

The Diocese of Southwark

OBLIGATIONS & LEGALITIES

A necessary resource for the clergy

April 2018

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Dear brothers and sisters in Christ,

As the Common Worship Ordinal makes clear, priests “are called to be servants and shepherds among the people to whom they are sent With all God’s people, they are to tell the story of God’s love.” That calling works itself out in the detail of many different circumstances. Some of these are regulated by law, some are under the guidance of best practice, all we seek to discharge in the love of Christ.

The great work of reference set before us in these pages is a compendium of those duties, requirements and obligations we need to have at our finger-tips to help get us through a good deal of important work, but which by sheer volume simply cannot be committed to memory. My thanks to those who have laboured long to get us up to date on where we need to be on this with both national and diocesan policy and the law as we now have it.

What this compilation is not is a catechism or a primer on discipleship and mission. We need to turn to other well springs for help on that. Nor is it a substitute for encounters with bishops and archdeacons, spiritual directors, confessors and mentors, those who offer training and encouragement. But it will answer very many questions, explain the framework of law under which we all operate in many circumstances and provide guidance which is apt and wide-ranging. There is more here than the dry exercise of ticking boxes and satisfying regulation. Many aspects of the work of ministry will be touched upon, not least its effective discharge. The Guidelines on the Conduct of the Clergy is but one very extensive example of this, but there are others. This is not a lifeless directory. Some is the inheritance and wisdom of the centuries, some represents key reforms of the 20th century, and some is our Church’s most contemporary response to pressing issues.

This is reference material, not a novella. It is not the work of a single sitting, but it should not be allowed to gather dust or remain un-accessed on the website. It is meant to be used. Yet we are committed also to a Southwark Vision (2017-2025) for our shared ministry and to Hearts on Fire, inspired as it is by the words of the disciples on the Emmaus Road, ‘Were not our hearts burning within us while he was talking to us on the road, while he was opening the scriptures to us?’ (Luke 24.32). In the outworking of living out our ministry and mission our Church has found the wisdom in St Paul’s enjoinder, “Let all things be done decently and in order.” (1 Corinthians 14.40). I commend it to you in that spirit.

A Fruitful Future

We share a vision for the future in which we will see:

- growing churches, new worshipping communities and new Christians
- deepening discipleship: engaged, prayerful and informed Christians
- growth in vocations to existing and new ministries
- generous giving and prayer supporting all we do
- justice and peace built up, and violence challenged, in our local and global community
- a shared commitment to the intergity of creation
- a church for all which reflects our diverse community in membership and leadership.

Pray we for the Clergy;
that they may rightly divide,
that they may rightly walk;
that while they teach others,
themselves may learn.

LANCELOT ANDREWES *Private Devotions*

In partnership for the Gospel



The Right Reverend Christopher Chessun
The Bishop of Southwark

- 1.1 The intended audience for this compilation of documents is all beneficed and licensed clergy in the Diocese of Southwark. It is based on earlier compilations - 'obs and legs' - designed specifically for new Incumbents to the Diocese, not least for their Nuts and Bolts introductory training course¹. But the intention now is to open up the documentation to the clergy more widely and with additional explanatory material. All clergy in the Diocese may now benefit from this collection.
- 1.2 The aim of this volume is near-comprehensiveness on the legal provisions, guidance, and expectations that accrue to the activities of parish clergy, and of Church of England clergy more generally. It also sets down some of the expectations they may legitimately entertain in return. Thus it provides a range of documents produced by the National Church and the Diocese of Southwark, along with introductory material where this is thought to be helpful. This compilation is not a legal code, nor is it a course on ecclesiastical law but an edition of documents, (some of which, however, do cite legal texts and legal provisions) to advise clergy on the obligations, duties and requirements that fall to them and other parish officers.
- 1.3 For those daunted by the total size of the documentation or wearied by the thought of regulations, a few observations may help. Its comprehensiveness accounts for its bulk. It is deliberately very extensive in the remit of its subject matter. But the intent is to be helpful by being informative. Please bear in mind that included in this compilation is guidance i.e. it is meant to help find the things you need and get you to the places you need to be. Thus it covers everything from the nature and duties of incumbency, to faculties, to safeguarding, to conduct, to the law on public worship, to the structures of the parish and its officers, to employment matters, and a great deal more beside.
- 1.4 It thus encompasses something of ecclesiastical, civil and criminal law. None of us are exempt from the provisions of lawful requirements. These are meant for our general well-being and have - at one time or another - been enacted in a corporate setting of deliberation and debate. All churches order their lives in some way or other². Ecclesiastical law³ is not the rule book of a private association. It is a branch of English law and is, if necessary, enforceable by the relevant authority or by a court.
- 1.5 But a church is a relational entity and this collection important and pertinent though it is, does not sit alone. The Church of England is properly an episcopal church and we relate to our Bishops and to each other. Your Archdeacons and Diocesan Secretary are available to you to help you achieve the potential for your ministry and parish. Similarly, Diocesan Officers dealing with property, finance, mission, vocations, discipleship, and issues of public policy and the secretariat are there for the purpose of fruitful ministry. All these structures have for some time now been on a journey to achieve a step-change in service, yet one that does not burden the Diocese with cost. Hearts on Fire, Strategy for Ministry and the Southwark Vision embrace us all. As the numbers of vocations has risen, our finances shift back into health and we seek to manage our property well and invest in growth we seek a yet better turn in the road. This includes understanding of the need for informed generosity in the Parish Support Fund, training for discipleship, new worshipping communities and the returns of data that allow us and you to understand your parishes as we seek the investment to grow our Diocese.
- 1.6 This collection of documents has been compiled specifically with the clergy in mind, but the compilation is in no way restricted to you and may be made available in the parish.
- 1.7 We hope that this collection of documents and its accompanying explanatory material will inform, correct and nourish all our work in this great Diocese and that you find it of lasting benefit.

1 For which see the annual Ministry Matters programme of courses, coaching and events

2 For example, the Code of Canon Law of the Roman Catholic Church has 1,752 canons

3 Statute, Measure, secondary legislation, Canon Law and case law.

Hearts on Fire prayer

Stay with us Lord,
open our eyes and set our hearts on fire,
as you open your word,
as you break your bread,
as we live your life.
Enrich us with your grace,
empower us by your Spirit,
enfold us in your love,
as we walk the journey of faith with you.
Amen

Ms Ruth Martin (Lay Canon)
Diocesan Secretary



The Venerable Chris Skilton
The Archdeacon of Croydon



The Venerable Dr Jane Steen
The Archdeacon of Southwark



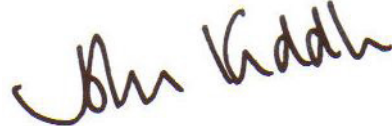
The Venerable Alastair Cutting
The Archdeacon of Lewisham & Greenwich



The Venerable Simon Gates
The Archdeacon of Lambeth



The Venerable John Kiddle
The Archdeacon of Wandsworth



The Venerable Moira Astin
The Archdeacon of Reigate



- 2.1 The term, Incumbent, comes from the Latin, *incumbere*, to lay or to lean upon. It refers to the person who has exclusive cure of souls in a parish, albeit this is shared with the Bishop. Sometimes rendered ‘care of souls’ (from *cura animarum*), this spiritual and pastoral charge of a parish rests with the Incumbent and is tied to their benefice. The term benefice (from *beneficium*: benefit) now means an endowed office. It originally designated an Incumbent’s income with Rectors enjoying the greater tithe, Vicars the lesser and Curates-in-Charge and Perpetual Curates enjoying no such particular provision. With the abolition of compulsory tithes and the introduction of standard stipends, those distinctions are now obsolete. The cure/care of souls in a parish, however, remains. The purpose is not principally to exclude others (as we shall see in a moment, there are, in any case, exceptions: 2.3) but to ensure that such care is exercised and is exercised everywhere and that someone is accountable for its discharge.
- 2.2 The Incumbent is also a corporation sole. This is a legal entity: a single incorporated office occupied by a single person. This has the effect that, for example, a contract entered into by an individual as Incumbent would be valid for their successor.
- 2.3 It follows from the cure of souls that no other clerk in holy orders may officiate in the parish without the permission of the Incumbent. But the general responsibility for cure of souls of a parish with a Team Rector will also sit alongside any special cure assigned a team vicar in the scheme. Nor does it inhibit a Minister of another parish from performing offices in the home of a parishioner if they are on the electoral roll of the other Minister’s parish; or officiating at a cemetery or crematorium if the deceased dies in the Minister’s parish or was on the electoral roll of that parish at the time of death. Ministers licensed to perform offices at institutions in a parish do not require the consent from the Incumbent of the parish in order to do.
- 2.4 Incumbents hold the benefice and are not licensed. They are instituted into the benefice and they receive a deed of institution to that effect - originally to the freehold office and now modified by Common Tenure. If the Bishop is the patron, the candidate is collated into the benefice. Following this, the Bishop directs the Archdeacon by letters patent to induct the Incumbent into his or her temporalities. This is the ecclesiastical form of the medieval practice of the Livery of Seisin (conveyancing) which required identification, actions and witnesses. The Archdeacon “shall take the priest who is to be inducted by the hand and lay it upon the key or upon the ring of the church door, or if the key cannot be had and there is no ring on the door, or if the church be in ruins, upon any part of the wall of the church or churchyard, at the same time reading the words of induction; after which the priest who has been inducted shall toll the bell to make his induction public and known to the people.” (Canon C11).
- 2.5 The law governing the appointment of Incumbents is set out in the Patronage (Benefices) Measure 1986, as amended. One thing to bear in mind is that the departing Incumbent and any spouse should take no part in the process leading to the appointment of the next Incumbent other than resignation and leaving the parish. Former Incumbents should not confuse matters by attending the parish and should visit any church in the parish only with the agreement of the new Incumbent. Parish officers should bear in mind the document, *Guidelines for a Parish in Vacancy*⁴.
- 2.6 As virtually all clergy will be aware, and many lay officers as well, the initiative in making an appointment to a benefice rests with the patron. The term is presenting or presentment. Such patronage originated with landowners providing land for churches and Priests or with monasteries or Bishops establishing missions. The right of presenting was recognised as a form of property - an advowson - and could be sold, bought and bequeathed. Today, Diocesan Bishops are the most common patrons, followed by private patrons and trusts, such as the Church Pastoral Aid Society Trust. The Crown holds many livings in this way as do Oxford and Cambridge Colleges. Some Cathedrals and Incumbents themselves are patrons.
- 2.7 In legislation, the specific role of identifying a candidate for a benefice rests with the patron. Historically, the role of patron was virtually unchallenged. Today, practice and other legislative provisions makes the process of appointment a collaborative exercise between the patron, the

4 <http://southwark.anglican.org/downloads/resources/Guidelines-for-Parish-in-Vacancy-new.pdf>

Bishop and parish representatives. A priest may only be instituted to a living /benefice by and with the agreement of the Diocesan Bishop. The grounds on which a bishop may refuse are set out in section 2(1)(b) of the Benefices Act 1898 and section 1 of the Benefices Measure 1972.

- 2.8 A formal role for the parish only dates from the first half of the 20th century. The Benefices (Exercise of Rights of Presentation) Measure 1931 allowed the PCC to state the needs of the parish and required the consent of the churchwardens to a candidate. The 1986 Measure extended this latter role to lay representatives who need not be wardens. Parts of the process around appointment are very prescriptive, not least in terms of timetable, so please read any guidance where applicable. Parish and PCC officers should follow the relevant forms when issued by the Diocesan Registrar or Patron. The Archdeacon will be familiar with the process and is available to advise.

Clerks

- 2.9 Traditionally, clergy (clerks in holy orders) fall into two categories: beneficed and unbeneficed clergy. The legal distinctions between the two and the impact of Common Tenure are explained in the accompanying advice from Paul Morris, the Diocesan Registrar. (See Parish Clergy and their Legal Status). The terms clergy/clerk in holy orders come from Greek via late-Latin. *Kleros* related to inheritance and was used by early Christians to refer to Deut. 18:2 where the Levites were said to have no inheritance but the LORD. In Latin it became *clericus* and thence in recognisable form it came into a variety of European languages including English to refer to someone who was ordained. For a time, in England, the clergy were the chief resource of those who could be employed to read and write and hence the term clerk was later to bifurcate its meaning into a person handling and compiling records (cf. clerical).

Other parochial clergy

- 2.10 That the care of a parish, the cure of souls, is ultimately the responsibility of one person is not surprising given that both historically and in many places today we associate the exercise of parish ministry with one person. However, though it was long deprecated, the holding of more than one ecclesiastical office in plurality to maximise income, was far from uncommon. To enable the statutory services to be performed, assistant clergy had to be appointed. Since the Incumbent had the cure of souls and was the Curate (which is the meaning of the expression when used in the Book of Common Prayer), those they engaged to act in their place were Assistant Curates.
- 2.11 Over time, this expression (still the official term) became shortened to Curate in the way we generally use it now and the post referred to as a curacy. A first curacy is often called a title post and is now a focus of on-going training for which there are nationally set standards (initial ministerial education - IME phase 2, formerly 4-7). The role of training incumbent is thus key. The reason for the term title post lies in Canon C5 'Of the titles of such as are to be ordained deacons or priests' which begins, "Any person to be admitted into holy orders shall first exhibit to the bishop of the Diocese of whom he desires imposition of hands a certificate that he is provided of some ecclesiastical office within such Diocese, which the bishop shall judge sufficient, wherein he may attend the cure of souls and execute his ministry". A second curacy, once common on the pathway to incumbency and other posts of responsibility is now rare. They are generally to be found as 'associate' posts while other possibilities have migrated into team appointments.
- 2.12 The common phrase, "a curate's egg" - something being neither wholly bad or wholly good comes from the Punch Magazine cartoon, True Humility published on 9th November 1895 and drawn by George du Maurier (grandfather of Daphne). https://en.wikipedia.org/wiki/Curate%27s_egg
- 2.13 All posts designated by the Bishop as training posts - which all title posts are - are time-limited to the period of completing initial ministerial education, which may be designated as such for a period of not more than an additional 12 months to help enable the holder to find a further post.
- 2.14 A Priest-in-Charge is not an Incumbent, being appointed for a benefice⁵ where presentation has

been suspended and instead holds a licence. The duties are very similar to that of an Incumbent and for practical purposes, parishes treat their Priests-in-Charge as if they were Incumbents.

- 2.15 Team Ministries were introduced by the Pastoral Measure 1968. Their introduction of a shared cure of souls was in the context of renewed thinking about the ordained ministry in the Church of England at a time of sudden and sharply dropping attendance and numbers ordained as well as more general shifts in population. The concept relied heavily on Dr Leslie Paul's landmark report, *The Payment and Deployment of the Clergy* (Church Information Office, 1964), the statistical and survey work for which was undertaken before the sharp decline set in but which questioned severely the way in which resources were deployed in parish ministry across England. The 1968 Measure (as did the Pastoral Measure 1983 and now the Mission and Pastoral Measure 2011) makes provision for Team Ministries by scheme with Team Rectors and Team Vicars. Some Team Rectors originally held a free-hold office, most did not. All Team Rectors and Team Vicars now, on appointment hold their office on Common Tenure. Those who originally did not have the option of transferring to Common Tenure.
- 2.16 The Bishop may issue a general licence which enables the holder to preach or otherwise minister in the geographical area specified in the licence. This does not, however, obviate the necessity of the holder obtaining the permission of the Incumbent of the parish when doing so. A reason for issuing a licence might be to service a Bishop's Mission Order (BMO)⁶ and/or undertake short-term projects in a number of successive parishes. The holding of such a licence does not render the holder ex-officio membership of any PCC which, where appropriate, will require the PCC's consent for co-option in order to secure membership.

