary of such bishop.

**B 29 Of the ministry of absolution[[29]](#footnote-29)**

1. It is the duty of baptized persons at all times to the best of their understanding to examine their lives and conversations by the rule of God's commandments, and whereinsoever they perceive themselves to have offended by will, act, or omission, there to bewail their own sinfulness and to confess themselves to Almighty God with full purpose of amendment of life, that they may receive of him the forgiveness of their sins which he has promised to all who turn to him with hearty repentance and true faith; acknowledging their sins and seeking forgiveness, especially in the general Confessions of the congregation and in the Absolution pronounced by the priest in the services of the Church.

2. If there be any who by these means cannot quiet his own conscience, but requires further comfort or counsel, let him come to some discreet and learned minister of God's Word; that by the ministry of God's holy Word he may receive the benefit of absolution, together with ghostly counsel and advice, to the quieting of his conscience and avoiding of all scruple and doubtfulness.

3. In particular a sick person, if he feels his conscience troubled in any weighty matter, should make a special confession of his sins, that the priest may absolve him if he humbly and heartily desire it.

4. No priest shall exercise the ministry of absolution in any place without the permission of the minister having the cure of souls thereof, unless he is by law authorized to exercise his ministry in that place without being subject to the control of the minister having the general cure of souls of the parish or district in which it is situated: Provided always that, notwithstanding the foregoing provisions of the Canon, a priest may exercise the ministry of absolution anywhere in respect of any person who is in danger of death or if there is some urgent or weighty cause.

**B 30 Of Holy Matrimony**

1. The Church of England affirms, according to our Lord's teaching, that marriage is in its nature a union permanent and lifelong, for better for worse, till death them do part, of one man with one woman, to the exclusion of all others on either side, for the procreation and nurture of children, for the hallowing and right direction of the natural instincts and affections, and for the mutual society, help and comfort which the one ought to have of the other, both in prosperity and adversity.

2. The teaching of our Lord affirmed by the Church of England is expressed and maintained in the Form of Solemnization of Matrimony contained in *The Book of Common Prayer*.

3. It shall be the duty of the minister, when application is made to him for matrimony to be solemnized in the church of which he is the minister, to explain to the two persons who desire to be married the Church's doctrine of marriage as herein set forth, and the need of God's grace in order that they may discharge aright their obligations as married persons.[[30]](#footnote-30)

**B 31 Of certain impediments to marriage**

1. No person who is under 16 years of age shall marry, and all marriages purported to be made between persons either of whom is under 16 years of age are void.

2. Subject to the provisions of the Marriage (Prohibited Degrees of Relationship) Act 1986, no person shall marry within the degrees expressed in the following Table, and all marriages purported to be made within the said degrees are void.

**A table of kindred and affinity**

|  |  |
| --- | --- |
| A man may not marry his | A woman may not marry her |
| mother | father |
| daughter | son |
| adopted daughter | adopted son |
| father's mother | father's father |
| mother's mother | mother's father |
| son's daughter | son's son |
| daughter's daughter | daughter's son |
| sister | brother |
| wife's mother | husband's father |
| wife's daughter | husband's son |
| father's wife | mother's husband |
| son's wife | daughter's husband |
| father's father's wife | father's mother's husband |
| mother's father's wife | mother's mother's husband |
| wife's daughter's daughter | husband's daughter's son |
| wife's son's daughter | husband's son's |
| father's sister | father's brother |
| mother's sister | mother's brother |
| brother's daughter | brother's son |
| sister's daughter | sister's son |

In this Table the term 'brother' includes a brother of the halfblood, and the term 'sister' includes a sister of the halfblood.

The Table shall be in every church publicly set up and fixed at the charge of the parish.

**B 32 Of certain impediments to the solemnization of matrimony**

No minister shall solemnize matrimony between two persons either of whom (not being a widow or widower) is under 18 years of age otherwise than in accordance with the requirements of the law relating to the consent of parents or guardians in the case of the marriage of a person under 18 years of age.

**B 33 Of the duty of the minister to inquire as to impediments**

It shall be the duty of the minister, when application is made to him for matrimony to be solemnized in the church or chapel of which he is the minister, to inquire whether there be any impediment either to the marriage or to the solemnization thereof.

**B 34 Of requirements preliminary to the solemnization of matrimony**

1. A marriage according to the rites of the Church of England may be solemnized:

(a)   after the publication of banns of marriage;

(b)   on the authority of a special licence of marriage granted by the Archbishop of Canterbury or any other person by virtue of the Ecclesiastical Licences Act 1533 (in these Canons, and in the statute law, referred to as a 'special licence');

(c)   on the authority of a licence (other than a special licence) granted by an ecclesiastical authority having power to grant such a licence (in these Canons, and in the statute law, referred to as a 'common licence'); or

(d)   on the authority of a certificate issued by a superintendent registrar under the provisions of the statute law in that behalf.

 2. The Archbishop of Canterbury may grant a special licence for the solemnization of matrimony without the publication of banns at any convenient time or place not only within the province of Canterbury but throughout all England.

3. The archbishop of each province, the bishop of every diocese, and all others who of ancient right have been accustomed to issue a common licence may grant such a licence for the solemnization of matrimony without the publication of banns at a lawful time and in a lawful place within the several areas of their jurisdiction as the case may be; and the Archbishop of Canterbury may grant a common licence for the same throughout all England.

**B 35 Of rules to be observed as to the preliminaries and to the solemnization of Holy Matrimony**

1. In all matters pertaining to the granting of licences of marriage every ecclesiastical authority shall observe the law relating thereto.