Duties of an incumbent & other clergy

- 2.17 The legal requirements falling upon an Incumbent as regards baptism, marriage and worship, as well as those relating to the PCC, lay officers, safeguarding and property are, in the main, set out elsewhere within this document, but there are a number of other distinct duties that fall upon the holder of a benefice set down in Canons C24-26. In brief they are that the priest shall:
- a) Provide, in the absence of reasonable hindrance, that Morning and Evening Prayer be said daily and on appointed days, the Litany
 - b) Shall except for reasonable cause approved by the Bishop of the Diocese, celebrate or cause to be celebrated the Holy Communion on all Sundays and other greater Feast Days and on Ash Wednesday
 - c) Shall preach or cause to be preached, except for some reasonable cause approved by the Bishop of the Diocese, a sermon in the church or churches of which he or she is the minister at least once each Sunday
 - d) Shall instruct the parishioners of the benefice or cause them to be instructed in the Christian faith; and shall use such opportunities of teaching or visiting schools within the parish as are open to him or her
 - e) Shall carefully prepare or cause to be prepared all who want to be confirmed and if satisfied of their fitness to be so, shall present them to the Bishop for confirmation;
 - f) Shall be diligent in visiting parishioners, particularly those who are sick or infirm. He or she shall provide opportunities where any of such parishioners may resort to her or him for spiritual counsel and advice
 - g) Shall consult with the parochial church council on matters of general concern to the parish
 - h) Must, if unable to discharge his or her duties, whether from non-residence or some other cause, provide for the spiritual care of the parish to be supplied by a priest licensed or otherwise approved by the Diocesan Bishop
 - i) Shall be resident in the benefice. If absent from the benefice exceeding three months, the Incumbent requires a licence from the Bishop to maintain the absence
 - j) Any Bishop, Priest, or Deacon shall dress "suitable to his office; and, save for purposes of recreation and other justifiable reasons, shall be such as to be a sign and mark of his holy calling and ministry as well to others as to those committed to his spiritual charge" (C25)
 - k) Every member of the clergy is under an obligation, except for sickness "or some other urgent cause, to say daily the Morning and Evening Prayer, either privately or openly; and to celebrate the Holy Communion, or be present thereat, on all Sundays and other principal Feast Days. He is also to be diligent in daily prayer and intercession, in examination of his conscience, and in the study of the Holy Scriptures and such other studies as pertain to his ministerial duties." (C26)

l)“A clerk in Holy Orders shall not give himself to such occupations, habits, or recreations as do not befit his sacred calling, or may be detrimental to the performance of the duties of his office, or tend to be a just cause of offence to others; and at all times he shall be diligent to frame and fashion his life and that of his family according to the doctrine of Christ, and to make himself and them, as much as in him lies, wholesome examples and patterns to the flock of Christ.” (C26).

A brief explanation of some legal terms

1. Historically, parish clergy fell into two categories:-
 - (a) “Beneficed” clergy - i.e. Incumbents (Vicars or Rectors) holding the freehold
 - (b) “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 proceedings under the Clergy Disciplinary Measure, and the Capability Procedure. The retirement age provisions now apply to all clergy holding Common Tenure. See also 3.11.
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 recently, 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 normally have the benefit of full Common Tenure.
11. Most Common Tenure appointments are without limit of time, but there are some specific categories of post which may be time limited - eg posts designated as being dependent on funding or designated as interim appointments.
12. 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.

13. 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.
14. 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.
15. A Team Vicar is licensed, not beneficed. However he or she is of “Incumbent status” and holds Common Tenure.

P C E Morris
January 2017

Introduction

- 3.1 Common Tenure refers to the basis upon which most clergy hold office in the Church of England and was introduced in 2011 blurring the distinctions between beneficed and unbeneficed clergy (see Parish Clergy and their Legal Status) by providing (for the first time) common conditions of service for all parish clergy, residentiary canons, archdeacons and bishops. At the same time, Common Tenure retained the concept of office rather than employment and does not constitute a contract. However, many terms of service under Common Tenure will mirror those found in contracts of employment and for certain purposes, a nominated body is 'deemed' to act as employer (e.g. employer's national insurance). Ordained Ministers in 'secular employment' (such as Prison or Hospital Chaplains), however, are employed even though they exercise priestly and diaconal ministry. Clergy employed by the Diocesan Board of Finance are, again, subject to a contract of employment.
- 3.2 Common Tenure was brought in by the Ecclesiastical Offices (Terms of Service) Measure 2009, beginning on 31st January 2011. Existing office holders had the option (but not the obligation) of opting into Common Tenure. Common Tenure is not open to those who hold a Bishop's Permission to Officiate, nor will it invariably accompany a public preacher's licence. It is intended for assistant curates, team vicars, vicars, rectors, team rectors, residentiary canons, archdeacons, deans and bishops (including archbishops). It will generally apply to ecclesiastical offices (not employment) with a stipend under other titles, such as Associate Vicar.
- 3.3 The following explains a little of how we got here and what it replaces. This may be useful in understanding the context in which your predecessors carried out their ministry. If you want to get onto what Common Tenure actually means in detail, please skip to Summary of Provisions of the Ecclesiastical Offices (Terms of Service) Measure 2009 at Annex A.

1066 and all that

- 3.4 Traditionally, parish clergy have held office in the Church of England either as beneficed or unbeneficed clergy. Beneficed clergy could expect to hold the (parson's) freehold: the title to the benefice property such as church, churchyard, parsonage and, in the past, income from property attached to the benefice. This included glebe (from the Latin for clod, soil or land) which was originally assigned to the parish priest to farm in order to support his upkeep. The freehold was for life, unless resigned. All offices in the church, whether they be of bishoprics, deaneries, canonries or rectories had incomes and fees accruing to them. It fell to the office-holder to maintain himself, any staff, chaplains and assistant clergy and meet any costs of maintaining and developing property and make provision for his old age or to 'die in harness'. Benefice income varied from parish to parish, sometimes markedly so. Over time, efforts were made to address this.
- 3.5 Queen Anne's Bounty was established in 1704, diverting the income of first fruits (the first year's income) and tenths (the proportion thereafter) from benefices payable to the Crown into a fund to augment the income of the poorest benefices. First fruits and tenths were formerly payable to the Bishop of Rome until 1534. This fund was amalgamated with the Ecclesiastical Commissioners in 1948 to form the Church Commissioners.
- 3.6 The routine provision of pensions was first signalled in 1926. Initially it was a contributory scheme. In the 20th century, non-benefice income increasingly outstripped benefice income for most clergy through provision made for them by the Commissioners and Dioceses. The assets generating income for bishops and cathedral clergy had already been centralised in the Ecclesiastical Commissioners in the 19th century. A number of measures accentuated this. The Benefices (Stabilisation of Incomes) Measure 1951 provided that money endowments held by the Church Commissioners in trust for individual benefices were to be transferred to their general fund with a fixed annual payment, so that any income growth would be available not to the benefice but for the benefit of the clergy generally. This being the Church of England, legislation was successively passed regulating the operation of diocesan stipend funds. The Pastoral Measure 1968 authorised by a scheme or order the diversion of part of the endowments

of a benefice to the Diocesan Stipends Fund for the benefit of all the clergy without requiring the consent of the incumbent concerned.

- 3.7 The Ecclesiastical Offices (Age Limit) Measure 1975 finally introduced an age limit for clergy office-holders (70), although since English legislation is rarely retroactive, it did not require retirement from those holding a particular office when the measure came into effect, unless they moved or opted to retire. At the time of writing, there are still some 'life-long free-holders' continuing as Incumbents as they have remained in the same parish since before the measure came into force and have not retired. The Endowments and Glebe Measure 1976 was similarly a landmark as it introduced standard stipends and it centralised glebe income in diocesan funds. However, again, it was not retrospective and the value of the benefice income could be claimed instead (and was, if not surrendered, in a handful of instances for many years). See also 3.11.
- 3.8 In the mid-1960s, legislation transferred responsibility for the provision and repair of parsonages to Dioceses. These three measures capped years of incremental reform into something, along with the pension that to many clergy would be familiar as the 'traditional' terms and conditions of service.
- 3.9 The benefits of the pension scheme (non-contributory since 1948) continued to be augmented and met from Church Commissioners' expenditure until the 'crisis' affecting the Commissioners' finances in the early 1990s. Thereafter, it was decided that the pension required a designated fund and that Dioceses were responsible for contributions from 1998 onwards (currently equivalent to 39.5% of stipend) to fund the scheme. The Commissioners are responsible for liabilities up to 1998.
- 3.10 Nonetheless, all these very significant changes left a major difference in the security of position, of tenure, between beneficed and unbeneficed clergy. The former enjoyed wide security and little direction while the latter (in theory) had no security of tenure. This in large measure explains the pressure to address the matter which was finally enacted in 2009 and came into force in 2011. The terms of Common Tenure are set out as follows in the Summary of Provisions of the Ecclesiastical Offices (Terms of Service) Measure 2009.
- 3.11 The Ecclesiastical Offices (Terms of Service) (Amendment) Regulations 2017 lifts the maximum retirement age in specified circumstances. Those conditions are (a) entirely at the Bishop or Archbishop's (in the case of Bishops) discretion; (b) are time-limited and subject to review; (c) have no impact on pension after the age of 70; (d) in the case of bishops, deans, archdeacons and residentiary canons allow for no extension beyond the age of 75. The Bishop of Southwark's determination in the matter was set out in his Ad Clerum dated the Feast of the Transfiguration 2017, the text of which is set out at the end of this chapter
- 3.12 What immediately follows, however, and is important to note, is a summary of the provisions of Common Tenure.

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 Tenure⁷.
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:
 - a. designated as covering another office holder's absence from work
 - b. held by an office holder over 70⁸
 - c. designated as a training post
 - d. designated as subject to sponsorship funding or designated as a probationary office
 - e. designated as held in connection or conjunction with another office or employment
 - f. created by Bishop's Mission Order under the Dioceses, Pastoral and Mission Measure
 - g. the office holder holds a post which is designated as a post which is held in connection or conjunction with another office or employment
 - h. the office holder does not have the right of abode, or unlimited leave to enter or remain, in the United Kingdom
 - i. the office holder occupies a post which is designated as a Locally Supported Ministry Post
 - j. the office is designated as an interim post.
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

⁷ 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.

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 particulars⁹ 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 (including shared parental leave with effect from 1 December 2015)
- the right to request time off or adjustments to the duties of the office to care for dependents 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

⁸ 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.

⁹ The Statement of Particulars may refer the office holder to some other reasonably accessible document for further details

- 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 provider¹⁰
- 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
- to use all reasonable endeavours to make arrangement for the duties to be performed by another person when unable to perform the duties of office through sickness, which may, where appropriate consist of notifying the nominated person
- 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 and 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:

¹⁰ 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.

- 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.

References: <https://www.churchofengland.org/more/clergy-resources/national-clergy-hr/clergy-terms-and-conditions-service> April 2017

AD CLERUM (6 August 2017) following Ecclesiastical Offices (Terms of Service) (Amendment) Regulations 2017:

To all Clergy holding the Bishop of Southwark's Licence

Dear Brothers and Sisters in Christ

Holding office beyond the age of 70

As you will know, under Common Tenure clergy have to resign their licences when they turn seventy, with only the possibility of a two year extension in certain cases. From July 1st, however, new rules came into force, which allow bishops a good deal more discretion to license clergy to offices beyond the age of seventy. In summary, the Bishop, in consultation with others, and with an occupational health review of the cleric in question, may extend a licensed ministry by one or more fixed terms beyond the age of seventy. There is no fixed upper age limit.

Bishops thus now have wide discretion which must be used fairly, transparently, and in a way that best serves the mission of God. I have therefore given the matter much thought, and have discussed it with Area Bishops, Archdeacons and others. I am writing now to explain how I intend to use this discretion.

Let me start by saying that I believe the principle of a clean break with a ministry at the age of seventy is a good one. I have too often seen clergy burnt out but feeling compelled to go on, or, perhaps even worse, clinging to the familiar ministry when it is time to lay it down. If it is understood that seventy is the point at which established ministry ceases, those in their sixties can pace themselves, and at the right moment be relieved of the burdens of office and be liberated to exercise their calling in creative ways.

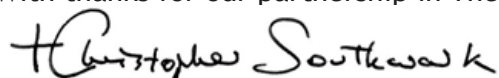
It is certainly true that by God's grace, some clergy still have the necessary energy for full time ministry after their seventieth birthday. If they are called to continue serving in this way, if it will be good for them and for those whom they will serve, then it is right that they should do so.

The principle by which I shall be guided is that this service should take the form of a new ministry. It may involve having charge of a Parish. It may be an Assistant Priest role, or an interim post. But the Priest should be moving on to something new, appointed with a sense of hope and new beginnings. There should also be a change of location. Hopefully, this will all be life-giving and energising - and indeed, if the prospect of such a change seems daunting, perhaps that is a sign that the time for retirement has indeed come.

If a Priest who is seventy or over is called to such a new ministry, and those charged with discernment also perceive this calling, then I would consider using my discretion to give it effect by issuing a licence. This will normally be for a fixed period of three years, and I will be prepared to consider renewing the licence for a further two years, and always subject to consultation and a health assessment. In addition, despite what I have said about keeping to the cut-off point of seventy, I will also be prepared to consider issuing a licence to continue an existing ministry beyond seventy providing that it was begun on or after the 67th birthday, and that at the time it was commenced, the hope that it might be continued in this way was indicated to me in a letter. The aim here is to give enough flexibility for the establishment of a new ministry, recognising that the right situation may not arise exactly as the Priest turns seventy.

I hope that what I have said provides clarity on this matter, which I know will be important to many clergy in this Diocese. I am certain that this is the best way of guarding against the risk that existing ministries grow stale, whilst allowing scope for new and life-enhancing ministries to flourish, and for those to whom the yoke is still light to continue to bear it with joy. And I continue to be grateful to all clergy, regardless of age, for fellowship in this ministry with which we are all charged.

With thanks for our partnership in The Gospel and every good wish



**The Rt Revd Christopher Chessun
Bishop of Southwark**

Feast of the Transfiguration, 2017

- 4.1 The following guidance is extensive and requires little introduction. It is an Act of Convocation - passed by the Convocations of both York and Canterbury. These convocations originated in the 7th and 8th centuries, but most of their powers have transferred to the General Synod - of which they are a constituent part. See: <https://www.churchofengland.org/about/leadership-and-governance/general-synod/convocations>
- 4.2 But Convocations still retain a residual role distinct from the House of Laity.
- 4.3 Guidelines of this sort were first published in 2003 on the sort of conduct that should be expected of those in ordained ministry. Following the Clergy Discipline Measure of 2003 and which came fully into force in 2006 and the Common Worship Ordinal in 2007, it was felt that fresh reflection was timely.
- 4.4 The document which follows consists of a foreword from the two Archbishops, the bulk of the guidelines which include elements on self-care, as well as discipline, trust, teaching and learning and public worship and a theological reflection.
- 4.5 Any reference to the Data Protection Act 1998 should, from the 25 May 2018, read 'General Data Protection Regulations'. Please see chapter 15 and <http://southwark.anglican.org/information/gdpr>

Foreword

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.

- 1.1 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).
- 1.2 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.
- 1.3 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.
- 1.4 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

2 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.

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 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 assessment 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 contextwhich 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.

- 2.8 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.

- 2.9 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.
- 2.10 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.
- 2.11 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.
- 2.12 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.
- 2.13 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.
- 2.14 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.
- 2.15 Similar requirements apply if the conduct of a colleague appears inappropriate, when advice should always be obtained and action taken.
- 2.16 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.
- 2.17 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 Children¹¹ 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

11 <https://www.churchofengland.org/sites/default/files/2017-11/protectingallgodschildren.pdf>

or international law.”

Reconciliation

- 3 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.
 - 3.1 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.
 - 3.2 Where it is freely sought by a penitent, a priest may exercise the formal ministry of absolution as described in Canon B 29.
 - 3.3 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)
 - 3.4 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.
 - 3.5 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 Proviso to 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.
 - 3.6 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.
 - 3.7 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.
 - 3.8 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

- 4 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.**
- 4.1 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.
 - 4.2 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.
 - 4.3 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.
 - 4.4 Suitable preparation for Baptism, Confirmation and Marriage is a primary responsibility for the clergy.
 - 4.5 The clergy should recognize, affirm and encourage the ministry and witness of lay people. This should include acknowledging their mission in workplaces and communities.
 - 4.6 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.
 - 4.7 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

- 5 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.**
- 5.1 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.
 - 5.2 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.
 - 5.3 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.
 - 5.4 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.

- 5.5 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 adult, 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

6 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.

- 6.1 The clergy are called to servant ministry and leadership within the Church and the wider community.
- 6.2 They should develop this gift of leadership within their own ministry through prayer and training, being aware of their own natural leadership style.
- 6.3 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.
- 6.4 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.
- 6.5 The clergy should promote good ecumenical relationships and encourage respect for all people of good will.
- 6.6 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.
- 6.7 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

7 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?

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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.

- 7.5 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.
- 7.6 Continued theological learning is an essential discipline for preaching and teaching, as well as for personal growth.
- 7.7 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.
- 7.8 Keeping abreast of a whole variety of communicating skills is crucial to the effective and ongoing proclamation of the gospel.
- 7.9 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.
- 7.10 Great care should be taken that illustrative material from personal experience does not involve any breach of confidentiality.

Faith

- 8 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?**
 - 8.1 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.
 - 8.2 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.
 - 8.3 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

- 9 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?**
 - 9.1 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.
 - 9.2 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.
 - 9.3 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.

- 9.4 The call of the clergy to be servants to the community should include their prophetic ministry to those in spiritual and moral danger.
- 9.5 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.
- 9.6 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.
- 9.7 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

10 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?

- 10.1 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.
- 10.2 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."
- 10.3 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.
- 10.4 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.
- 10.5 Good administration enables the work of ministry. Dealing promptly with correspondence and enquiries with efficiency and courtesy is essential.
- 10.6 The keeping of parochial registers and records to a high standard is legally required.
- 10.7 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.
- 10.8 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.
- 10.9 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.

10.10 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

11 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?

- 11.1 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.
- 11.2 The authority of churchwardens and lay people elected or appointed to office in the local church is to be respected and affirmed.
- 11.3 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.
- 11.4 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.
- 11.5 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.
- 11.6 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.
- 11.7 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.
- 11.8 Clergy are under a duty to inform their bishop when they are divorced, or have an order of judicial separation made against them.
- 11.9 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.
- 11.10 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.

11.11 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.

11.12 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

12 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.

12.1 The development of trust is of primary importance for honest relationships within ministry.

12.2 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.

12.3 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.

12.4 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.

12.5 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.

12.6 Unless otherwise agreed, the clergy are accordingly not at liberty to share confidential information with their spouses, family or friends.

12.7 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.

12.8 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.

- 12.9 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
- 12.10 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.
- 12.11 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.
- 12.12 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.
- 12.13 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.
- 12.14 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

- 13 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.**
- 13.1 The clergy minister by grace through their own broken humanity, being aware of their own need to receive ministry.
- 13.2 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.
- 13.3 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.
- 13.4 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.

- 13.5 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

14 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?

- 14.1 “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.
- 14.2 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.
- 14.3 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 <https://www.churchofengland.org/sites/default/files/2017-10/Parochial%20Expenses%20Guide%20-%202017.pdf>) 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.
- 14.4 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.
- 14.5 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.
- 14.6 The clergy should be encouraged to develop opportunities for mutual support and pastoral care within chapters, cell groups, or other peer groupings. 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.
- 14.7 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.
- 14.8 Support and advice on the practical, psychological and emotional issues involved should be readily available to clergy approaching retirement and to their families.
- 14.9 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
- (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.” 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, self control (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

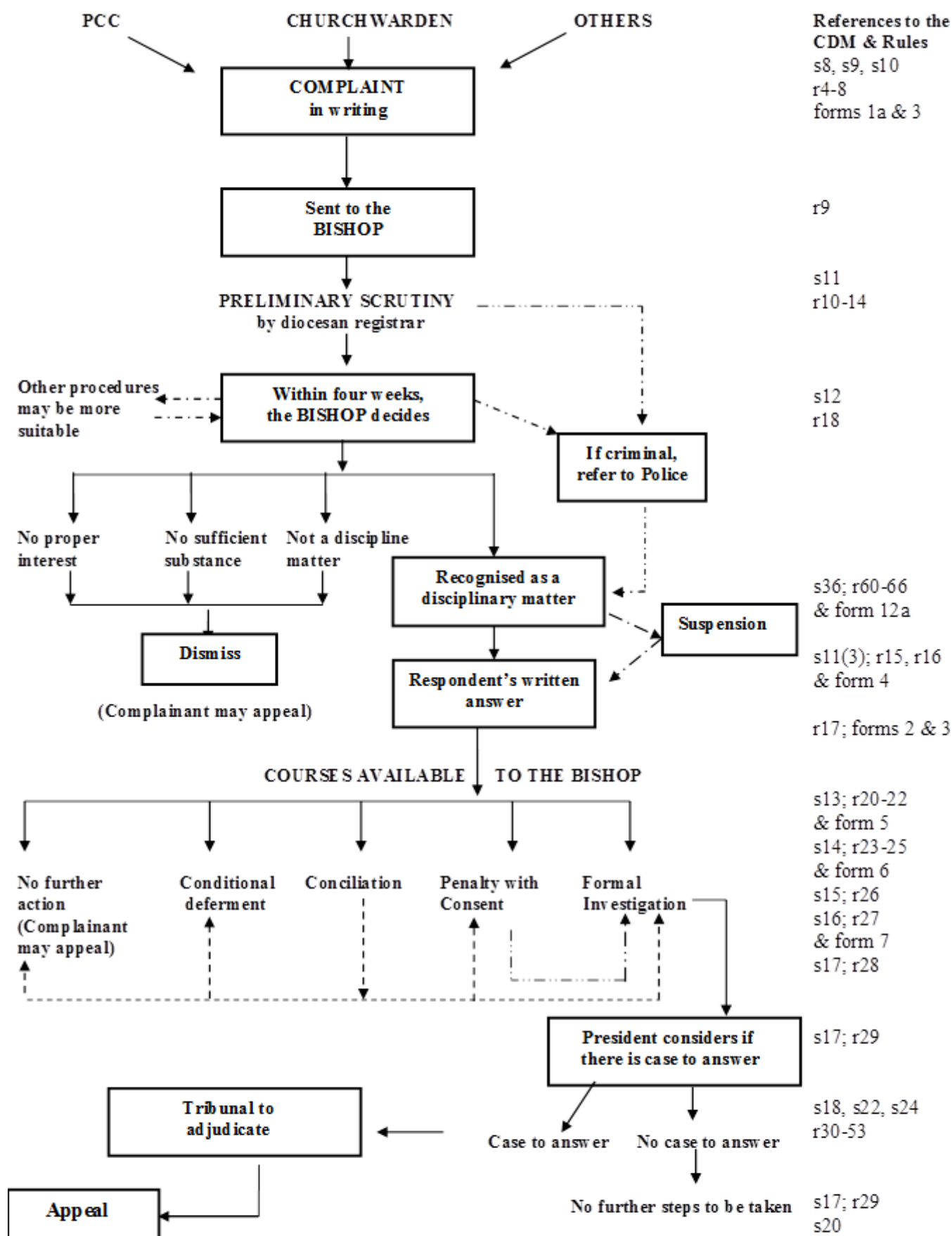
This has necessarily been a brief survey of the issues and principles that underlie the Guidelines: a mapping of the terrain rather than an exhaustive journey through it. We have seen how the Church can no longer stand back from addressing the issue of what it means to act professionally in today’s social 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*

- 5.1 The Canons of 1603/4 provided a raft of sanctions (mostly deposition) for breaches of Canon law. The revision of the Canons in the 1950s and 1960s by the Convocations of Canterbury and York¹² was accompanied by the Ecclesiastical Jurisdiction Measure 1963 (EJM). This - and informal guidance and censure - became the chief instrument of disciplining the clergy from henceforth.
- 5.2 The Report, *Under Authority* (GS 1217 pub. 1996) detailed the shortcomings and perceived strengths of the EJM. Amongst the former, the Bishop who received a complaint was often constrained in disposing of it at an early stage, complainants were not compelled to provide evidence, and lawyers were brought in early as examiners to investigate complaints, though their powers to do so were limited. The sanctions were also limited. The outcome could be deposition ('unfrocking'), resignation, or no formal action. Tailoring an appropriate sanction to the conduct could be difficult to achieve and was thought in some instances to be either disproportionate or insufficient. The Clergy Discipline Measure 2003 (CDM), which came fully into force on 1st January 2006 is the result. This covers all who are in holy orders, whether or not they are in active ministry. The handling of priests and deacons under the measure centres on the relevant Bishop and where a complaint is made against a bishop, then it falls to the Archbishop of the province to deal.
- 5.3 There are four grounds on which misconduct may be alleged under CDM, namely: acting in breach of ecclesiastical law; failing to do something which should have been done under ecclesiastical law; neglecting to perform or being inefficient in performing the duties of office; or engaging in conduct that is unbecoming or inappropriate to the office and work of the clergy. However, the Clergy Discipline Measure 2003 leaves matters involving ceremonial, doctrine and ritual to the Ecclesiastical Jurisdiction Measure 1963.
- 5.4 The documents associated with the Measure are considerable, and for that reason, are not replicated in this compilation. It may, therefore, be helpful to note the following from the relevant link on the Church of England webpage: <https://www.churchofengland.org/about/leadership-and-governance/legal-services/clergy-discipline> And the additional links at 5.5
- 5.5 More particularly, the following links may be accessed, including on how to make a complaint, what happens if a complaint is made against you and ecclesiastical legal aid:
- A link to the diagram and to advice on making a complaint, the role of the Bishop, the Bishop's tribunal, the Archbishop and the role of secular courts is found here: <https://www.churchofengland.org/sites/default/files/2017-10/diagram.pdf>
 - The Code of Practice published by the Clergy Discipline Commission may be accessed here: https://www.churchofengland.org/sites/default/files/2017-10/code-of-practice-as-published-jan-2017_0.pdf
 - If you have a complaint about misconduct by a member of the clergy please access relevant link via main link at 5.4 above and also www.churchofengland.org/sites/default/files/2017-10/makingcomplainta4.pdf
 - A leaflet for clergy entitled 'A complaint has been made about me - what happens now?' is accessible from the same site <https://www.churchofengland.org/sites/default/files/2017-10/complaintwhathappensnow.pdf>
 - Advice on Ecclesiastical Legal Aid may be accessed here: <https://www.churchofengland.org/about/leadership-and-governance/legal-services/clergy-discipline/ecclesiastical-legal-aid>
- 5.6 The diagram of how matters may progress under the measure is copied (see following).

12 The making of canons has since passed to General Synod of which the convocations are a part.

The Disciplinary Procedure



- 6.1 Recognising the intrinsic worth of other human beings and the value that God reposes in us all requires enormous care. Experience has taught us that safe selection, training, support and supervision add to the safety of those in our care. We seek to ensure sensitive and effective responses to those who have been harmed by others. All those in licensed and commissioned ministry are required to undergo ongoing safeguarding training as set out within a national Learning and Development Framework. Parish Safeguarding Officers, lead members on parochial church councils for safeguarding, those who work in churches with children and adults are subject to similar provisions.
- 6.2 Appropriate local procedures ensure we are compliant with national church safeguarding guidelines and relevant legislation.
- 6.3 Please note and follow the House of Bishops' statement on the matter, relevant policies which are linked, Diocesan guidelines and specific guidelines for Incumbents in the following pages.

House of Bishops' Policy Statements

Child Protection

- 6.4 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.
- 6.5 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.
- 6.6 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.
- 6.7 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

- 6.8 All church workers involved in any pastoral ministry will be recruited with care including the use of the Disclosure & Barring service (DBS) when legal or appropriate. Workers will receive training and continuing support.
- 6.9 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.
- 6.10 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.
- 6.11 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.
- 6.12 The Church of England has agreed the following policy and practice guidance:
(web links taken from the safeguarding pages of the Church of England website are current at the time of publication)

Policy Statements

6.13

Protecting All God's Children (safeguarding policy for children and young people, 4th edition, 2010): <https://www.churchofengland.org/sites/default/files/2017-11/protectingallgodschildren.pdf>

Promoting a Safe Church (safeguarding policy for adults) 2006: <https://www.churchofengland.org/sites/default/files/2017-11/promotingasafechurch.pdf>

Practice Guidance

6.14

Key Roles and Responsibilities of Church Office Holders and Bodies: Practice Guidance issued by the House of Bishops December 2017

Please note that parish roles and responsibilities are at section 3, those in worshipping communities under Bishop's Mission Orders at section 4 and roles and responsibilities in cathedrals at section 5.

<https://www.churchofengland.org/sites/default/files/2017-12/Roles%20and%20Responsibilities%20Practice%20Guidance%20V2.pdf>

Responding Well to Domestic Abuse (2017): <https://www.churchofengland.org/sites/default/files/2017-11/responding-well-to-domestic-abuse-formatted-master-copy-030317.pdf>

Safeguarding Training & Development Practice Guidance (2017): <https://www.churchofengland.org/sites/default/files/2017-11/training%20and%20development%20practice%20guidance.pdf>

Promoting a Safer Church - The Church of England's Safeguarding Policy for children, young people and adults (2017):

<https://www.stalbans.anglican.org/wp-content/uploads/Promoting-a-Safer-Church-2017-Safeguarding-Policy-Statement-of-the-Church-of-England.pdf>

Responding to Serious Safeguarding Situations (2015): <https://www.churchofengland.org/sites/default/files/2017-11/responding-to-assessing-and-managing-concerns-or-allegations-against-church-officers.pdf>

Risk Assessment for Individuals who may Pose Risk to Children or Adults (2015): <https://www.churchofengland.org/sites/default/files/2017-11/responding-to-assessing-and-managing-concerns-or-allegations-against-church-officers.pdf>

Safer Recruitment (2016): https://www.churchofengland.org/sites/default/files/2017-11/safeguarding%20safer_recruitment_practice_guidance_2016.pdf

DBS Eligibility and related matters - Frequently Asked Questions - 2017: <https://www.churchofengland.org/sites/default/files/2017-11/dbs-faq-february-2017.pdf>

Safeguarding in Religious Communities (2015): <https://www.churchofengland.org/sites/default/files/2017-11/safeguarding%20in%20religious%20communities%20practice%20guidance.pdf>

Responding to Domestic Abuse (guidelines for those with pastoral responsibility, 2006): <https://s3.amazonaws.com/berkley-center/060101CoERespondingtoDomesticAbuse.pdf>

Responding Well (policy and guidance for the church of England, 2011) <https://www.churchofengland.org/sites/default/files/2017-11/Responding%20well%20to%20those%20who%20have%20been%20sexually%20abused%20%282011%29.pdf>

(which is Responding Well to those who have been sexually abused, 2011 GS Misc 982 Church House Publishing)

Joint Practice Guidance with The Methodist Church

6.15

Safeguarding Records: Joint Practice Guidance for the Church of England and the Methodist Church (2015):

Safeguarding Guidance for Single Congregation Local Ecumenical Partnerships (2015): <https://www.churchofengland.org/sites/default/files/2017-11/safeguarding%20joint%20practice%20guidance-%20leps.pdf>

Diocesan Guidelines: safeguarding

- 6.16 A Safe Church, the Diocesan policies, procedures and guidelines for safeguarding children and adults and responding to domestic abuse, can be downloaded in sections from <http://southwark.anglican.org/safeguarding/diocesan-policies-and-procedures>
- 6.17 The Diocese employs a full time Safeguarding Adviser and two Assistant Safeguarding Advisers, 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
 - delivering the Diocesan safeguarding training programme.
- 6.18 The Diocesan Safeguarding Advisors Regulations 2016 have been issued under Canon C30 and came into force on 1st January 2017¹³, governing the appointment of Diocesan Safeguarding Advisors (DSA), setting down their functions and stating that in exercising a function under these Regulations, a person must have due regard to the guidance issued by the House of Bishops on safeguarding matters.
- 6.19 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 adults' workers, churchwardens, etc.)
 - inclusion in the congregation of those who are known to pose risk to others.
- 6.20 The Safeguarding (Clergy Risk Assessment) Regulations 2016 came into force on 1st March 2017, which make provision for the conduct of risk assessments on clergy.
- 6.21 Training requirements for all clergy and church officers are set out, in line with national requirements, at:
<http://southwark.anglican.org/downloads/what/Safeguarding-training-2016-17.docx.pdf>
- 6.22 Amending Canon 34 has amended Canon C8 to require clergy to undergo training in safeguarding matters and C30 to the effect that clergy are subject where required to a risk assessment. The same amending Canon amends Canon E6 to require Readers to undergo safeguarding training, has provisions for suspension. Such provisions also apply to licensed lay-workers in Canon E8.
- 6.23 Courses can be booked online at:
<http://Dioceseofsouthwarksafeguarding.eventbrite.co.uk/>
- 6.24 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

13 <https://www.churchofengland.org/media/3780117/dsa-regulations-as-made-1117.pdf>

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.

6.25 From 1 October 2016, all Clergy, Readers, Churchwardens and PCCs are under a legal duty to pay due regard to guidance issued by the House of Bishops on matters relating to the safeguarding of children and vulnerable adults. (Section 5 The Safeguarding and Clergy Discipline Measure 2016).

6.26 The Measure also amended the Clergy Discipline Measure 2003 to remove the limitation period about sexual misconduct towards a child or vulnerable adult. There are provisions widening the powers of archbishops and bishops to suspend and provisions in respect of the suspension of churchwardens and PCC members and officers in safeguarding cases.

6.27 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
Tel: 020 7939 9423 (office hours); 07982 279713 (mobile for urgent advice)

The Assistant Diocesan Safeguarding Advisers are:

Steve Short steve.short@southwark.anglican.org 020 7939 9441

Louise Vernon louise.vernon@southwark.anglican.org 020 7939 9462

If you have any questions or concerns, please do get in touch with the team.

This area of work is further accountable to the Deputy Diocesan Secretary.

Safeguarding briefings for new incumbents - Some guidelines

6.28 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.

6.29 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.

6.30 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 6-17 to 6-19).