2. In all matters pertaining to the publication of banns of marriage and to the solemnization of matrimony every minister shall observe the law relating thereto, including, so far as they are applicable, the rules prescribed by the rubric prefixed to the office of Solemnization of Matrimony in *The Book of Common Prayer*.

3. A marriage may not be solemnized at any unseasonable hours but only between the hours of eight in the forenoon and six in the afternoon.

4. Every marriage shall be solemnized in the presence of two or more witnesses besides the minister who shall solemnize the same.

5. When matrimony is to be solemnized in any church, it belongs to the minister of the parish to decide what music shall be played, what hymns or anthems shall be sung, or what furnishings or flowers should be placed in or about the church for the occasion.

**Note:** Guidelines for the solemnization of marriage by deacons issued by the archbishops are reproduced [here](https://www.churchofengland.org/about-us/structure/churchlawlegis/canons/supplementary-material.aspx#p203)).

**B 36 Of a service after civil marriage**

1. If any persons have contracted marriage before the civil registrar under the provisions of the statute law, and shall afterwards desire to add thereto a service of Solemnization of Matrimony, a minister may, if he see fit, use such form of service, as may be approved by the General Synod under Canon B 2, in the church or chapel in which he is authorized to exercise his ministry: Provided first, that the minister be duly satisfied that the civil marriage has been contracted, and secondly that in regard to this use of the said service the minister do observe the Canons and regulations of the General Synod for the time being in force.

2. In connection with such a service there shall be no publication of banns nor any licence or certificate authorizing a marriage: and no record of any such service shall be entered by the minister in the register books of marriages provided by the Registrar General.

**B 37 Of the ministry to the sick**

1. The minister shall use his best endeavours to ensure that he be speedily informed when any person is sick or in danger of death in the parish, and shall as soon as possible resort unto him to exhort, instruct, and comfort him in his distress in such manner as he shall think most needful and convenient.

2. When any person sick or in danger of death or so impotent that he cannot go to church is desirous of receiving the most comfortable sacrament of the Body and Blood of Christ, the priest, having knowledge thereof, shall as soon as may be visit him, and unless there be any grave reason to the contrary, shall reverently minister the same to the said person at such place and time as may be convenient.

3. If any such person so desires, the priest may lay hands upon him and may anoint him with oil on the forehead with the sign of the Cross using a form of service authorized by Canon B 1 and using pure olive oil consecrated by the bishop of the diocese or otherwise by the priest himself in accordance with such form of service.

**B 38 Of the burial of the dead**

1. In all matters pertaining to the burial of the dead every minister shall observe the law from time to time in force in relation thereto, and, subject to this paragraph in general, the following paragraphs of this Canon shall be obeyed.

2. It shall be the duty of every minister to bury, according to the rites of the Church of England, the corpse or ashes of any person deceased within his cure or of any parishioners or persons whose names are entered on the church electoral roll of his parish whether deceased within his cure or elsewhere that is brought to a church or burial ground or cemetery under his control in which the burial or interment of such corpse or ashes may lawfully be effected, due notice being given; except the person deceased have died unbaptized, or being of sound mind have laid violent hands upon himself, or have been declared excommunicate for some grievous and notorious crime and no man to testify to his repentance; in which case and in any other case at the request of the relative, friend, or legal representative having charge of or being responsible for the burial he shall use at the burial such service as may be prescribed or approved by the Ordinary, being a service neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter: Provided that, if a form of service available for the burial of suicides is approved by the General Synod under Canon B 2, that service shall be used where applicable instead of the aforesaid service prescribed or approved by the Ordinary, unless the person having charge or being responsible for the burial otherwise requests.

3. Cremation of a dead body is lawful in connection with Christian burial.

4. (a)   When a body is to be cremated, the burial service may precede, accompany, or follow the cremation; and may be held either in the church or at the crematorium.

(b)   The ashes of a cremated body should be reverently disposed of by a minister in a churchyard or other burial ground in accordance with section 3 of the Church of England (Miscellaneous Provisions) Measure 1992 or on an area of land designated by the bishop for the purpose of this sub-paragraph or at sea.

 5. When a body is to be buried according to the rites of the Church of England in any unconsecrated ground, the officiating minister, on coming to the grave, shall first bless the same.

6. If any doubts shall arise whether any person deceased may be buried according to the rites of the Church of England, the minister shall refer the matter to the bishop and obey his order and direction.

7. A funeral service at a crematorium or cemetery shall be performed only in accordance with directions given by the bishop.

**B 39 Of the registration of baptisms, confirmations, marriages, and burials**

1. In all matters pertaining to the registration of baptisms, marriages, and burials every minister shall observe the law from time to time in force relating thereto.

2. When any person is presented for confirmation, the minister presenting the said person shall record and enter the confirmation in his register book of confirmations provided in accordance with paragraph 3 of Canon F 11, together with any change of name made under paragraph 6 of Canon B 27.

**B 40 Of Holy Communion elsewhere than in consecrated buildings**

No minister shall celebrate the Holy Communion elsewhere than in a consecrated building within his cure or other building licensed for the purpose, except he have permission so to do from the bishop of the diocese: Provided that at all times he may celebrate the Holy Communion as provided by Canon B 37 in any private house wherein there is any person sick, or dying, or so impotent that he cannot go to church.

**B 41 Of divine service in private chapels**

1. No chaplain, ministering in any house where there is a chapel dedicated and allowed by the ecclesiastical laws of this realm, shall celebrate the Holy Communion in any other part of the house but in such chapel, and shall do the same seldom upon Sunday and other greater Feast Days, so that the residents in the said house may resort to their parish church and there attend divine service.

2. The bishop of a diocese within which any college, school, hospital, or public or charitable institution is situated, whether or not it possesses a chapel, may under the Extra-Parochial Ministry Measure 1967 license a minister to perform such offices and services of the Church of England as may be specified in the licence on any premises forming part of or belonging to the institution in question but, except as provided by section 2(1A) of that Measure, no such licence shall extend to the solemnization of marriage.

3. The performance of offices and services in accordance with any such licence shall not require the consent or be subject to the control of the minister of the parish in which they are performed.

**B 42 Of the language of divine service**

1. (1) Subject to the following provisions of this Canon, authorized forms of services shall be said or sung in English.

(2) In the provinces of Canterbury and York outside England authorized forms of service may be said or sung in the vernacular.

2. Authorized forms of service may be said or sung in Latin in the following places -

Provincial Convocations

Chapels and other public places in university colleges and halls

University churches

The colleges of Westminster, Winchester and Eton

Such other places of religious and sound learning as custom allows or the bishop or other the Ordinary may permit

3. (1) It shall be lawful for the Standing Committee of the House of Bishops of the General Synod to approve translations of authorized forms of service for use when permitted in accordance with sub-paragraph (2) below.

(2) The bishop of a diocese may, on the written application of the minister and parochial church council of a parish in the diocese acting jointly, give written permission for the use in the church or churches of the parish (whether as the whole or as part of the service in question) of a translation approved under sub-paragraph (1) above, and any such permission shall be subject to such conditions as the bishop may specify.

(3) The bishop of a diocese may, on the written application of authorized representatives of the Deaf Church, give written permission for the use in the church or churches of a parish in the diocese (whether as the whole or as part of the service in question) of an authorized form of service performed in British Sign Language, and any such permission shall be subject to such conditions as the bishop may specify.

4. (1) Paragraph 3 above shall apply to forms of service used in a cathedral church as it applies to forms of service used in the church of a parish, with the following adaptations.

(2) Where Part I of the Cathedrals Measure 1999 applies in relation to the cathedral church for the reference to a written application of the minister and parochial church council there shall be substituted a reference to a written application of the Chapter with the consent of the dean.

(3) Where the Cathedrals Measure 1963 continues to apply in relation to a cathedral church in accordance with section 38(3) of the said Measure of 1999, for the reference to a written application of the minister and parochial church council there shall be substituted a reference to a written application of the following bodies acting jointly, namely -

(a)   the administrative body; and

(b)   the dean or provost as the case may be; and also

(c)   in the case of a parish church cathedral for the parish church of which there is a parochial church council whose functions have not been transferred to the administrative body in pursuance of section 12(1), that council.

In this paragraph 'administrative body' and 'parish church cathedral' have the same meanings as in the Cathedrals Measure 1963.

(4) In relation to the cathedral church of Christ in Oxford, for the reference to a written application of the minister and parochial church council these shall be substituted a reference to a written application of the dean and canons.

5. In this Canon -

(a)   'authorized form of service' means a form of service authorized by Canon B 1 for use in the Church of England and 'form of service' shall be construed accordingly;

(b)   the reference to the minister shall, where there is no minister, be construed as a reference to the rural dean.

**B 43 Of relations with other Churches**

1. (1) A minister or lay person who is a member in good standing of a Church to which this Canon applies and is a baptized person may, subject to the provisions of this Canon, be invited to perform all or any of the following duties -

(a)   to say or sing Morning or Evening Prayer or the Litany;

(b)   to read the Holy Scriptures at any service;

(c)   to preach at any service;

(d)   to lead the Intercessions at the Holy Communion and to lead prayers at other services;

(e)   to assist at Baptism or the Solemnization of Matrimony or conduct a Funeral Service;

(f)   to assist in the distribution of the holy sacrament of the Lord's Supper to the people at the Holy Communion;

if the minister or lay person is authorized to perform a similar duty in his or her own Church.

(2) An invitation to perform in a parish church or other place of worship in the parish any of the duties mentioned in sub-paragraph (1) above, other than duties in connection with a service of ordination or confirmation, may be given only by the incumbent and may be given only if

(a)   in the case of -

(i)   any duty mentioned in sub-paragraph (1)(f) above or,

(ii)   any duty mentioned in sub-paragraph (1)(a), (c) or (e) above, which is to be performed on a regular basis, the approval of the bishop has been obtained; and

(b)   in the case of any duty mentioned in sub-paragraph (1)(e) above, the persons concerned have requested the incumbent to give the invitation; and

(c)   in the case of any duty mentioned in sub-paragraph (1)(a), (c) or (f) above, the approval of the parochial church council has been obtained.

 (3) An invitation to perform in a parish church or other place of worship in the parish any duty in connection with a service of ordination or confirmation may be given only by the bishop and may be given only if the approval of the incumbent and the parochial church council has been obtained.

(4) Sub-paragraphs (2) and (3) above shall apply in relation to an invitation to perform in a cathedral church any of the duties mentioned in sub-paragraph (1) above subject to the following modifications -

(a)   for any reference to the incumbent there shall be substituted -

(i)   in the case of a dean and chapter cathedral, the dean and chapter, and

(ii)   in the case of a parish church cathedral, the cathedral chapter; and

 (b)   the provisions relating to the approval of the parochial church council shall not apply.

1A. Where a bishop's mission order contains a provision under section 47(11) of the Dioceses, Pastoral and Mission Measure 2007 authorizing a minister to exercise his or her ministry in any place and divine service may be performed in that place under section 47(13) or (14), the leader or leaders of the mission initiative endorsed by the order may, with the approval of the bishop or bishops who made the order and, in the case of a place mentioned in section 47(14), with the consent of the minister having the cure of souls in that place, invite any person mentioned in paragraph 1(1) above to perform any of the duties therein mentioned in the place where divine service is authorized to be performed.