6.31 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 safeguarding worship 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, 2015) 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 safeguarding 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
30th January 2017

Public Worship in the Church of England

Introduction

- 7.1 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*¹⁴ - 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.
- 7.2 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.
- 7.3 The forms and varieties of service that may be used in the public worship of the Church of England are governed by statute 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).
- 7.4 Prior to 1965 and the Prayer Book (Alternative and other Services) Measure of that year, the power to authorise and amend the Service Books of the Church of England rested entirely with Parliament. One consequence of this was the great controversies of 1927 and 1928 when the Church sought to promote in Parliament revisions of the Book of Common Prayer, which were twice rejected in the House of Commons. The 1965 Measure authorised convocations to make alternative services to the Prayer Book on an experimental and strictly time-limited basis. A wider measure of separation in determining worship between church and state was achieved with the Worship and Doctrine Measure 1974 which, in effect, gives the General Synod power to authorise alternative service provisions without limit of time and to do so by canon.¹⁵

Authorised Services

- 7.5 The primary service book of the Church of England remains The Book of Common Prayer¹⁶. This is often referred to simply as 'The Prayer Book'. In addition to this Canon B1 also lists the other services authorized for use: namely:
- The shortened forms of Morning and Evening Prayer¹⁷
 - The accession service¹⁸
 - Forms of service authorized in accordance with the provisions of Canons B2, B4 or B5A¹⁹. The full list of forms of services authorised for use in addition to those contained in the Book of Common Prayer is set out at Services Authorized and Commended as of 1 January 2017 (see Annex A). These include the forms of service published variously under Common Worship.
- 7.6 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

14 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 Minnesota 1984]. In any event the key point, certainly that most liturgists would advance is that worship governs doctrine.

15 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.

16 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.

17 These were set out in the Schedule to the Act of Uniformity Amendment Act 1872.

18 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.

19 In reality it is under these Canons that the services used in most churches each week are authorised. See the separate handout for the

worship offered glories God and edifies the people”

- 7.7 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)²⁰

Amending authorised services

- 7.8 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!
- 7.9 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).
- 7.10 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.²¹
- 7.11 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”²²
- 7.12 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.²³

Worship in the Parish

- 7.13 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 occasions²⁴.
- 7.14 At the time of writing, General Synod is proceeding with draft legislation which includes within its provisions the possibility of omitting the mandatory provision of morning and evening prayer and Holy Communion at a church every Sunday, provided such is celebrated elsewhere at a church within the benefice.
- 7.15 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

current list.

²⁰ 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)

²¹ 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 solemnized.

²² CW Main Volume rules for regulating authorized forms of Services rule 4.

²³ 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.

²⁴ The Principal Feast Days are: Christmas Day, Epiphany, the Annunciation of the Blessed Virgin Mary (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. See Canon B6 and B14 and Common Worship: Calendar, Lectionary and Collects.

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?

- 7.16 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.²⁵
- 7.17 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.
- 7.18 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 King James Bible (often known as the Authorized Version) with services from the BCP are set out in the appendix 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 also accompanies this chapter.

Other things

Vesture - Canon B8

- 7.19 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 ascertaining by consultation with the PCC that such a change will be acceptable.
- 7.20 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". At Morning Prayer and Evening Prayer surplice or alb is to be normally worn with scarf or stole and the same pertains to occasional offices.
- 7.21 Amending Canon 36, enacted on 10 February 2018, amends Canon B8 to allow the Minister to change the vesture in church and chapel to another specified form as follows: the minister need not wear a surplice or alb with scarf or stole at the Holy Communion if the minister considers, after ascertaining by consultation with the parochial church council, that adopting some other form of dress is acceptable and would benefit the mission of the Church in the parish. The minister may adopt some other form of general dress at Morning or Evening Prayer if, after ascertaining by consultation with the PCC, that adopting some other form of dress is acceptable and would benefit the mission of the Church. At occasional offices, a minister may adopt a form of dress other than alb, or surplice, scarf or stole with the agreement of the persons concerned. Where a minister adopts a form of vesture other than that specified in the Canon, it must be seemly and it must not be indicative of a departure from the doctrine of the Church of England. The minister must refer any disagreement on the matter with the PCC to the bishop of the diocese, whose direction shall be obeyed.

Reverence - Canon B9

- 7.22 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

- 7.22 Only those ordained Priest by Episcopal ordination in accordance with Canon C1 (and we might

²⁵ 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)

add those whose orders are recognised under the Clergy (Overseas Ordination) Measure 1990) are permitted to preside at the Holy Communion.

- 7.23 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 general notes again give some helpful hints over different ministries being exercised at the Eucharist <https://www.churchofengland.org/prayer-and-worship/worship-texts-and-resources/common-worship>
- 7.24 Currently the only lay-persons who are automatically authorised to distribute the elements of bread and wine at Holy Communion are licensed Readers. Any other lay person must be specifically authorised by the Bishop. General Synod, in July 2015, enacted regulations allowing bishops to extend to other persons the power to authorise individuals to administer the Holy Sacrament of the Lord's Supper. The decision of the Bishop of Southwark and its provisions are set out at Annex D of this chapter.

Admission to Holy Communion - Canon B15A and B16

- 7.25 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 Synod²⁶ 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 must 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, whose decision is final in the matter.

Of bread and wine - Canon B17 and Vessels F3

- 7.26 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. Questions have arisen, for pastoral reasons, about the use of grape-juice and gluten-free wafers. This is something the Legal Advisory Commission of the General Synod has considered²⁷ Grape juice/unfermented wine is unlawful. However, de-alcoholised wine may be used, providing some alcohol remains. Any proposal to use such de-alcoholised wine for the entire church congregation rather than a discrete number of individuals should be referred to the Area Bishop for their consideration of the issue.
- 7.27 Section 8 of the Sacrament Act 1547 requiring communion in both kinds is still extant, and communicants are expected to receive it as such as a dominical command, save by medical necessity. In 2009, the Archbishops issued temporary advice of "personal intinction by the presiding minister" (i.e. the priest dipping the wafer or bread into the wine and administering to the communicant) during the prevailing concern about 'swine flu'. The justification was that the phrasing in the Sacrament Act, "except necessity otherwise require" was a public health permission, although there is no evidence it ever was applied for this purpose in the centuries after which the Act was passed. Pleading necessity is, especially as here, with no further definition, defended by the Legal Advisory Commission both to justify exceptional intinction by the Minister (as in Prisons) or even communion in one kind (i.e. administering the bread only) in certain strict circumstances. What is not accepted as grounds of legal necessity is a failure to stock sufficient supplies of wine or of bread/wafers or to administer or receive communion in one kind on doctrinal grounds or any other preference. Communion in both kinds is required as the norm both by law and the ancient practice of the Church.

- 7.28 Where someone presents with a gluten intolerance, the following advice is pertinent. In order to be compliant with Canon B17, the Legal Advisory Commission recommends the use of "gluten-

²⁶ 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.

²⁷ http://www.going4growth.com/downloads/non-alcoholic_wine_and_gluten_free_bread_%281%29.pdf

free” wafers made with specially processed wheat whereby there is gluten present but the level of gluten is very low. The commission refers to the website of Coeliac UK for information on this and Vanpoules and Farris as relevant suppliers.

- 7.29 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.²⁸

Of sermons - Canon B18

- 7.30 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

- 7.31 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.

Copyright

- 7.32 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 <https://www.churchofengland.org/copyright> Care should always be taken to include 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.
- 7.33 Quotations from the Holy Bible in English translation should also have a proper reference to copyright and instructions on how to do this will normally be found in the prefatory pages of whichever translation is used.

Occasional Offices

- 7.34 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

- 7.36 Clergy have a legal duty to baptize the children of parishioners, and 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).
- 7.37 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

- 7.38 Children must have at least two godparents (who may include their parents, provided that there

²⁸ It will be seen that the use of pottery chalices etc is not within the scope of this Canon.

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

- 7.39 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.²⁹ It should be noted that ‘emergency’ means a concern as to the health of the child, never, for example, because of the availability of an ordained minister because of other commitments.

Adults

- 7.40 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

- 7.41 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.
- 7.42 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.
- 7.43 Baptism must be registered in the register of baptisms of the parish church (Parochial Registers and Records Measure 1978).

Who may minister?

- 7.44 There are a wide range of offices, appointments and ministries in the church, most of them lay. In terms of preaching and leading services, these are governed by a judgment about someone’s suitability and ensuring that they are equipped for the task. This process is expressed in law. Ultimately it is for the Bishop to be satisfied or to make provision for this in the Church of England and all authorised ministers are commissioned or licensed by him/her. Similarly, it is ultimately the Bishop who has to be satisfied about the standard of any training, although in a number of cases these must now meet national guidelines. As mentioned earlier, only an episcopally ordained presbyter (Canon C1) may preside at Holy Communion.
- 7.45 Other than a clerk in holy orders, only a licensed Reader -Canon E4 2(b)- , or a Licensed Lay Worker (including Church Army Evangelist) - Canon E7 5(a) - who is authorised as such, may preach regularly at a Church of England service. Any incumbent may invite a lay person who is not a Reader or in training to preach on a one-off basis. For any ongoing use of lay people in preaching, the incumbent should discuss arrangements with and seek the consent of the Area Bishop.
- 7.46 Morning or Evening Prayer or Service of the Word should be taken by those authorised to conduct them. Provision is available for another lay person to step in during any emergency - Canon B 11 (1). Incumbents may discuss the operation of this with the Archdeacon.

Marriage

²⁹ 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 Common Worship Initiation Rites also make this clear. See the section on Emergency Baptism in the Initiation volume for further details.

- 7.47 Guidance on the legal preliminaries for marriage is found elsewhere in this document Further information is also available at <https://www.yourchurchwedding.org/>
- 7.48 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 European Economic Area (EEA).

Service of Prayer and Dedication after Civil Marriage

- 7.49 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.

Civil Partnership

- 7.50 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 a pastoral statement in this area which stresses the need to respond pastorally but makes it clear that clergy should not bless such partnerships. See further <https://www.churchofengland.org/sites/default/files/2017-11/House%20of%20Bishops%20Statement%20on%20Civil%20Partnerships%202005.pdf> Paragraph 18 of the statement says that "Where clergy are approached by people asking for prayer in relation to entering into a civil partnership they should respond pastorally and sensitively in the light of the circumstances of each case".
- 7.51 It remains the position that churches of the Church of England are not nor may become approved premises for the registration of civil partnerships.

Same Sex Marriage

- 7.52 Following the Marriage (Same Sex Couples) Act 2013 the House of Bishops issued a pastoral letter on 15th February 2014. See <https://www.churchofengland.org/more/media-centre/news/house-bishops-pastoral-guidance-same-sex-marriage>
- 7.53 The House of Bishops acknowledged the clergy's pastoral discretion, and noted that the Church of England's doctrine of marriage and liturgical practice remains unchanged. As a result of the Act it is not legally possible for two persons of the same sex to marry according to the rites of the Church of England. It also remains the case that a service of blessing following such a civil wedding should not be undertaken, (nor after a religious wedding of two persons of the same sex elsewhere). The House of Bishops repeated its stance given in respect of Civil Partnerships that it 'did not wish, however, to interfere with the clergy's pastoral discretion about when more informal kind of prayer, at the request of the couple, might be appropriate in the light of the circumstances'. (para.20)
- 7.54 Following the General Synod's decision in February 2017 not to take note of the House of Bishop's paper, *Marriage and Same Sex Relationships after the Shared Conversations* (GS 2055) in the House of Clergy, the Archbishops of Canterbury and York and the House of Bishops committed themselves to two new strands of work: the creation of a Pastoral Advisory Group and the development of a substantial teaching document. Their letter following the vote is here: <https://www.churchofengland.org/more/media-centre/news/letter-archbishops-canterbury-and-york-following-general-synod> A paper to General Synod, Next Steps on Human Sexuality (GS 1158) setting out further information on the strands of work is available via this link: <https://www.churchofengland.org/sites/default/files/2017-11/gs-misc-1158-next-steps-on-human-sexuality.pdf>

Funerals and Burials

- 7.55 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).

- 7.56 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 one's ashes interred in the churchyard if there is room. (Canon B38).
- 7.57 Funerals in Church must follow an authorised rite. Funerals at crematoria 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, excommunicate 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. General Synod has enacted Amending Canon No. 37, the effect of which is to abolish the rule that the usual form of burial service must not be used in the special cases referred to in the Canon (i.e. suicide, or lack of baptism. The reference to excommunication is removed altogether. There is no longer any legal machinery to declare a person excommunicate). The position is now one where the usual form of service is to be used in those cases. But the Amending Canon makes an exception where the minister cannot in good conscience use the usual form of service. It is then the case that the minister has to notify the bishop and use a form of service prescribed or approved by the bishop. Such a service must not be contrary to, or indicative of any departure from, the doctrine of the Church of England in any essential matter.
- 7.58 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.
- 7.59 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

- 7.52 Canon B37 requires the minister to “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.” 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

- 7.53 The 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.

Visiting Ministers and Preachers

Please see Annex F to this chapter.

The Ministry of Reconciliation

- a. 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.

- b. 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.
- c. 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.
- d. From 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. Any breach of confidentiality would be a matter for Clergy Discipline. It is unclear whether English law grants any privileges to information shared between a penitent and a priest or other minister of religion, for example in the investigation or reporting of crime. However, clergy of the Church of England are specifically enjoined to secrecy within the confines of confession by Canon Law. The only exception allowed by the Canon is a threat to the life of the person hearing the confession. The matter has not been tested in court. Common Worship provides forms of service for the Reconciliation of a Penitent.
- e. The current position for clergy in the Church of England is set out in Guidelines for the Conduct of the Clergy at paragraphs 3.3 - 3.9. The relevant extract is set out again below (for ease of reference) along with a note on the Working Party on the Ministry of Absolution.

"3.3 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).

3.4 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.

3.5 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 proviso to 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.

3.7 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.

3.8 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.

3.9 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.

A working party to look at the implications of Canon B29 and the unrepealed proviso of Canon 113 of 1603 in the context of safeguarding was set up in 2014³⁰. It has reported to the Standing Committee of the House of Bishops. This is unlikely to be available in its final approved form before some time in 2018.”

30 GS Misc 1085

Services Authorized and Commended as of 1 January 2017

- Public worship in the Church of England is a matter governed by law.
- Canon B 2 provides that the General Synod may approve forms of service with or without time limit. Services thus approved are alternative to those of The Book of Common Prayer. The power given to General Synod under Canon B 2 derives from the Worship and Doctrine Measure 1974.
- Canon B 4 provides that the convocations, the archbishops in their provinces or the bishops in their Dioceses may approve forms of service for use on occasions for which The Book of Common Prayer or Authorized Alternative Services do not provide.
- Canon B 5 (paragraph 2) allows discretion to any minister where no other provision has been made under Canons B 1 or B 4, to use other forms of service that are considered suitable. If questions are raised as to whether such forms of service are suitable the decision rests with the bishop.
- Authorized Alternative Services are those approved by the General Synod under Canon B 1 (for fuller details see below).
- Commended Services are those that the bishops corporately have judged to be ‘suitable’ either for approval under Canon B 4 or for use in the contexts envisaged in Canon B 5 (for fuller details see page 225).

AUTHORIZED SERVICES ALTERNATIVE TO THE BOOK OF COMMON PRAYER APPROVED BY THE GENERAL SYNOD PURSUANT TO CANON B 2

As at 1 January 2017

Published in Common Worship: Services and Prayers for the Church of England and Common Worship: Collects and Post Communions

- A Service of the Word
- Schedule of permitted variations to The Book of Common Prayer Orders for Morning and Evening Prayer where these occur in Common Worship
- Prayers for Various Occasions
- The Litany
- Authorized Forms of Confession and Absolution
- Creeds and Authorized Affirmations of Faith
- The Lord’s Prayer
- The Order for the Celebration of Holy Communion also called The Eucharist and The Lord’s Supper
- Collects and Post Communions
- Rules for Regulating Authorized Forms of Service
- The Lectionary
- Opening Canticles at Morning and Evening Prayer; Gospel Canticles; Other Canticles; A Song of Praise (Epiphany); Te Deum Laudamus

Published in Common Worship: Initiation Services

- Holy Baptism
- Emergency Baptism
- Holy Baptism and Confirmation
- Seasonal Provisions and Supplementary Texts
- Affirmation of Baptismal Faith
- Reception into the Communion of the Church of England

Published in Common Worship: Pastoral Services

- Wholeness and Healing
- The Marriage Service with prayers and other resources
- Thanksgiving for the Gift of a Child
- The Funeral Service with prayers and other resources
- Series One Solemnization of Matrimony
- Series One Burial Services

Published in Common Worship: Ordination Services

- Ordination Services

Published in Common Worship: Daily Prayer (Fourth Impression 2010)

- The Calendar

Published separately

- Public Worship with Communion by Extension (NB In the Church of England explicit permission must be obtained from the Bishop for the use of this rite. The Bishop of Southwark does not permit anyone in the Diocese to undertake this.)
- Weekday Lectionary (2005)
- An Order of Marriage for Christians from Different Churches
- Additional Weekday Lectionary (2010)
- Additional Eucharistic Prayers with guidance for celebrating the Eucharist with children (2012)
- Christian Initiation: Additional Baptism Texts in Accessible Language with guidance on using the alternative texts (2015)

The above are all authorized for use until further resolution of the Synod.