2. Notwithstanding any provision of any Canon, a bishop who receives from a person authorized by a Church to which this Canon applies an invitation to take part in a service may in the course of that service perform any duty assigned to him if -

 (a)   the duty assigned to him is or is similar to a duty which he is authorized to perform in the Church of England; and

(b)   he has before accepting the invitation obtained

 (i)   the approval of the incumbent of the parish in which the service is to take place, and

(ii)   in the case of an invitation to take part in a service in another diocese, the approval of the bishop of that diocese, and

(iii)   in the case of an invitation to take part in the ordination or consecration of a minister of a Church to which this Canon applies, to take part in a service of confirmation or to preside at the Holy Communion, the approval of the archbishop of the province.

3. Notwithstanding any provision of any Canon, a priest or deacon of the Church of England who receives from a person authorized by a Church to which this Canon applies an invitation to take part in a service may in the course of that service perform any duty assigned to him if -

 (a)   the duty assigned to him is or is similar to a duty which he is authorized to perform in the Church of England, and

(b)   he has before accepting the invitation obtained -

 (i)   the approval of the incumbent of the parish in which the service is to take place, and

(ii)   in the case of an invitation to take part in the ordination or consecration of a minister of a Church to which this Canon applies or to preside at the Holy Communion, the approval of the bishop of the diocese in which the service is to take place, and

(iii)   in the case of an invitation to take part in any service on a regular basis, the approval of both the bishop of the diocese and the parochial church council of the parish in which the service is to take place.

 3A. Where a bishop's mission order contains a provision under section 47(11) of the Dioceses, Pastoral and Mission Measure 2007 any minister authorized to exercise his or her ministry in any place by the order but who does not hold any office in the place in question and who receives from a person authorized by a Church to which this Canon applies an invitation to take part in a service may, notwithstanding any provision of any Canon, with the approval of the bishop or bishops who made the order, in the course of that service perform any duty assigned to him or her if the provisions of paragraph 3(a) are satisfied with respect to the invitation.

4. In the case of an invitation to preside at the Holy Communion, the archbishop shall not give his approval under paragraph 2 above and the bishop shall not give his approval under paragraph 3 above unless the archbishop or the bishop, as the case may be, is satisfied that there are special circumstances which justify acceptance of the invitation and that the rite and the elements to be used are not contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.

5. A bishop or priest who has accepted an invitation to take part in the ordination or consecration of a minister of a Church to which this Canon applies may not, by the laying on of hands or otherwise, do any act which is a sign of the conferring of holy orders, unless that Church is an episcopal Church with which the Church of England has established intercommunion.

6. Notwithstanding any provision of any Canon, a deaconess, lay worker or reader of the Church of England who receives from a person authorized by a Church to which this Canon applies an invitation to take part in a service may in the course of that service perform any duty assigned to him or her if -

(a)   the duty so assigned is or is similar to a duty which he or she is authorized to perform in the Church of England; and

(b)   he or she has before accepting the invitation obtained the approval of the incumbent of the parish in which the service is to take place and also, in the case of an invitation to take part in a service on a regular basis, the approval of both the bishop of the diocese and the parochial church council of that parish.

 6A. Notwithstanding any provision of any Canon, a deaconess, lay worker or reader of the Church of England, who is authorized by or under a bishop's mission order to perform any duties in any place and who receives from a person authorized by a Church to which this Canon applies an invitation to take part in a service may, in the course of that service, and with the approval of the bishop or bishops who made the order perform any duty assigned to him or her which satisfies the condition in paragraph 6(a) above.

7. Where, on an application under paragraph 3 or 6 above for the approval of an incumbent, that approval is withheld, the applicant may appeal to the bishop of the diocese in which the service is to take place and if, after considering the views of the applicant and the incumbent, the bishop determines that approval has been unreasonably withheld, the bishop may authorize the applicant to take part in the service in question and where the bishop so determines the bishop shall inform the incumbent in writing of the reasons for that determination.

8. Where the approval of the parochial church council is required for the giving or accepting of an invitation under the preceding provisions of this Canon, that approval may be given in respect of the performance of such duties as may be specified in the approval by such person or persons, or such class of persons, as may be so specified and may either be given generally for an unlimited period or given subject to such limitations, whether as to duration or occasion, as may be so specified.

9. The incumbent of a parish may, with the approval of the parochial church council and the bishop of the diocese, invite members of another Church to which this Canon applies to take part in joint worship with the Church of England or to use a church in the parish for worship in accordance with the forms of service and practice of that other Church on such occasions as may be specified in the approval given by the bishop.

10. The dean and chapter or the cathedral chapter of any cathedral church may with the approval of the bishop of the diocese invite members of another Church to which this Canon applies to take part in joint worship with the Church of England, or to use the cathedral church for worship in accordance with the forms of service and practice of that other Church, on such occasions as may be specified in the approval given by the bishop.

10A. Where a bishop's mission order contains a provision under section 47(13) or (14) of the Dioceses, Pastoral and Mission Measure 2007 the leader or leaders of the mission initiative endorsed by the order may, with the approval of the bishop or bishops who made the order, and on such occasions as may be specified by him or them -

(a)   invite members of another Church to which this Canon applies to take part in joint worship with the Church of England in any church, building or place mentioned in section 47(13) or (14) with the consent, in the case of a building mentioned in section 47(13), of the person who has the general management and control of the building and, in the case of a church or place mentioned in section 47(14), with the consent of any minister having the cure of souls in that church or place; and

(b)   invite members of another Church to which this Canon applies to use a building mentioned in section 47(13) with the consent of the person who has the general management and control of that building.

11. Any approval required by this Canon to be obtained from a bishop or archbishop shall be in writing and shall be given in accordance with such directions as may from time to time be given by the House of Bishops of the General Synod.

12. (1) This Canon applies to every Church to which the Church of England (Ecumenical Relations) Measure 1988 applies.

(2) In this Canon 'incumbent', in relation to a parish, includes -

(a)   in a case where the benefice concerned is vacant (and paragraph (b) below does not apply), the rural dean and

(b)   in a case where a suspension period (within the meaning of the Pastoral Measure 1983) applies to the benefice concerned, the priestincharge, and

(c)   in a case where a special cure of souls in respect of the parish has been assigned to a vicar in a team ministry by a scheme under the Pastoral Measure 1983 or by his licence from the bishop, that vicar, and 'place of worship' means a building or part of a building licensed for public worship.

**Note:** The Churches to which the Church of England (Ecumenical Relations) Measure 1988 applies (see paragraph 12 above) are reproduced [here](https://www.churchofengland.org/about-us/structure/churchlawlegis/canons/supplementary-material.aspx#p205).

**B 44 Of local ecumenical projects**

1. (1) The bishop of a diocese may enter into an agreement with the appropriate authority of each participating Church with regard to the participation of the Church of England in a local ecumenical project established or to be established for an area comprising any parish in his diocese (not being the parish of a cathedral church) or part of such a parish.

(2) Where the area of a local ecumenical project is extended so as to include a parish which was not previously included (not being the parish of a cathedral church) or to include part of such a parish, the Church of England shall not participate in the project in respect of that parish or part of a parish unless the bishop of the diocese has agreed thereto.

(3) A bishop shall not enter into any agreement under sub-paragraph (1) or (2) above as respects any parish or part of a parish unless the participation of the Church of England in the project in respect of the parish concerned has been approved -

(a)   by the incumbent of that parish; and

(b)   by 75 per cent of those present and voting at a meeting of the parochial church council of that parish; and

(c)   by either the annual parochial church meeting or a special parochial church meeting of that parish; and

(d)   by the diocesan pastoral committee after consultation with the deanery synod concerned or the standing committee of that synod.

 2. (1) Any agreement made under paragraph 1(1) above shall have effect for such period of not more than seven years as may be specified therein, but may from time to time be extended by an agreement made by the bishop of the diocese concerned for such further period of not more than seven years as may be specified in that later agreement.

(2) Where a local ecumenical project is amended so as to include a Church which was not previously participating in the project, or to include an additional congregation of a participating Church, the Church of England shall not continue to participate in that project unless the bishop of the diocese concerned has agreed to that amendment or, if the area of the project comprises parishes or part of parishes in more than one diocese, the bishops of those dioceses have so agreed.

(3) A bishop of a diocese shall not make any agreement under sub-paragraph (1) or (2) above unless he has obtained the consent of -

(a)   the incumbent of each parish concerned, and

(b)   each parochial church council concerned, and

(c)   the diocesan pastoral committee.

3. (1) A bishop may at any time revoke any agreement made under the foregoing provisions of this Canon after consultation with the appropriate authority of each participating Church, each parochial church council concerned and the diocesan pastoral committee.

(2) Any agreement made under the foregoing provisions of this Canon shall be in writing.

4. (1) A bishop who has given his agreement to participation in a local ecumenical project under the foregoing provisions of this Canon may by an instrument in writing made after consultation with the parochial church council of each parish or part of a parish in the area of the project -

(a)   make special provision as to the ministry in that area of clerks in holy orders, deaconesses, lay workers and readers beneficed in or licensed to any parish wholly or partly in that area;

(b)   exercise in relation to that area his powers under Canon B 14A, Canon B 40 and Canon B 43;

(c)   authorize ministers of any other participating Church with the goodwill of the persons concerned to baptize in a place of worship of the Church of England in that area in accordance with a rite authorized by any participating Church;

(d)   authorize a priest of the Church of England to preside in that area at a service of Holy Communion in accordance with a rite authorized by any other participating Church;

(e)   make provision for the holding in that area of joint services with any other participating Church, including services of baptism and confirmation;

(f)   authorize the holding, in a place of worship of the Church of England in that area, of services of Holy Communion presided over by a minister of any other participating Church.

(2) A bishop shall not by any instrument made under this paragraph authorize any rite to be used in any service mentioned in sub-paragraph (1)(d), (e) or (f) above unless he is satisfied that the rite and the elements to be used are not contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.

(3) Where the holding of a service of Holy Communion is authorized under sub-paragraph (1)(f) above -

(a)   notice of the holding of any such service shall, so far as practicable, be given upon the Sunday immediately preceding with an indication of the rite to be used and the Church to which the minister who is to preside thereat belongs; and

(b)   no such service, notwithstanding that the form of service used may follow a form authorized under Canon B 1 or a form substantially similar thereto, shall be held out or taken to be a celebration of the Holy Communion according to the use of the Church of England;

(c)   no portion of the bread and wine consecrated at any such service shall be carried out of the church in accordance with the provisions of Canon B 37(2) except at the express wish of the individual sick communicant, in which case this shall be done either during or immediately after the service, or as soon as practicable on the same day.

(4) An instrument made under this paragraph with respect to any local ecumenical project may be amended or revoked by a subsequent instrument made after consultation with the parochial church council of each parish which is in, or part of which is in, the area of that project.