Form of Service authorized 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) As at 1 January 2012

Published in Common Worship: Services and Prayers for the Church of England

- Introduction to Morning and Evening Prayer on Sunday
- Introduction to Holy Baptism
- Short Prefaces for the Sundays before Lent and after Trinity
- 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 Services
- 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: Times and Seasons
- Material contained in Common Worship: Times and Seasons - President's Edition for Holy Communion
- Material contained in Common Worship: Festivals
- Material contained in Common Worship: Time to Pray (2006)

- Material contained in Common Worship: Rites on the Way (2006)
- Common Worship: The Admission and Licensing of Readers
- Material contained in Common Worship: Holy Week and Easter
- Material contained in Common Worship: A Pastoral Ministry Companion
- Material contained in Common Worship: Morning and Evening Prayer (2016)

SERVICES WHICH COMPLY WITH THE PROVISIONS OF A SERVICE OF THE WORD

(see Authorized Services, no. 2)

As at 1 January 2013

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

Published separately

- Sample services contained in New Patterns for Worship
- Services contained in Common Worship: Daily Prayer

PUBLICATIONS

The material is published in the following volumes:

- *Common Worship: Services and Prayers for the Church of England*
- *Common Worship: President's Edition*
- *Common Worship: Collects and Post Communions*
- *Common Worship: Christian Initiation*
- *Common Worship: Pastoral Services*
- *Common Worship: Daily Prayer*
- *Common Worship: Times and Seasons*
- *Common Worship: Festivals*
- *Common Worship: Time to Pray (Prayer During the Day and Night Prayer from Common Worship: Daily Prayer)*
- *Common Worship: Ordination Services (Study Edition)*
- *Common Worship: Times and Seasons - President's Edition for Holy Communion*
- *Common Worship: Holy Week and Easter*
- *Common Worship: Additional Eucharistic Prayers*
- *Common Worship: A Pastoral Ministry Companion*
- *Common Worship: Morning and Evening Prayer*
- *New Patterns for Worship*
- *Public Worship with Communion by Extension (NB please note that the Diocesan Bishop's permission is required for the use of this rite and this Diocese, that permission is never given.)*
- *Common Worship: The Admission and Licensing of Readers*
- *An Order of Marriage for Christians from Different Churches*
- *Annual editions of the Common Worship Lectionary*

It may also be found in the Common Worship area of the Church of England website at www.cofe.anglican.org/worship/liturgy/commonworship/

Copyright

A leaflet entitled A Brief Guide to Liturgical Copyright deals with the procedures for local reproduction. It provides guidance on preparing local texts and information about copyright requirements. The third edition (2000) is available at £1.50 from Church House Publishing and in the Common Worship area of the Church of England website at <https://www.churchofengland.org/copyright>

Annex B

VERSIONS OF THE BIBLE AND OF THE PSALMS

The following may be used in **Book of Common Prayer** services (with the permission of the Parochial Church Council) instead of the Authorized Version of the Bible and the Psalter in *The Book of Common Prayer*:

Revised Version
Jerusalem Bible
Revised Standard Version
Good News Bible (Today's English Version)
New English Bible
The Revised Psalter
The Liturgical Psalter (The Psalms in a new translation for worship)

Any version of the Bible or Psalter not prohibited by lawful authority may be used with **Alternative Services and Commended Services**. The following note from the House of Bishops under the name of the then Archbishop of York addresses this:

Versions of Scripture

A Note by the House of Bishops

- 1 While the Church of England authorises the Lectionary - what passages are to be read on which occasion - it does not authorize particular translations of the Bible. Nevertheless, among the criteria by which versions of Scripture are judged suitable for reading in church during the course of public worship are the following:

Faithfulness in translating the Hebrew or Greek
Resonance with the language of prayer used in the particular authorized service
Suitability for reading aloud in a public gathering
Use of familiar language in well-known quotations or figures of speech
Familiarity to the listener
Intelligibility to the listener
Appropriateness to the linguistic register of the particular congregation
- 2 A distinction needs to be drawn between translation and paraphrase. Versions which are read in church during the course of public worship should be translations of the Bible, not paraphrases of it. In less formal contexts, paraphrases may be useful.
- 3 Versions of Scripture which are translations and appear to satisfy at least four of the criteria set out in paragraph 1 above include:

The Authorized Version or King James Bible (AV), published in 1611, of which a Revised Version was published in 1881-5
The Revised Standard Version (RSV), originally published in the USA in 1952 and based on the 1901 American Standard Version of the 1881 revision of the AV
The New International Version (NIV), copyrighted 1973-1984 by the International Bible Society
The New Jerusalem Bible (NJB), published in 1985 - a revision of the Jerusalem Bible (JB), originally published in 1966, which was based on the Bible de Jérusalem (1956)
The New Revised Standard Version (NRSV), an inclusivized revision of the RSV, published in an anglicized version in 1989
The Revised English Bible (REB), published in 1989 - a revision of the New English Bible (NEB), which was originally published between 1961 and 1970
The English Standard Version (ESV), published in 2002 and based on the RSV, with priority given, in the area of gender language, to rendering literally what is in the original
- 4 Decisions about which version to use on which occasion are best made as locally as possible.
- 5 It should be noted that the NIV and the ESV do not include the Apocrypha, which is a necessary resource for Church of England lectionaries.
- 6 Some of the translations listed in paragraph 3 are 'inclusive' translations which avoid the use

of masculine nouns and pronouns when reference is made to women as well as men. Where a masculine noun or pronoun is used in the original language, making an English text 'inclusive' necessarily involves a degree of departure from accurate translation. A conscious choice would have to be made between the two criteria of inclusivity and accuracy in respect of any of these versions.

On behalf of the House

+ DAVID EBOR

9 October 2002

The Apocrypha

The use of the Apocrypha may be unfamiliar to some PCCs but it is a requirement of Canon F9 that a Bible, including the Apocrypha be provided (see below). The status of the Apocrypha is addressed in Article VI of the Thirty Nine Articles of Religion: “the Church doth read for example of life and instruction of manners; but yet doth it not apply them to establish any doctrine”. The term Deuterocanonical books has been used in the Roman Catholic Church since the Council of Trent. Readings in the Apocrypha are included in the lectionary of the Book of Common Prayer (1662) as was the case for the lectionary of both Cranmer’s Book of Common Prayer of 1549 and 1552. English translations and publication of the Bible with the Apocrypha were normative until the late 17th century by which time the reading of the Apocrypha had fallen into disuse in England. Both the Geneva Bible (1560/1599), which made a similar reference to their status as the Articles of Religion, and the King James’ Version (1611) were published with the Apocrypha. The Westminster Confession of Faith (1647), however, stated that “The books commonly called Apocrypha, not being of divine inspiration, are no part of the canon of the Scripture, and therefore are of no authority in the Church of God, nor to be any otherwise approved, or made use of, than other human writings.” While normative for some other churches, chiefly Presbyterians, the Westminster Confession has no particular status in the Church of England, unlike the historic formularies.

Canon F9. “In every church and chapel there shall be provided for the use of the minister a Bible, including the Apocrypha, and a Book of Common Prayer, both of large size; a convenient Bible to be kept in the pulpit for the use of the preacher; and a service book, together with a cushion or desk, for use at the communion table.”



11 September 2017

To all Clergy of Incumbent Status

Dear Brothers and Sisters in Christ

Administration of Holy Communion

The Christian community is the gathering of those who, irrespective of age, have been baptised; most have in due course been admitted to Holy Communion and confirmed. In each generation the Church has encouraged Christians of all ages to play a full and active part in our common life and worship, as servers, readers, musicians and so on.

The General Synod has now passed the Administration of Holy Communion Regulations 2015. The Diocesan College of Bishops are now keen to open up to communicant children and young people the ministry of administration of Holy Communion. These children and young people need not be confirmed but they must have been admitted to Communion and be regular communicants.

This is a ministry that should flow naturally from a young person's own lived membership of the Body of Christ, and particularly his or her participation in Holy Communion. It is not a token of theological understanding; still less a reward for good behaviour. As with any church activity, there should be full consultation with parents before permission is granted.

The criteria for identifying and training ministrants will probably be well-established in parishes and other contexts, and should be the same for children and young people as for their older counterparts. Age need not be a factor: those who are mature enough to be confirmed or otherwise admitted to Communion will generally be able to embrace the demands of the role. A guiding principle for all is that they should be regular communicants themselves.

Indeed, it should be unnecessary (excepting home Communion and the consumption of excess wine after the service) to enforce distinctions between adults and children in the exercise of this ministry. The formal procedures for appointing individuals for this ministry are attached.

It is advisable that training of ministrants take place at regular intervals to train in good practice and enable new ministrants to participate in this ministry while others are enabled to rest from it. Some example training materials that may be useful in developing something appropriate for your own Churches are available from the Ministry Department: please contact Sue Stewart sue.stewart@southwark.anglican.org.

Places and traditions are important and to be respected. Questions and considerations will be prompted by individual buildings and liturgical styles. We hope that resolving them through reflection and discussion will serve to deepen participation in the worshipping life of the Church.

We commend these new arrangements to you with thanksgiving for our Eucharistic fellowship and with great joy in our partnership in the Gospel,

Christopher Southwark

The Rt Revd Christopher Chessun
Bishop of Southwark

+ Richard Kingston

The Rt Revd Dr Richard Cheetham
Bishop of Kingston



Loving God
Walking with Jesus
Led by the Spirit
Luke 24:13-35

+ Jonathan Croydon

The Rt Revd Jonathan Clark
Bishop of Croydon

+ Karowei Woolwich

The Rt Revd Karowei Dorgu
Bishop of Woolwich



Authorisation to distribute the Holy Sacrament of the Lord's Supper in Public Worship

Anybody who distributes the elements of bread and wine at the Eucharist must be authorised to do so, either by ordination, by holding the Bishop's Licence, or specifically for this ministry by the Bishop under the relevant regulations (see Canon B12). These regulations have now changed, with the adoption of the Administration of Holy Communion Regulations 2015. The new rules give Bishops greater discretion in this area, and the Bishop of Southwark, after consulting the Area Bishops, has decided to adopt the practice set out here, with effect from Pentecost 2017.

Appointment

Subject to the further conditions below, individuals are authorised to distribute Holy Communion in a Parish as follows:

- the Incumbent or Priest-in-Charge should consult the churchwardens and members of the PCC before drawing up a list of candidates for the PCC's approval
- the PCC, if satisfied with this list, should formally signal its approval by adopting a resolution in the form "This PCC commends the following individuals as suitable for authorisation to distribute the holy sacrament of the Lord's Supper in the Parish of : []"
- at this point the individuals are able to commence exercising this ministry within their Parish Church
- those currently appointed are notified to Archdeacons as part of the Inspection, and the question as to who has been thus authorised by which PCC resolution will form part of the Articles of Inquiry
- a list of names of the individuals authorised, the parishes and dates of commencement is kept on behalf of Archdeacons at the Area Office
- during a vacancy, the Area Dean may undertake the role of Incumbent.

Qualifications

Those who are authorised to distribute Holy Communion should be regular communicant members of the Church in question. They should not be the subject of any safeguarding concern. If they are below the age at which confirmation is normal in the church, they need not be confirmed, but if they are not confirmed they must have been formally admitted to receive communion under the Admission of Baptized Children to Holy Communion Regulations 2006.

Those appointed should be fully engaged in the worshipping life of the church. Appointment to distribute Holy Communion should not be used to confer status or otherwise give some benefit to the individual. Rather, there should be a sense of a calling to this ministry which is perceived by both the individual and the Incumbent / PinC. As part of this discernment due consideration should be given to the individual's ability to carry out the role properly.

Authorisation of Children

There is no separate process for selection, authorisation or preparation of children. The only difference between the exercise of this ministry by children and that by adults, is that those under 18 do not help to consume unconsumed consecrated wine.

Training

The Incumbent or Priest-in-Charge should ensure that all persons authorised to distribute Holy Communion are promptly trained in how to carry out this ministry in accordance with the rites of the Church of England. Example training materials are available on the Diocesan website.

Training should be conducted in such a way that it is suitable for all who need to be trained. When trained, those administering Holy Communion do so at the direction of the Incumbent or Priest-in-Charge.

Time Limits

Appointments are for a fixed term of three years, but there is no limit on the number of terms for which an individual may be re-appointed, upon due consideration, and these terms may be served consecutively.

The individual may relinquish the post early or it may be terminated at the direction of the PCC or the Bishop.

Home Communion

These rules are for those appointed to administer Communion as part of Public Worship. Authorisation for this purpose does not authorise the individual to administer Communion by Extension in the home, or otherwise to administer communion outside the setting of Public Worship in the Parish Church. Authorisation for Home Communion will continue to be operated centrally under different rules.

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.

Visiting Clergy and other ministers

1. All priests having a cure of souls shall provide that Morning and Evening Prayer be said daily, celebrate or cause to be celebrated Holy Communion on Sundays and on other greater Feast Days and Ash Wednesday and shall preach or cause to be preached a sermon each Sunday.
2. It follows that as well as those licensed to the parish³¹, on occasion, a visiting minister, lay or ordained may preach or officiate. Lay presidency may not be lawfully practiced in the matter of Holy Communion.
3. Generally, without a licence, it is a matter for the bishop to determine whether someone may preach or officiate in a parish. The exception to this lies in Canon C8(2)(a) where the minister having the cure of souls may allow a minister, concerning whom they are satisfied either by actual personal knowledge or by good and sufficient evidence that he is of good life and standing and that he has authority to officiate in accordance with this Canon (whether in that or another Diocese), to minister within their church or chapel for a period of not more than seven days within three months without reference to the bishop. The visiting minister is required to fill out their name in the register of services at the relevant place.
4. This places a certain onus on the incumbent or priest-in-charge to ensure, 'good standing'. It is imperative, for example, to ensure that the person invited either has a licence or permission to officiate in this or another Diocese. Failure to do so, with the safeguarding checks that accompanying such permission may render the incumbent or priest-in-charge open to a complaint under the Clergy Discipline Measure 2003. The same applies to inviting visiting Readers.
5. This requirement to ensure good standing extends to any ministry such preaching, officiating at the liturgy, reading the lessons, intercessions, administering the Eucharist, and even robing by itself. Under Amending Canon 34, Canon 8 has been amended so that clergy who have been prohibited or suspended under the Clergy Discipline Measure 2003 are not permitted to robe. Please bear in mind that under Canon Law, all clergy with authority to officiate must participate in arrangements approved by the Diocesan Bishop for training in matters relating to the safeguarding of children and vulnerable adults. The same applies to Readers and Licensed Lay Workers.

Ecumenical Arrangements

6. An invitation to a minister of another church should be made in the context of Canon B43 as amended by Amending Canon 34. Key to this is the provision, "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 the incumbent, having made such enquiries as are appropriate in all the circumstances, is satisfied that the minister or lay person is of good standing ..." This requires evidence of the Disclosure and Barring Service (DBS) Certificate and confirmation of standing from the appropriate agency within whatever structure the partner church operates.
7. Please note carefully the boundaries of Canons B43 & 44 which are added to this note.

Overseas Clergy

8. Any overseas clergy who wish to officiate as a priest or deacon in the province of Canterbury or York, even while on an occasional visit must apply to do so for written permission from the relevant Archbishop (in our case, Canterbury). This is governed by the Overseas and Other Clergy (Ministry and Ordination) Measure 1967. Thus, those visiting parishes, conventional districts, proprietary chapels or the Cathedral in the Diocese of Southwark, including bishops, still require the Archbishop's permission under the Measure. Please contact the Bishop of Southwark's PA for the relevant form penny.lothead@southwark.anglican.org or the Bishop's Chaplain, Joshua.Rey@southwark.anglican.org

³¹ Or a general licence to the diocese or province.

43 Of relations with other Churches

1.

- (1) A minister or lay person who is a member 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 the Incumbent, having made such enquiries as are appropriate in all the circumstances, is satisfied that the Minister or lay person is of good standing and -
- (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 80(11) of the Mission and Pastoral Measure 2011 authorizing a minister to exercise his or her ministry in any place and divine service may be performed in that place under section 80(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 80(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 80(11) of the Mission and Pastoral Measure 2011 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 80(13) or (14) of the Mission and Pastoral Measure 2011 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 80(13) or (14) with the consent, in the case of a building mentioned in section 80(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 80(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 80(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 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, 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.

14 March 1989

The Baptist Union
The Methodist Church
The Moravian Church
The Roman Catholic Church in England and Wales
The United Reformed Church

17 September 1990

The Congregational Federation
The International Ministerial Council of Great Britain (formerly the Shiloh United Church of Christ)

16 January 1991

The Lutheran Council of Great Britain

28 January 1992

The ArchDiocese of Thyateira and Great Britain
The Council of African and Afro-Caribbean Churches
The Free Church of England
The Southam Road Evangelical Church, Banbury

8 October 1992

Member Churches of the Evangelical Church in Germany

10 November 1993

Assemblies of God in Great Britain and Ireland

30 August 1994

The New Testament Church of God

2 January 1996

The Russian Patriarchal Church of Great Britain being the Orthodox Diocese of Sourozh operating within the provinces of Canterbury and York

7 June 2000

The Independent Methodist Churches

6 July 2001

The Church of the Augsburg Confession of Alsace and Lorraine

The Evangelical-Lutheran Church of France

The Reformed Church of Alsace and Lorraine

The Reformed Church of France

1 January 2012

The Council of the Oriental Orthodox Churches in the United Kingdom and the Republic of Ireland

25 July 2014

The Church of the Nazarene British Isles South District

30 July 2014

The Church of Scotland

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 Extra-Parochial 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 80 or 83 of the Mission and Pastoral Measure 2011 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 82(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 80(13) or (14) of the Mission and Pastoral Measure 2011;
- (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 80(14) of the Mission and Pastoral Measure 2011 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.