5. Before exercising his powers under paragraph 4 above in relation to any local ecumenical project the bishop shall consult the authorities of the other participating Churches, and he shall so exercise those powers as to ensure that public worship according to the rites of the Church of England is maintained with reasonable frequency in a parish which is in, or part of which is in, the area of the project and when exercising his powers under Canon B 14A in relation to the celebration of Holy Communion the bishop shall (in addition to observing the requirements imposed on him by that Canon) have regard -

(a)   to the duty imposed by Canon B 15.1 on all who have been confirmed to receive the Holy Communion regularly, and especially at the festivals of Christmas, Easter and Whitsun or Pentecost; and

(b)   to the extent and frequency of the celebration of the Holy Communion according to the rites of the Church of England in neighbouring parishes and benefices.

6. (1) Where a local ecumenical project is established or is to be established for an area in which a cathedral church is situated, the bishop of the diocese may, after consultation with the dean and chapter or cathedral chapter of that cathedral church and after such other consultation as he considers appropriate, enter into an agreement with the appropriate authority of each participating Church with regard to the participation of that cathedral church in the project.

(2) The provisions of paragraphs 2 to 4 above shall apply in relation to an agreement made or project participated in by virtue of sub-paragraph (1) above subject to the following modifications -

(a)   sub-paragraph (3) of paragraph 2 shall not apply but the bishop before making an agreement under sub-paragraph (1) or (2) of that paragraph with respect to a project in which a cathedral church is participating shall consult the dean and chapter or cathedral chapter of that cathedral church;

(b)   in paragraph 3(1) for the reference to each parochial church council concerned and the diocesan pastoral committee there shall be substituted a reference to the dean and chapter or cathedral chapter of the cathedral church concerned;

(c)   in paragraph 4 for the reference in sub-paragraphs (1) and (4) to the parochial church council of each parish or part of a parish in the area of the project there shall be substituted a reference to the dean and chapter or cathedral chapter of the cathedral church concerned and for the reference in sub-paragraph (1)(a) to clerks in holy orders, deaconesses, lay workers and readers beneficed or licensed to any parish wholly or partly in the area there shall be substituted a reference to clerks in holy orders, deaconesses, lay workers and readers ministering in or licensed to the cathedral church concerned; and

(d)   before exercising his powers under paragraph 4 in relation to a project participated in by virtue of sub-paragraph (1) above the bishop shall consult the authorities of the other participating Churches.

(3) Nothing in this paragraph shall affect the requirements of Canon B 10 or Canon

**B 13 regarding services in cathedral churches.**

7. (1) Where a local ecumenical project is established or to be established for an institution and a clerk in holy orders is licensed under section 2 of the ExtraParochial Ministry Measure 1967 in respect of that institution, the bishop of the diocese may, after such consultation as he considers appropriate, enter into an agreement with the appropriate authority of each participating Church with regard to the participation of the Church of England in that project.

(2) A bishop shall not enter into an agreement under sub-paragraph (1) above as respects any institution unless the participation of the Church of England in the project concerned has been approved by the diocesan pastoral committee.

(3) The provisions of paragraphs 2 to 5 above shall, so far as applicable, apply in relation to an agreement made or project participated in by virtue of this paragraph as they apply in relation to an agreement made or project participated in by virtue of paragraph 1 above, subject to the following modifications -

(a)   for any reference to the area of the project there shall be substituted a reference to the institution concerned;

(b)   for the reference to clerks in holy orders, deaconesses, lay workers and readers beneficed in or licensed to a parish there shall be substituted a reference to any clerk in holy orders, deaconess, lay worker or reader licensed in respect of the institution concerned; and

(c)   any reference to an incumbent or to a parochial church council shall be omitted.

7A. (1) Where a local ecumenical project is established or to be established in connection with a bishop's mission order made under section 47 or 50 of the Dioceses, Pastoral and Mission Measure 2007 the bishop or bishops who made or who are to make the order may, after such consultation as he or they think appropriate, including such consultation as is required by section 49(3) of that Measure, enter into an agreement with the appropriate authority of each participating Church with regard to the participation of the Church of England in that project.

(2) A bishop shall not enter into an agreement under sub-paragraph (1) above unless the participation of the Church of England in the project concerned has been approved by the diocesan mission and pastoral committee.

(3) The provisions of paragraphs 2 to 5 above shall, so far as practicable, apply in relation to an agreement made or project participated in by virtue of this paragraph as they apply in relation to an agreement made or project participated in by virtue of paragraph 1 above, subject to the following modifications -

(a)   for any reference to the area of the project there shall be substituted a reference to the area in which the initiative endorsed by the bishop's mission order is being or is to be carried out, except that for any reference to a place of worship in paragraph 4(1)(c) or (f) and any reference to an area in paragraph 4(1)(d) or (e) there shall be substituted a reference to a place where divine service is authorized to be performed by the bishop's mission order in pursuance of section 47 (13) or (14) of the Dioceses, Pastoral and Mission Measure 2007;

(b)   for the reference to clerks in holy orders, deaconesses, lay workers and readers beneficed in or licensed to a parish there shall be substituted a reference to any clerk in holy orders, deaconess, lay worker or reader licensed in connection with the bishop's mission order; and

(c)   any reference to an incumbent or parochial church council shall be omitted and paragraph 4(1) shall apply so that any such provision as is referred to in any of sub-paragraphs (c) to (f) of that paragraph shall have effect in relation to a place where divine service is authorized to be performed pursuant to section 47(14) of the Dioceses, Pastoral and Mission Measure 2007 only with the consent of any minister having the cure of souls in that place.

8. The powers of a bishop under this Canon may be exercised only in respect of a local ecumenical project in which every other Church participating in the project is a Church to which the Church of England (Ecumenical Relations) Measure 1988 applies.