There is no national church guidance or single legal instrument covering the parish. The following is intended to be useful in sketching out in some detail what the parish is and the role of parish structures and officers.

- 8.2 The parish is not the be-all and end-all, particularly for the laity. Faithful living, fruitful encounter, experimentation and continuity go on elsewhere. But the parish is the focus for the activity of most clergy in the Church of England. It is for this that their vocation has led them, it is here that the mission of the church predominates and here that its structures, investment, training and liturgy are focused. It is in the parishes that innovation is trialed, continuity nurtured, the Word of God preached and the sacraments duly administered. The law of the Church of England is principally concerned with parochial ministry. In every case, the cure of souls is assured and in every case parishioners, not simply church members, have rights of their parish church and in every case clergy exercise duties under English law as well as act under grace
- 8.3 The word for parish comes to us originally from the Greek. The Greek *paroikia* at first meant sojourn. It signified our journey as a people to a heavenly city. Later it became identified with the district to whose people a bishop ministered. But when this term became subsumed in the later Roman administrative term *diocese* and bishops were assisted by numerous presbyters throughout the territory, the term became applied to the sub districts associated with the latter priests by about the 4th century. It is said that the parish system was introduced to England in the 7th century by Theodore of Tarsus but did not cover the entire country until the reign of Edward III. Boundaries, in some cases, may, therefore go back to the Anglo-Saxon period but most were revised in the 17th century. The practice of ‘beating the bounds’, in the absence of accurate cartography served a practical purpose.
- 8.4 The law places few obligations upon the laity in general by comparison with the clergy. The term laity derives from *laos*, the Greek for people, which in turn refers to the whole people of God rather than those not in orders, but there is a legal distinction which will be followed here. Those Canons which apply to all are:
- No member of the Church of England is at liberty to maintain other than the Church of England belongs to the true and apostolic church (Canon A1);
 - The Thirty-nine articles are agreeable to the Word of God and may be assented to with a clear conscience (A2);
 - The form of worship in the Book of Common Prayer is not repugnant to the Word of God and may be used in good conscience; and furthermore the doctrine contained in the Book of Common Prayer is agreeable to the Word of God (A3);
 - The Royal Supremacy (A7)
 - ‘Forasmuch as the Church of Christ has for a long time past been distressed by separations and schisms among Christian men, so that the unity for which our Lord prayed is impaired and the witness to his gospel is grievously hindered, it is the duty of clergy and people to do their utmost not only to avoid occasions of strife but also to seek in penitence and brotherly charity to heal such divisions.’ (A8)
 - Sunday to be marked as a weekly memorial of our Lord’s resurrection with attendance at divine service, deeds of charity and abstention from all unnecessary labour and business (B6)
 - 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. 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. (B6)
 - All persons present in the time of divine service shall audibly with the minister make the answers appointed; give reverent attention; 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. (B9)
 - 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 (B15)
 - No person shall be admitted to be a sponsor or godparent who has not been baptized and

- confirmed (the requirement for confirmation may be dispensed with by the minister) (B23).
- 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 where necessary make confession. (B29)

Parish Officers

Churchwardens

- 8.5 Churchwardens originated sometime in the 12th century, initially as the guardians of fabric and utensils. As time went by, they acquired civic roles as well. As the incumbent looked to the laity to take on roles for the repair and maintenance of the building, so the laity selected from amongst themselves someone in whom they had confidence to undertake the tasks appointed. Such a person would then be summoned by the bishop as a source of information on any irregularity amongst the clergy or the parish. The churchwarden took charge of brewing the church ale, administering bequests, ensuring order in the churchyard and church and attendance at church. A churchwarden might be expected to tackle drunkenness, profanity or any exhibition of irreligion. In the late 19th century, it was discovered that there was no legal bar on women standing for election as churchwarden, something which caused comment at the time. All civic responsibilities have since been shorn from the role of churchwardens, although the meeting of parishioners to elect them (sometimes still called the Vestry Meeting) remains as a vestige of this.
- 8.6 Contemporary law as it applies to this ancient, continuous lay office is that the churchwardens of parishes and districts shall be chosen in accordance with the Churchwardens Measure 2001, and any other Measure, Act, or scheme affecting churchwardens. The Measure provides that there shall be two churchwardens in every parish, each covering the entire parish although they may share out the duties between them. The rule relating to two churchwardens is a firm one. However, it does not apply where custom can show a variation on that figure going back beyond 1925.
- 8.7 A churchwarden must be appointed no later than 30th April each year and shall be someone:
- whose name is on the electoral roll of the parish;
 - who are actual communicants;
 - who are aged at least 21;
 - who are not disqualified; including not disqualified from being a charity trustee under section 72(1) of the Charities Act 1993; by a conviction of an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933; and disqualification from being chosen for the office of churchwarden under section 10(6) of the Incumbents (Vacations of Benefices) Measures 1977.
- 8.8 Candidates must be nominated by those entitled to attend the parishioners' meeting. These are those persons whose names are on the electoral roll of the parish and those resident in the parish whose names appear on the local government register of electors. The meeting shall be convened by the minister of the parish or, in their absence, by the current churchwardens. "If it appears to the minister of the parish that the election of any particular person nominated might give rise to serious difficulties between the minister and that person in the carrying out of their respective functions the minister may, before the election is conducted, make a statement to the effect that only one churchwarden is to be elected by the meeting. In that event one churchwarden shall be appointed by the minister from among the persons nominated, the name of the person so appointed being announced before the election is conducted, and the other shall then be elected by the meeting." Section 4(5) Churchwardens Measure 2001. Such action may be controversial and it provides no basis for a regular or routine choice of "vicar's" and "people's" warden respectively.
- 8.9 This parishioners' meeting (or Vestry Meeting to give it its original name) is often scheduled for the same day as the Annual Parochial Church Meeting as a matter of convenience and to some may seem as if it is an agenda item at the later meeting, but it is not. It is a separate meeting with a separate, if overlapping, electorate (although in practice, the wider residential electorate is unlikely to attend). The Minister chairs but it is up to the meeting to appoint a clerk to take the minutes. The meeting must be advertised by a notice signed by the minister

or churchwarden affixed to or near to the principal door of the parish church, stating the date, time and place of the meeting. The notice must go up at least two Sundays in advance of the meeting and at every other building licensed for public worship in the parish.

- 8.10 The churchwarden does not take up office on the date of election but on the day of admission at a date and time appointed by the bishop (no later than 31 July) where the candidate must make a declaration as to duties and to disqualifications. Normally the Archdeacon presides at the admission.
- 8.11 Many of the ecclesiastical duties and powers of churchwardens have been transferred to the Parochial Church Council (see Canons F1-F14 for examples). However, the PCC's responsibility for these things are often financial and in practice the initiative in ensuring their execution often falls to the churchwardens. Notwithstanding, duties include:
- They shall discharge such duties as are by law and custom assigned to them (Canon E1);
 - "They shall be foremost in representing the laity and in co-operating with the incumbent; they shall use their best endeavours by example and precept to encourage the parishioners in the practice of true religion and to promote unity and peace among them;" (E1(4)). This is a lawful requirement to mission.
 - In the churchwardens is vested the property in the plate, ornaments, and other movable goods of the church, and they shall keep an inventory thereof which they shall revise from time to time as occasion may require; (E1(5))
 - It is the responsibility of the churchwarden, including acting at the direction of the bishop to ensure the seating of bishops and others in the parish church (exceptions and other directions are set out at Canon F7)
 - Where any alterations, additions, removals, or repairs are proposed to be made in the fabric, ornaments, or furniture of the church, to obtain the faculty or licence of the Ordinary before proceeding (F13(3)). The Ordinary is the bishop. In this case faculty applications are to the Chancellor of the Diocese.
 - It is the churchwardens' duty (which they share with the incumbent) to answer the archdeacon articles of enquiry (Canon G6). In this Diocese some of these questions are now to be found only in diocesan data returns to avoid duplication.
 - "The churchwardens and their assistants shall not suffer the church or chapel to be profaned by any meeting therein for temporal objects inconsistent with the sanctity of the place, nor the bells to be rung at any time contrary to the direction of the minister." (F15(1))
 - "They shall not suffer any person so to behave in the church, church porch, or churchyard during the time of divine service as to create disturbance. They shall also take care that nothing be done therein contrary to the law of the Church or of the Realm." (F15(2))
 - "If any person be guilty of riotous, violent, or indecent behaviour in any church, chapel, or churchyard, whether in any time of divine service or not, or of disturbing, vexing, troubling, or misusing any minister officiating therein, the said churchwardens or their assistants shall take care to restrain the offender and if necessary proceed against him according to law." Canon F15(3). This does not extend to the churchwarden taking action against the minister on grounds of impropriety, unless the behaviour is "riotous, violent or indecent". Any other concerns about the minister must be raised with the bishop. They may institute a complaint against a member of the parish clergy under the Clergy Discipline Measure if for any reason they have grounds³².
 - The plate, ornaments and other movable goods are vested in the ownership of the churchwardens as a quasi-corporation, although they are constrained in disposing of them by faculty jurisdiction. On going out of office the wardens shall duly deliver to their successors any goods of the church remaining in their hands together with an inventory which they shall keep up to date and which shall be checked by their successors. The churchwardens must, with the advice and direction of the Minister provide sufficient bread and wine for holy communion (canon B17(1)).
 - The churchwardens shall maintain a full terrier (church property register: from Latin terra: earth. Land and property should be described and documented) of lands and inventory of articles in the church of churches of the parish. They must insert in a log a note of all works

of alterations, repairs and additions to church buildings, land and articles. These must be available annually to the PCC and for inspection by the Archdeacon. See the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 esp. s.4(4).

- 8.12 Further to Canon F15(3), to which it must surely be related, the Ecclesiastical Courts Jurisdiction Act 1860 section 2 creates an offence of riotous, violent or indecent behaviour in a place of worship whether or not during a service of worship. Mark Hill (Ecclesiastical Law Oxford 2007 p.89n) insists this gives churchwardens the power of arrest in such circumstances under section 3. Churchwardens may wish to rely on the Metropolitan Police Service or Surrey Police as appropriate.

E 2 Sidespersons or assistants to the churchwardens

- 8.13 They are called sidesmen in the canons but a less gender specific term may be used (see above). They shall be appointed by the annual parochial church meeting or, if need arises between annual parochial church meetings, by the parochial church council. There is no limit on the number to be appointed, save what seems reasonable to the APCM. Only a person who is on the electoral roll of the parish is eligible to be a sidesperson for the parish. The Canon's description of a sidesperson is "It shall be the duty of the sidesmen to promote the cause of true religion in the parish and to assist the churchwardens in the discharge of their duties in maintaining order and decency in the church and churchyard, especially during the time of divine service." It follows from this that the persons appointed are not merely ushers but demonstrate Christian discipleship. Furthermore, that their training, inducting in their duties (including this canon E2) and usually the initiative in selecting them as candidates for the APCM's approval lies with the churchwardens, whose assistants they are. *Questman* is an obsolete term for someone whose duty was to assist the churchwarden in bringing moral malefactors to the notice of the archdeacon or bishop and in maintaining moral order.

E 3 Of parish clerks and other officers

- 8.14 Canon law makes provision, now little used (E3) for a variety of other offices such as parish clerk, sexton and vergers (or virgers). The parish clerk was once a post either lay or ordained (now invariably lay) who assisted in divine worship with the responses in the Book of Common Prayer, with the care of church ornaments and with the churchyard although the latter tends to revert to the sexton. The strict meaning of vergers is one who carries a verge (or mace). This certainly happens (particularly in cathedral churches) but in practice where vergers exist, they undertake a wide range of duties around the church. Such posts may be voluntary or on such terms and conditions as the PCC thinks fit (see advice on employment). The power to appoint and dismiss such persons rests jointly with the minister and the Parochial Church Council³³.

Church Army Evangelists/Officers

- 8.15 The Church Army was founded in 1882. It was the vision of Prebendary Wilson Carlile to train men and women to reach those most in need with the gospel. He held open air gatherings to encourage grooms, coachmen and other working people to share their faith verbally and in acts of service. Within a year a training college was established in Oxford and in 1889 a training college for women followed it. Horse drawn mission caravans were an early feature as was work in slums and the setting up of homes for the destitute. Recreation huts, kitchens and ambulances were provided during the First World War. Marching Crusaders with 'Mission Treks' were a feature of the 1920s. Mobile canteens were a feature of the Second World War. Carlile himself was still active until the year of his death in 1942. The post-war period saw a renewed emphasis on youth work. The Church Army Training Centre was formerly in this Diocese at Blackheath and Church Army continues to run a number of projects in the Diocese of Southwark of evangelism and meeting chronic social need.
- 8.16 The individual is admitted to the Office of Evangelist by the Archbishop of Canterbury under Canon E7 (2). The Archbishop signs the paperwork but a Bishop from the Southern Province will be present at the Service of Admitting on the Archbishop's behalf to actually admit the individual into Office. The Chief Executive Officer then commissions the individual as an Evangelist in Church Army. They then receive a Bishop's license under Canon E7 and E8. The Church Army operates its own selection process and training, but the allocation of any officer is at the

33 See Parochial Church Council (Powers) Measure 1956 s.7(iii)

direction of the Diocesan Bishop in the first instance on the advice of the Area Bishop.
http://www.churcharmy.org.uk/Groups/242776/Church_Army/Church_Army/Get_involved/You/Join_us/Join_us.aspx

Licensed Lay workers

- 8.17 Formerly accredited lay workers or lady workers (men were not admitted until 1972). This was the chief avenue of full-time women's ministry in the Church of England (other than deaconesses and missionaries) prior to the ordination of women. It originated in the 19th century, was once numerous and it is parish based and generally salaried/stipendiary. There were formerly a range of training institutions around the country for the training of (mainly) women for this role. Canon E7 applies. The provision in the canons is now chiefly used for Church Army evangelists.

Readers

- 8.18 The most numerous of authorised lay ministers - around 9,000 nationally. They are also to be found in many provinces of the Anglican Communion. The Incumbent is key to fostering vocations to this office, to training and to securing working agreements and to their annual review. New incumbents should undertake a review within six months of arriving in the parish. Collaborative working is key to successful ministry.
- 8.19 The office originated in the early church as lectors (Latin for Readers). Men read from the scriptures at synagogue services and this practice continued in the early church at the Eucharist. Over time, those deemed especially competent became a minor order of lectors (Readers), including handling the book for the Bishop (third century). At the Reformation, all existing minor orders in England were swept away, but to address shortages in the provision of clergy, Elizabeth I's first Archbishop of Canterbury, Matthew Parker restored a lay office of Reader to read Morning and Evening Prayer, conduct the Burial Service and the churching of women³⁴. With the rise of an educated clergy, this lay ministry gradually died out in the reigns of the later Stuarts but was retained in the Diocese of Carlisle until the 18th Century. In the reign of Victoria, the pressure to provide an energetic ministry to a growing population, and with the example of greater lay involvement in dissenting congregations all too obvious, led in 1866 to the restoration of the office of Reader. Mostly stipendiary (and poorly paid) in the first instance, the role in church services only gradually expanded. Training too was overhauled several times and the voluntary principle came to predominate. Women were admitted for the first time in 1969.
- 8.20 Readers, after a period of training are admitted to their national office by the Bishop at the moment they receive from him or her the New Testament, following the necessary declarations. Their remit/authority to conduct ministry in a particular place, however, is dependent on them also receiving a licence from the Bishop. The bishop (or a person appointed by him or her to make the decision) must be satisfied that the candidate nominated possesses a sufficient knowledge of Holy Scripture, the doctrine and worship of the Church of England, is of good life, sound in faith, a regular communicant and fit for the work of a Reader. The candidate must be able to read the services of the Church of England plainly, distinctly, audibly and reverently and be capable of both teaching and preaching. Hence it is often referred to as a ministry of the Word. The office of Reader is a vocation and is examined as such. Training is split over two distinct periods of two years each. Admission and licensing follows two years training organised by the St Augustine School of Theology (formerly the South East Institute of Theological Education). This is then immediately followed by a period of Continuing Ministerial Education (CME) for two years provided by the diocesan Department of Discipleship and Ministry.
- 8.21 Once given, the Bishop may summarily remove the licence at any time having first given the Reader opportunity to state reasons to the contrary. Any notice from the Bishop must include that the Reader may appeal to the Archbishop within 28 days.
- 8.22 A Reader may:
- Read the services of Morning and Evening Prayer (save for absolution for which an authorised alternative form of words should be used and similarly the blessing);
 - Publish banns of marriage;
 - Read the word of God;

- Preach and teach;
- Catechize; and teach in Sunday School;
- Receive and present the offering of the people;
- Distribute the holy sacrament to the people;
- Bury the dead and read the burial service but only with the goodwill of the family concerned and at the invitation of the minister and in this Diocese after specific training and an appropriate amendment to the licence from the Bishop;
- Readers who are voluntary (in this Diocese that is currently all of them) may not receive a fee for their services but should receive reasonable expenses from the parish;
- A Reader may visit the sick, read and pray with them and do such pastoral and educational work that assists the Minister of the parish as the Bishop directs;
- A Reader may, as their licence allows, minister in another parish but only at the invitation of the Minister of that parish or in a vacancy, at the invitation of the churchwardens;
- The Bishop may encourage a Reader to serve other than in their home parish or more widely in order to secure a more equitable spread of ministry.