9. In this Canon -

'incumbent', in relation to a parish, includes -

 (a)   in a case where the benefice concerned is vacant (and paragraph (b) below does not apply), the rural dean, and

(b)   in a case where a suspension period (within the meaning of the Pastoral Measure 1983) applies to the benefice concerned, the priest in charge, and

(c)   in a case where a special cure of souls in respect of the parish has been assigned to a vicar in a team ministry by a scheme under the Pastoral Measure 1983 or by his licence from the bishop, that vicar;

'local ecumenical project' has the same meaning as in the Church of England (Ecumenical Relations) Measure 1988;

'minister', in relation to any other participating Church, means any person ordained to the ministry of the word and sacraments;

'participating Church', in relation to a local ecumenical project, means a Church which is participating in that project.

**Note:** The Churches to which the Church of England (Ecumenical Relations) Measure 1988 applies (see paragraph 8 above) are reproduced [here](https://www.churchofengland.org/about-us/structure/churchlawlegis/canons/supplementary-material.aspx#p205).

# Bibliography, References and Links

#### The Law of the Church of England

The Church Representation Rules

The Canons of the Church of England, online at [www.churchofengland.org/about/churchlawlegis](http://www.churchofengland.org/about/churchlawlegis)

[Common Worship Ordination Services 2007 (Known as The Ordinal)](https://www.churchofengland.org/prayer-worship/worship/texts/ordinal.aspx)

Clergy Discipline Measure 2003

Ecclesiastical Offices (Terms of Service) Measure 2009

The Charities Act 1993 and the PCC Church House publishing

Practical Church Management James Behrens, Gracewing

A Handbook for Churchwardens and Parochial Church Councillors [MacMorran & Briden] 2011 edition

An ABC for the PCC [John Pitchford] 5th edition 2008

The Church Treasurer’s Handbook [ed Robert Leach] revised edition January 2012, Canterbury Press

#### Safeguarding

Protecting All God's Children The Child Protection Policy of the Church of England 4th edition, 2010 (House of Bishops)

#### Reconciliation

GS Misc 1085 is included in this document

#### Ministry at times of deepest need

Guidelines for Good Practice in the Healing Ministry - House of Bishops

Guidelines for Good Practice in the Deliverance Ministry 1975 (revised 2012) - House of Bishops

#### Trust

The Data Protection Act 1998

Anglican Marriage in England and Wales: A Guide to the Law for the Clergy (published by the Faculty Office, 1 The Sanctuary, Westminster, SW1P 3JT)

#### Care for the Carers

Dignity at Work (2008) - Ministry Division publication

The Parochial Expenses of the Clergy (2002) - Ministry Division publication  
Clergy Terms and Conditions of Service (Common Tenure) Parsonages: A Design Guide (The Green Guide) - Church Commissioners publication

#### Buildings

[www.churchcare.co.uk](http://www.churchcare.co.uk)

1. There is one exception. Under the Ecclesiastical Offices (Terms of Service) (Consequential and

   Transitional Provisions) Order 2010, the holder of a freehold ecclesiastical office appointed after 31