See Canons E4-6

- 8.23 Regulations specific to Reader Ministry in the Diocese of Southwark may be found via the attached link: <http://southwark.anglican.org/downloads/ministry/readers/Rules%20&%20Regulations%202013.pdf>
- 8.24 These in turn are based on the Bishops' Regulations for Reader Ministry issued by the national House of Bishops of the Church of England. From these, we get the standard vesture of Readers which is surplice (not cotta), cassock and blue scarf. An academic scarf for any legitimately held qualification may be worn. A cassock alb may be worn at a service of Holy Communion with blue scarf if that is the custom of the parish.
- 8.25 From the above, it may be seen that Readers may undertake a very wide range of ministries. In a very few instances in the Church of England, they lead congregations, but that is not normative. Readers may not preside at the Eucharist (nor may anyone who is not an episcopally ordained presbyter in accordance with Canon C1), nor is it lawful for them to conduct the marriage service. They may not pronounce the absolution but use an alternative authorised form of words. Please note that Communion by Extension is not permitted by Bishop of Southwark in this Diocese by anyone.

Southwark Pastoral Auxiliaries

- 8.26 The Southwark Pastoral Auxiliary (SPA) is a voluntary lay worker commissioned by the Bishop of Southwark to extend caring and pastoral work on behalf of the church to members of the church and to the community. They originated in an initiative of Cecilia Goodenough, with the first selection undertaken in 1961 and the first five SPAs commissioned in a service at St Mark's Kennington in 1963. The aim was for a ministry by women to care for the most marginalised in society. It initially attracted a small stipend. Over time, men were commissioned as SPAs (1974), the focus became parish based, the range of pastoral care broader and the stipend disappeared (entirely by 1984).
- 8.27 There are now around 190 SPAs. As with so many lay ministries, the encouragement and discernment of the Incumbent/Priest in Charge is vital. The road to discernment and selection then continues via a vocations forum. Training is one year preceded by one year on the Bishop's certificate course. Most SPAs work in parishes and regular review by and agreed working arrangements with their incumbents is key.

Church Musicians

- 8.28 Many churches make use of or employ musicians. It is important that incumbents and PCCs are aware of the both potential of using musicians and of their responsibilities in this area. The

relevant Canon B20 (below) makes clear where ultimate responsibility for the choice of music lies. Please see also see chapter 10 on employing lay staff. The opinion of the Legal Advisory Commission of the General Synod (LAC) in respect of church musicians is important, not least where a contractual relationship is created where there was no intention to create one.

<https://www.churchofengland.org/sites/default/files/2017-12/General%20Synod%20Legal%20Advisory%20Commission%20Parish%20Music%20organists%20and%20choirmasters%20and%20church%20musicians.pdf> and Annex A to this chapter.

- 8.29 Where there is no intention to create a legal relationship, LAC recommends setting this out in writing between the PCC and any musician, choir-leader, or director of music. However, it will ultimately be a for a civil court or tribunal to determine the matter if any relationship is litigated. Please note that safeguarding considerations apply. Whether or not a contract exists, the appropriate level of DBS certification is required. Please see Safer Recruitment Guidance of 2016. <http://southwark.anglican.org/safeguarding/diocesan-policies-and-procedures>
- 8.30 Ultimately, the responsibility for any hymns, chants, and ordering of music is a matter for the minister (Canon B20 para. 2 and Canon B35 para. 5) although the relationship with, expertise and ministry of any other relevant person should be respected. Generally, ‘minister’ in this context refers to the Minister of the Parish, i.e. the incumbent, priest in charge or team vicar, but not an associate minister/priest, assistant curate or reader.
- 8.31 Canon B20 is printed in full here for ease of reference.

Canon B20 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.

PCC Officers

- 8.32 The above refers, in the main, to Parish Officers, and those licensed, commissioned by the Bishop to the parish or employed by the incumbent and Parochial Church Council. Employment is covered further at chapter 10. In addition to officers of the parish, there are officers of the Parochial Church Council. The distinction between the two can, for practical purposes seem a very fine one since the function of the PCC is, not least, to co-operate “with the minister in promoting in the parish the whole mission of the Church, pastoral, evangelistic, social and ecumenical” (Parochial Church Powers Measure 1956 section 2(2)(a)). Officers of the PCC, however, need to remember that they are there to enable the better working of a body corporate which is a body of charitable trustees as well as one subject to ecclesiastical law and direction and a divine mission.
- 8.33 The ex-officio chairman or chair of the PCC is the incumbent or priest-in-charge (if the living is suspended). The chair of the PCC is ultimately responsible for determining the shape of the

agenda of PCC meetings and that all items of business are, where necessary accompanied in advance with the appropriate motion for consideration and accompanying papers. 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. He/she may decline business on the grounds that such wording or papers are not ready for the PCC's consideration for distribution within the stated timescales of the Church Representation Rules 2017. The chair of the meeting needs to be aware of the requirements falling upon charitable trustees and directing them to relevant points of ecclesiastical and charitable law where necessary. The PCC is the forum in which the budget is framed, the accounts agreed, contracts signed off, faculties applied for, policy advanced, initiatives undertaken, Mission Action Plans drawn up and reviewed, discussion had, and the pattern of worship agreed within the law governing public worship in the Church of England (see chapter 7). In chairing a PCC, the chair needs to be clear in their own mind, what does the PCC need to fulfill its duties and how am I enabling them to fulfill these?

- 8.35 In terms of making a PCC meeting actually work, including its dynamics, a module within the Nuts & Bolts course for New Incumbents and Incumbents new to the Diocese covers this important side of things. In addition, the Church Pastoral Aid Society (CPAS) offer a course for purchase and run it regionally themselves called PCC Tonight. <https://www.cpas.org.uk/church-resources/resource-for-pccs/#.WZHI35BwZv4>
- 8.36 The Church Representation Rules makes provision for a PCC secretary to be appointed. They must normally be a member of the PCC but failing that, a person not a member of the PCC but fit for the role may be appointed. They may then be co-opted to membership. If not, they may not take part in any voting of the PCC. Their role is key to the smooth running of the PCC. They act on behalf of the PCC in correspondence with other bodies and must expect to be the recipient of correspondence in return, not least from the Diocese of Southwark and from National Church Institutions. The PCC secretary is responsible for distributing agenda and papers to other member of the PCC on time. For example, the notice of the meeting needs to be published on or near the main door of the church at least ten days prior and all papers, wording of motions and papers relating to the business received by members seven days before a meeting. They should be willing to advise the chair, if necessary, and other members of the PCC on the procedure governing PCC meetings. They are responsible for drafting and keeping on behalf of the PCC the minutes of the meetings and for documents associated with the business of the PCC. While such rules as exist governing the working of PCCs may seem irksome at times, they are there to assure that members are informed of relevant business in good time, that church counsels should be undertaken with deliberation and not driven by a small group of people and that a healthy dynamic should prevail. The Diocese of Southwark publishes a handbook to help PCC secretaries in their role: <http://southwark.anglican.org/downloads/resources/PCC-Sec-handbookv1.pdf>
- 8.37 A key appointment for any PCC is that of treasurer. Should the PCC be unable to appoint a treasurer (solely or jointly)³⁵, the duties fall upon the churchwardens. It is undesirable that the same person should be PCC secretary and treasurer. The APCM must also appoint an independent examiner or auditor for a term of office ending at the next meeting. A PCC treasurer is accountable to a body whose mission is to maintain worship, sustain evangelistic endeavour and social outreach. He or she is also a treasurer to a charity and must be comfortable in that role and in advising the PCC in their role as trustees in the handling of money and other assets. It is recommended that each PCC has someone who pays attention to news issued by the Charity Commission on matters that effect charities and in many cases that will be the treasurer.
- 8.38 The Church of England website, Parish Resources lists the following as tasks for the PCC treasurer:
- Carry out the financial decisions made by the PCC. The responsibility for both raising and spending money to meet the PCC's responsibilities lies with the PCC. The treasurer implements their decisions.
 - Draft an annual budget to assist the PCC to plan how it will fulfill its objectives for the coming year.
 - Record all financial transactions carried out on behalf of the PCC and ensure they are properly authorised.

- Monitor the PCC's finances throughout the year, and alert the PCC if any difficulties are likely.
- Work with the PCC to meet all its financial obligations, especially Parish Share, clergy expenses and insuring the church buildings against fire, theft and public liability.
- Maintain, and set-up if needed, a book-keeping system.
- Prepare the annual financial statements for approval by the PCC and submission to the Annual Parochial Church Meeting, ensuring that they comply with current Charity Commission requirements. Send a copy to the Diocese, and complete the national financial information return.

Treasurers may wish to consult the site:

<http://www.parishresources.org.uk/resources-for-treasurers/the-treasurers-role/>

Also : PCC Accountability - The Charities Act 2011 and the PCC 5th ed. Incorporating SORP 2015
Church House Publishing 2017

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, the APCM and the Vestry Meeting
- To consult with the PCC
- To co-operate with the churchwardens
- To answer with the churchwardens the Archdeacon's articles of enquiry.

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 or her 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 one
- To collaborate and co-operate with the Incumbent
- To have a duty of care towards the Incumbent.

Responsibilities of the PCC (see Annex B)

- 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 parish.

The Parochial Church Council

The institution of the parochial church council was inaugurated with the Parochial Church Councils (Powers) Measure 1921. The PCC inherited the ecclesiastical functions of the vestry meeting, with the exception of electing the churchwardens and (at that time) certain functions relating to ecclesiastical charities and church rates under private and local rates. The relevant current measure is the Parochial Church Council (Powers) Measure 1956. Electing churchwardens at the vestry meeting remains even now.

The parochial church council (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 corporate 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'. Please note that both the minister and the PCC have a mutual responsibility in this regard.

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.

The PCC may act as an employer. Its members are charitable trustees, and the PCC is subject to charity law, to law affecting health and safety, safeguarding, data protection and the full range of public law as it may affect any entity as well as to ecclesiastical law. However, the courts have ruled that a PCC 'plainly has nothing whatsoever to do with the process of either central or local government. It is not accountable to the general public for what it does.'³⁶ '...the PCC itself does not have such public responsibilities nor are its functions public; it is essentially a domestic religious body.'³⁷ This is not to be confused with the motivation to public impact, service or voice in the public square that church bodies may legitimately exhibit.

The Minister is, ex-officio, the chair. It is important that all members of the PCC understand their role as trustees, e.g. note <http://www.parishresources.org.uk/wp-content/uploads/Trustee-booklet-v2.pdf> & <https://www.churchofengland.org/sites/default/files/2017-12/legal%20position%20of%20pcc%20members%20final.pdf>

The PCC may find itself responsible for assets in cash and property and bequests in the form of trusts. In managing these it needs to have regard both to charity law and in certain circumstances to the Parochial Church Council (Powers) Measure 1956. In particular section 6 of that Measure which carries over a similar provision from the 1921 Measure. This requires that there be diocesan consent obtained where the PCC seeks to:

- Acquire any interest in land (other than a short lease - currently defined as not less than seven years)
- All such land and personal property on trust is vested in the diocesan authority
- The PCC shall not sell, lease, let, exchange such land and property without consent of the diocesan authority.

36 Aston Cantlow per Lord Hope of Craighead at para 59, cited in Hill, M. (2007) Ecclesiastical Law (3rd Ed.) Oxford p. 76
 37 Ibid, per Lord Hobhouse of Woodborough at para. 86, cited in Hill, M. (2007) Ecclesiastical Law (3rd Ed.) Oxford p. 76

See section 6 for the full provisions (for example, if any proposed disposal of property is where the property is occupied by a member of a team ministry, and of the PCC meeting costs and charges). The respective roles of the Diocese and PCC here has been likened to that of a custodian trustee in the case of the Diocese and of a managing or beneficial trustee in the case of the PCC. The PCC is charged with managing and bearing the costs of managing the assets. The Diocese is charged with ensuring that responsible decisions are taken around acquisition and disposal as ‘custodian’ at the appropriate stage under the Measure. It is the PCC that bears the cost of making acquisitions and it is the PCC that benefits from the receipt of rental income and of the receipts of any sale.

The PCC may enter into a contract of employment (see chapter ten on employing staff). The PCC also has the power jointly with the Minister to appoint and dismiss the parish clerk and sexton or any persons performing or assisting to perform the duties of parish clerk or sexton and to determine their salaries and the conditions of the tenure of their offices (see section 7 of the PCC (Powers) Measure 1956).

The PCC has the power to frame an annual budget of monies required for the maintenance of the work of the church in the parish and the power to make levy and collect a voluntary church rate for any purpose connected with the affairs of the church including the administrative expenses of the council and the costs of any legal proceedings - section 7(i) & (ii) PCC (Powers) Measure 1956. The church rate was a local tax levied on parishioners to meet the costs of the parish church in England and Ireland. It was made annually by the churchwardens at a meeting (vestry) with parishioners and was compulsory. It faced rising objections from non-members of the Church of England and compulsory rate was abolished in 1868 but the power to levy a voluntary rate still exists. See St John-at-Hampstead for an example. http://www.hampsteadparishchurch.org.uk/data/vol_rate.php

It follows that the preparation and leading of a PCC are very important. Resources relating to PCCs are listed at chapter 18: Bibliography, References and Links, including a CPAS course.

Membership of the PCC

Certain people are by law member of the PCC³⁸, 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 (E7) 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.

Readers licensed to the parish (or to an area that includes the parish) are not automatically members of the PCC unless the Annual Parochial Church Meeting decides that they (or some of them) should be - Rule 14(e)

In addition there are members 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.

1 To be eligible for election a person must

- Be on the electoral roll
- Aged 16 or over
- Consent to being appointed
- 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 1977 as amended.

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 that may be co-opted is two, or one fifth of the lay elected members, whichever is the greater. Co-opted members must be aged 16 or over and actual communicants. Clergy may 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 (APCM) may 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 years, and these members are members of the PCC for the same period ex-officio ('by right of office').

Church Representation Rules (CRR) 2017

GENERAL PROVISIONS RELATING TO PAROCHIAL CHURCH COUNCILS (Rule 15 & Appendix II)

Please make allowances for the use of gender specific language (the male inclusive) in what is secondary legislation. In applying the rules, less gender specific language may be used.

It should also be noted that in 2017, General Synod began consideration of the draft Church Representation, Ecumenical Relations & Ministers Measure. This has arisen out of the Simplification Agenda of the Reform & Renewal Programme. Amongst other things, the draft measure has provision for an entirely new Church Representation Rules. For the time being and until any such measure passes, the CRR 2017 remains in force.

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 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. (<https://www.churchofengland.org/more/policy-and-thinking/church-representation-rules/appendix-ii#bn2>)
- (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.

2 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 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.

3 The Annual Meetings: Church Representation Rules

The Church Representation Rules 2017 still use gendered language in respect of its provisions and should be taken as employing the male inclusive. Where seeking to explain a provision in parishes, more balanced language may be used. Please note that the Annual Parochial Church Meeting is not identical to the Parishioners' Meeting (or Vestry Meeting) for electing churchwardens.

- (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 (<https://www.churchofengland.org/about/leadership-and-governance#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

- (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.

4 Chairman

- (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 (<https://www.churchofengland.org/about/leadership-and-governance#ren2>) but no clerical chairman shall have a vote in the election of the parochial representatives of the laity.

5 Business

- (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 5³⁹ 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.

6 Qualifications of persons to be chosen or elected by annual meetings

(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)

- (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

7 Conduct of Elections at Annual Meetings

- (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
 - (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.

8 Variation of method of election by scheme

- (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(8) 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.