   January 2011 by virtue of a pastoral scheme or order to a new office, which, but for the terms of service Measure, would have been a freehold office, shall not be subject to common tenure, unless he or she gives his or her consent. [↑](#footnote-ref-1)
2. Section 3 (10) of the Ecclesiastical Offices (Terms of Service) Measure 2009 applies the retirement provisions in s. 1 of the Ecclesiastical Offices (Age Limit) Measure 1975 to all holders of ecclesiastical offices subject to common tenure. Measure for short-term extension in certain cases an office may only be held by an office holder over 70 if it is a licensed office and is granted for a fixed or limited term, as provided for under regulation 29(1) (b) of the Ecclesiastical Offices (Terms of Service) Regulations 2009,. [↑](#footnote-ref-2)
3. This option is only available for posts held by assistant curates not in sole or principal charge of the parish in which they serve, where the PCC has entered into a legally binding agreement with the DBF to meet all the costs, including stipend, expenses, pension and housing; and the office holder, bishop and PCC have all given their consent in writing. [↑](#footnote-ref-3)
4. The Statement of Particulars may refer the office holder to some other reasonably accessible document for further details [↑](#footnote-ref-4)
5. The housing provider for archdeacons, team vicars and suffragan bishops will be the parsonages board. For archbishops and diocesan bishops it will be the Church Commissioners; for cathedral clergy it will be the chapter of the cathedral. Incumbents will continue to have formal legal ownership of their house by virtue of their occupation of the corporation sole. [↑](#footnote-ref-5)
6. This principle is first articulated by Prosper of Aquitaine (c390-463) and it is variously cited and translated. Aidan Kavanagh the Benedictine RC liturgical theologian prefers *ut legem credendi lex statuat supplicandi* which can be broadly rendered that the law of worship supplies the law of belief. [On which see further *On Liturgical Theology* Kavanagh The Liturgical Press Minesota 1984] In any event the key point, certainly that most liturgists would advance is that worship governs doctrine. [↑](#footnote-ref-6)
7. Whilst allowing the Church to authorise other liturgies, the 1974 Measure contains no power to amend or do away with the Book of Common Prayer. [↑](#footnote-ref-7)
8. In strict legal terms this means the Book annexed to the Act of Uniformity 1662 and entitled “The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church according to the use of the Church of England together with the Psalter or Psalms of David appointed as they are to be sung or said in Churches and the form and Manner of Making, Ordaining and Consecration Bishops, Priests and Deacons” as altered or amended by any Act or Measure or in accordance with section 1(7) of the Church of England (Worship and Doctrine) Measure 1974 [↑](#footnote-ref-8)
9. These were set out in the Schedule to the Act of Uniformity Amendment Act 1872 [↑](#footnote-ref-9)
10. This is usually printed at the back of the BCP and is amended from time to time by Royal Warrant – as indeed are the names of those members of the Royal Family to be included in the State Prayers [↑](#footnote-ref-10)
11. In reality it is under these Canons that the services used in most churches each week are authorised. *See the separate handout for the current list* [↑](#footnote-ref-11)
12. There is also the parallel obligation on those who have been confirmed to receive Holy Communion regularly and especially at Christmas, Easter and Pentecost [Canon B15] [↑](#footnote-ref-12)
13. Indeed it should be remembered that breaches of the promises contained in the declaration of assent are subject to the various discipline measures. Furthermore the consequences of amending services can be vast – e.g. varying the marriage vows during a wedding might lead to doubt being cast on whether the marriage had properly been solemized. [↑](#footnote-ref-13)
14. CW Main Volume rules for regulating authorized forms of Services rule 4 [↑](#footnote-ref-14)
15. It is however, important to distinguish between authorised and commended texts. Much of Patterns for Worship is simply commended, by the House of Bishops, for use in the Church. When compiling a Service of the Word, or using texts that are commended, there are moments when an authorised text must be used, for example the Absolution, Creed/affirmation of faith must be authorised. If thought is given it will be seen that the moments when authorised text are to be used generally cover moments that are important about doctrine as well as about worship. [↑](#footnote-ref-15)
16. The Principal Feast Days are: Christmas Day, Epiphany, the Annunciation of the BVM, Easter Day, Ascension Day, Pentecost, Trinity Sunday and All Saints Day. The Holy Days also requiring a celebration of Holy Communion are Ash Wednesday and Maundy Thursday. Good Friday is also to be observed by prayer and meditation on the death and Passion of Our Lord. Days of Fasting and Abstinence and the Vigils set out in the BCP are also to be observed. The General Synod can add to the feast days to be so observed and did so recently by adding the Presentation of Christ in the Temple (Candlemas), it also varied the provision by allowing the Epiphany, Presentation and All Saints to be transferred to the nearest Sunday. [Canon B6 and B14 and Common Worship: Calendar, Lectionary and Collects] [↑](#footnote-ref-16)
17. Furthermore in the event that the PCC and the Incumbent can’t agree then the BCP is to be used unless another form of service has been used for at least two years continuously in the course of the previous four years, in which case a PCC (but not the incumbent alone) can require that form to be used – provided of course it is still authorised. [B2] [↑](#footnote-ref-17)
18. The admission of children to Holy Communion prior to confirmation is covered by Bishops directions issued locally made pursuant to General Synod decisions in this area. [↑](#footnote-ref-18)
19. It is not possible to use unfermented grape juice – thus proper wine must be used. The provisions for bread also raise a difficulty for the use of gluten free wafers. There is no Church of England Statement on this and it must be the case that pastoral sensitivity prevails. [↑](#footnote-ref-19)
20. It will be seen that the use of pottery chalices etc is not within the scope of this Canon. [↑](#footnote-ref-20)
21. The bare minimum that is required is the pouring of water onto the child and the words “I baptise you in the name of the Father, and of the Son, and of the Holy Spirit. Amen”. Not even a name is required. There is ample case law in this whole area and the rubrics of the CW Initiation Rites also make this clear. See the section on Emergency Baptism in the Initiation volume for further details [↑](#footnote-ref-21)
22. Again CW provides a prayer to accomplish this [↑](#footnote-ref-22)
23. Guide to the Parochial Registers and Records Measure 1978 (as amended at 1st January 1993). With practical suggestions for custodians and users. Church House Publishing, Great Smith Street, London SW1P 3BN. ISBN 0 7151 3747 6 [↑](#footnote-ref-23)
24. Definition of records management by the Records Management Society of Great Britain [↑](#footnote-ref-24)
25. These are very valuable records for ecclesiastical and social historians. It is strongly recommended that all parishes maintain some similar type of document, and the form of logbook published by the Council for the Care of Churches allows space for this [↑](#footnote-ref-25)
26. The Company Secretary’s Handbook A Guide To Statutory Duties and Responsibilities, 5th Edition, 2008 by Helen Ashton, publisher Kogan Page, ISBN 0749453214. See sections 5 – 6 which give guidance about good record keeping practice [↑](#footnote-ref-26)
27. Where ‘personnel’ files are kept on volunteers or employees they will be in principle entitled to see personal data on their file (subject to making a written request and paying a fee of up to £10) but there are various statutory exceptions and also particular rules relating to third party communications. If you have concerns about whether information should be disclosed in a particular case, advice should be sought from the diocesan Registrar. [↑](#footnote-ref-27)
28. As is apparent from the text, the Canon allowed for an exception to the duty of confidentiality where nondisclosure could have rendered the priest himself vulnerable to prosecution for a capital offence. This provision was, however, never operative since by 1603 parliament had already legislated to abolish the common law capital offence for a person who had knowledge of a treasonous plot not to reveal the plot to the Crown. instead, it had created a statutory offence of misprision of treason, with a maximum sentence of life imprisonment [↑](#footnote-ref-28)
29. See also the unrepealed proviso to Canon 113 of the Code of 1603 reproduced [here](https://www.churchofengland.org/about-us/structure/churchlawlegis/canons/supplementary-material.aspx#p185) [↑](#footnote-ref-29)
30. The House of Bishops issued advice to clergy in respect of further marriage in church after divorce in November 2002. This advice is reproduced [here](https://www.churchofengland.org/about-us/structure/churchlawlegis/canons/supplementary-material.aspx#p195) [↑](#footnote-ref-30)