GENERAL SYNOD

LEGAL ADVISORY COMMISSION

Parish Music: organists and choirmasters and church musicians (This opinion supersedes that previously published under this title.)**General**

1. Canon B 20 was amended in 1988. Although the body of the Canon refers to “any organist, choirmaster (by whatever name called) or director of music”, the Canon is entitled “Of the musicians and music of the Church” and what is said in the Canon itself should be understood as including all musicians in similar positions. References in this opinion to “the organist” therefore include all such musicians and music directors and the term “choirmaster” includes choir mistresses and choir directors.
2. In spite of what is said below in relation to organists and the law of employment, the Commission recognises that there are many cases (especially in small parishes) where both the organist and the parish have no intention, or desire, to enter into any legally binding contract; this is so whether the organist plays on an ad hoc, or on a more permanent, basis. In all such cases it is best practice to set out that determination in writing, spelling out the reasons for so deciding and stating that there is no intention to create any legal relationships; this is particularly so if the organist receives any remuneration for his or her services. All such cases depend upon the particular circumstances; for example, however, there would no requirement upon the organist to pay a substitute in the case of his or her absence. Nevertheless, it is necessary to stress that the final determination of the legal relationship in such cases will always fall on a civil court or tribunal if the matter were ever to be litigated.
3. It is also necessary to stress that what is said below in relation to safeguarding and DBS checks applies whether or not there is a contract of employment.

Minister

4. The words “the minister” have at different times been given specific, and slightly differing, statutory meanings (see Halsbury’s Laws of England, 5th ed., 2011, volume 34 at paragraph 382, note 1, and paragraph 451, note 2). However, Canon B 35, paragraph 5 (which is concerned with the music to be played at marriage services), speaks of “the minister of the parish” and, as both Canon B 20 and Canon B 35 are concerned with music in church, it is the Commission’s view that Canon B 20 should be read in the same way. The word does not include a curate or assistant priest even during a vacancy in the benefice. It does include a priest-in-charge (see Clergy: priest-in-charge) and a team vicar assigned a special cure of souls (see the Mission and Pastoral Measure 2011, section 34(7)). However, in Canon B 1, paragraph 2, “the minister” refers to the person actually conducting the service and, for example, will include a Reader.
5. The minister must pay heed to the advice and assistance of the organist or choirmaster in the choosing of chants, hymns, anthems or other settings and in the ordering of the music of the church. However, the final responsibility and decision in these matters rests with the minister (Canon B 20, paragraph 2, and Canon B 35, paragraph 5).
6. It is the duty of the minister (that is, the minister of the parish) 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; it is also his or her duty to banish all irreverence in their practice and in their performance (Canon B 20, paragraph 3; see, too, Canon B 35, paragraph 5). In the Commission’s view Canon B 1, paragraph 2 (which imposes a duty on the minister conducting the service to “endeavour to ensure that the worship offered glorifies God and edifies the people”) does not permit the person conducting the service to overrule any decision already made by the minister of the parish but is primarily concerned with the actual performance of the worship, especially by the congregation. The organist may not play the organ in opposition to the minister of the

parish's direction although, if the minister were to act in an arbitrary fashion, the organist may seek the bishop's directions to the minister (*Wyndham v Cole* (1875) 1 PD 130).

7. During a vacancy or during a suspension of the minister, and if there is no organist already appointed, the churchwardens or PCC may invite an organist to play during services, although it should always be made clear that this is on an ad hoc basis until there is a minister who may make a formal appointment. In these circumstances the organist should co-operate in the choice of music with such minister as is to conduct the service. The latter has the final determination if in the minister's opinion the choice would not glorify God or edify the congregation.

Recruitment

8. For the safeguarding of children and vulnerable adults the process for appointing any organist must follow all Safer Recruitment procedures applicable in the Diocese and parish concerned (see also paragraph 33 below).

Appointment

9. In all churches and chapels (except cathedral or collegiate churches or chapels⁴⁰) the appointment of an organist must be by the minister (subject to the terms of any contract thereafter entered into) together with the agreement of the PCC (Canon B 20, paragraph 1)⁴¹. It is important that the actual contract of employment is entered into between the PCC and the organist⁴²; this is so in spite of the difficulties that may be caused if the archdeacon exercises his or her discretion under Canon B 20, paragraph 2, to dispense with the PCC's agreement to termination. A draft contract of employment can be obtained from the Guild of Church Musicians, although care must be taken to ensure that the terms of any contract finally agreed are consistent with the provisions of Canons and incorporate all the terms suitable to the church (see below) and are agreed to by both parties.
10. A purported appointment other than by the minister (such as by an archdeacon, churchwarden or the PCC) is ultra vires. Nevertheless, a legally enforceable unwritten contract may thereafter arise by conduct if the minister and PCC thereafter go along with such a purported appointment.
11. If during a vacancy in the benefice or the suspension of the minister the PCC or other person or persons purport to appoint an organist or arranges for the services of an organist to be provided, the arrangement should specifically state that it will terminate upon the filling of the vacancy or suspension. (See above.)
12. Subject to what has been said in paragraph 2 above, any agreement between the PCC and the organist will in nearly all circumstances constitute a contract of employment⁴³. It is therefore essential in every instance that the agreement is reduced to writing and signed by both parties. Oral agreements or agreements by conduct should in every case be avoided. It is good practice expressly to include in that agreement reference to the provisions of Canons B 20 & B 35, although it is the Commission's view that the provisions of those Canons are in any event included by operation of law. It is a well established principle that "the labels parties attach to the arrangement are not determinative of employment status" (see *Sholl v PCC of St Michael's with St James, Croydon* [2011] ET 2330072/2010); it follows that there may be a contract of employment even though the parties may have expressly said that they do not intend that there should be one or the word "employment" is never used.

Content of the agreement

13. The agreement should also always include amongst other matters:
 - (a) the names of the parties entering into the contract

⁴⁰ These are expressly excluded by the wording of Canon B 20, paragraph 1, as they are likely to have their own statutes governing such matters.

⁴¹ This is so whether or not the organist is to be employed under a contract of employment. The resolution should be formally minuted. The minister, if chairing the meeting, has a casting vote: Church Representation Rules 2017 (Church House Publishing, 2017), appendix II, paragraph 11.

⁴² This is because of the recent developments in employment law.

⁴³ In the case of *Ready-Mixed Concrete (South East) Ltd v Minister of Pensions and National Insurance* [1968] 1 All ER 433 the court provided that "A contract of employment exists if these three conditions are fulfilled: (i) the servant agrees that, in consideration of a wage or other remuneration, he will provide his own work and skill in the performance of some service for his master; (ii) he agrees, expressly or impliedly, that in the performance of that service he will be subject to the other's control in a sufficient degree to make that other master; (iii) the other provisions of the contract are consistent with it being a contract of service."

- (b) a recital of the PCC's agreement to the appointment of the organist by the minister
 - (c) the date on which it begins
 - (d) the amount of remuneration (or other recompense) on appointment⁴⁴ (if any) and when it is payable
 - (e) a clause that the termination of the agreement is exercisable by the minister with the agreement of the rest of the PCC except that, if the archdeacon⁴⁵ of the archdeaconry in which the parish is situated considers that the circumstances are such that the requirement of the agreement of the PCC should be dispensed with, the archdeacon may direct accordingly (see Canon B 20, paragraph 1)
 - (f) the length of notice required to be given by either the minister or the organist to terminate the appointment under the terms of the agreement in the absence of conduct amounting to gross misconduct or other repudiatory breach of contract (this should be the same period for both sides of the agreement)
 - (g) a term that, although the minister of the parish must pay attention to the views of the organist in relation to the choice of music on any given occasion, (i) the final decision on all such matters rests with that minister alone (see Canon B 20, paragraph 3, and Canon B 35, paragraph 5); and (ii) the minister conducting the service has the final decision whether the worship (including the playing and singing of any music) offers glory to God and edifies the people (see Canon B 1, paragraph 2)
 - (h) a term setting out the duties of the organist or choir director, including performing at any occasional services
 - (i) an appropriate, and carefully worded, condition making it clear what conduct is to be regarded as gross misconduct and what behaviour will amount to a repudiatory breach of the agreement, for example, in relation to DBS certification or its equivalent and safeguarding (see below)
 - (j) a pre-condition insisting both on the organist providing a satisfactory DBS certification (or any similar statutory requirement) prior to his or her taking up the post of organist and thereafter taking part in ongoing safeguarding training (see below). A failure to undergo such training and/or to provide evidence of having done is to be regarded as serious misconduct
 - (k) a term recognising that the PCC is bound to pay due regard to the House of Bishops' guidance on the safeguarding of children and vulnerable adults (see section 5 of the Safeguarding and Clergy Discipline Measure 2016).
14. The contract will in almost all circumstances constitute a contract of employment⁴⁶ (see above) and in these circumstances there are a number of obligations imposed by statute upon the employer, that is, the PCC: see the Appendix (below). However, it must be borne in mind that these obligations may change from time to time and therefore care must be taken to ensure that all current obligations are fulfilled. (A further complication is provided by the possibility that an employment tribunal may rule that an agreement is one of employment in spite of the express wording of the agreement.)
15. In all cases the agreement must be subject to a pre-condition of obtaining of a satisfactory DBS disclosure (or any similar statutory requirement) where such a disclosure is required and it is good practice for the agreement specifically to refer to the safeguarding guidance given by the House of Bishops. The agreement should also cover other points referred to below and it is therefore advisable to consult the diocesan registry about the content of the draft agreement before finalising it.

Termination

16. Subject to the general provisions of employment law, the contract may be terminated either by the organist or (with the agreement of the PCC) by the minister except that, if the archdeacon considers that the circumstances are such that the requirement as to the agreement of the PCC should be dispensed with, the archdeacon⁸ may direct accordingly (Canon B 20, paragraph 1).

⁴⁴ This should include the payment of fees (if any) for occasional services such as weddings and funerals (see below).

⁴⁵ If the minister is also the archdeacon, the function of the archdeacon must be exercised by the diocesan bishop.

⁴⁶ Assistance can be found in a number of diocesan websites such as <https://www.london.anglican.org/kb/employment-status> (see, especially, the FAQs section). ⁸ If the minister is also the archdeacon, the function of the archdeacon must be exercised by the diocesan bishop.

The PCC's agreement was introduced as a requirement in 1988 to prohibit 'shot-gun' dismissals or summary dismissal by the minister acting solely on his or her own initiative.

17. If the organist has been employed for two or more years the minister must be satisfied before terminating the employment that any dismissal is a 'fair dismissal' for the purposes of the applicable employment law. Before dismissing the organist the minister should therefore obtain legal advice as necessary.
18. Where the minister is of the opinion that there cannot be a proper discussion or 'fair' hearing of the matter in the PCC then the minister may ask the archdeacon to consider dispensing with the PCC's agreement. If the PCC's agreement is dispensed with, the decision is solely that of the minister. The circumstances which the General Synod had in mind included where there is a dispute concerning the choir and many members of the choir are also members of the PCC, or where an improper relationship has developed and for the sake of avoiding scandal it is desirable that one person only, i.e. the archdeacon, and not a group of persons, i.e. the PCC, should be consulted. However, it must be remembered that an employment tribunal will look at each case of dismissal on its own facts and an organist's immoral or scandalous conduct may not be sufficient grounds for dismissal (see *Obst v Germany* [2010] ECtHR (no. 425/03); *Schüth v Germany* [2010] ECtHR (no. 1620/03); and *Siebenhaar v Germany* [2011] ECtHR (no. 18136/02)). For this reason it is essential to include in the agreement an appropriate, and carefully worded, condition making it clear what conduct is to be regarded as gross misconduct and what behaviour will amount to a repudiatory breach of the agreement, for example, in relation to DBS certification or its equivalent and safeguarding (see below)⁴⁷. Nevertheless, no condition may be contrary to the general laws against discrimination.

Duties of the organist (These should be included in the written agreement.)

19. It is the duty of the organist:
 - (a) to devote his or her best efforts towards securing a devout and appropriate rendering of the musical portions of the church services so far as the means available permit
 - (b) to recognise the authority of the minister in all matters relating to the conduct of the service, including what parts are to be said and sung respectively and the amount of musical elaboration suited to the needs of the congregation
 - (c) to play the organ (or take such part in the service as his or her position requires) at all chief services on Sundays, the Great Festivals and major Holy Days as defined in the terms of the agreement
 - (d) to play the organ (or take such part in the service as his or her position requires) at such services on the Lesser Festivals and weekdays (including occasional services) as the organist's agreement with the PCC requires
 - (e) to assist the choirmaster and/or choir director (if any) at choir practice, if the offices are distinct.

Duties of the organist, if also the choirmaster or choir director (These should be included in the written agreement.)

20. If the organist is also the choirmaster or choir director, the duties include:
 - (a) the training of the choir
 - (b) the conduct of suitable practices as specified in the written agreement
 - (c) generally, the advancement of the interests of the church in musical matters.
21. It should be noted that none may be admitted to, or dismissed from, the choir save with the approval of the minister of the parish.

Holidays and maternity/paternity leave

22. The agreement should make provision for holidays (at least as provided by statute) during which the organist should be required to find a suitable deputy (to be paid, if payment is required,

⁴⁷ See, too, *Neary v Dean of Westminster* (1985) 5 Ecc L J 303.

by the PCC). If the organist is absent on any other occasions in the year, apart from illness and maternity/paternity leave, the organist must find (and make appropriate payment to) a deputy approved by the minister. If the organist is absent through illness or maternity/paternity leave, the organist should (unless prevented by illness) assist in finding a deputy acceptable to the minister. The remuneration of such a deputy is a matter for decision between the deputy and the PCC.

Other absences

23. If the organist is absent for any reason other than those referred to in paragraph 22, he or she must assist in finding a suitable deputy approved by the minister (or, during a vacancy, by the churchwardens). Where the organist is employed and the deputy requires remuneration, the deputy should be paid by the PCC which should in turn be reimbursed by the organist.

Use of the organ

24. The use of the organ should not be granted to anybody save the organist (or a deputy in the case of holiday, illness and maternity/paternity leave), except by joint permission of the minister and the organist.

25. The use of the organ should be granted to the organist for the purposes of:

- (a) the organist's own private practice
- (b) the occasional practice of the organist's friends
- (c) the instruction of the organist's pupil or pupils

However, care must be taken by the organist and the PCC to ensure that proper safeguarding requirements are in place at all times.

Use of the organ at weddings, funerals and other occasional services

26. As an organist's entitlement to remuneration or fees for occasional services (such as weddings and funerals) has on occasion proved to be a contentious issue, it is best practice that any contract entered into specifically deals with entitlement to play at such services and with entitlement to remuneration (if any) for such services. What is said in this section is subject to whatever is specified in the contract.
27. Care should be taken in any advertisement for a vacant position to state that entitlement to remuneration or fees for occasional offices is a matter for negotiation between the organist and the PCC.
28. The use of the organ at weddings, funerals and other services of a similar character is subject to the approval of the minister. If so stated in the agreement, the organist has the right to play if organ music is required⁴⁸; in these circumstances he or she is entitled to be paid such remuneration or fees as may have been set by the PCC⁴⁹ for such occasions. If the organist does not wish to perform these duties on any particular occasion, then another suitable organist (chosen by the organist with the approval of the minister) may play; in these circumstances any remuneration should be agreed between the organist and the substitute organist.
29. Where there is any such agreement as is referred to in paragraph 28, if for any reason those for whom the service is held desire that the organ be played by a relative or friend rather than by the organist of the church, it is subject to the agreement of both the latter and the minister; in these circumstances the organist of the church is still due the normal fee. Similarly, if there is any such agreement, the organist is still entitled to the normal remuneration or fee whenever any music is played or performed at any such service. This includes the playing of any CD or other recorded music.
30. The organist is entitled to composer's fees if his or her musical works are publically performed at an occasional service. However, the Performing Rights Society has the right to collect these fees on behalf of those composers who are members of that Society and it has decided not to

⁴⁸ There is no such entitlement if a CD is to be used or a string quartet (or similar) is to be provided apart from the organist.

⁴⁹ The Parochial Fees Order does not include fees for any music provided.

exercise that right in respect of divine worship (including weddings and funerals) in the United Kingdom⁵⁰. The playing of recorded music during divine worship falls within the purview of the Mechanical Copyright Protection Society and the MCPS in practice makes a similar concession.

31. No videos or recordings should be made without the agreement of the minister taking the service but, in addition, no video or recording may be made while the organ is being played without the consent of the organist⁵¹. The organist may make his or her consent contingent upon the payment of remuneration or fees although in practice the organist often agrees in his or her written agreement specifically to include the payment of such monies either within his or her ordinary remuneration or within the calculation of the PCC's fees for such occasions.

Children

32. For the purposes of the provisions of the Children and Young Persons Acts 1933 and 1963 and any subsidiary legislation or regulation made under them relating to the employment of children, a chorister taking part in a religious service, or in a choir practice for a religious service, is not deemed to be employed whether or not the chorister receives any reward: see the Children and Young Persons Act 1933, s 30(1).

Safeguarding

33. It is of fundamental importance that, before being appointed, all organists and choir directors (whether they are employed or not) are required to apply for a DBS check (or any similar statutory requirement) at the appropriate level and to provide the requisite certificate; thereafter they must undergo ongoing training approved by the Diocese in accordance with any guidance from the House of Bishops on safeguarding; in addition the organist must apply for updated DBS checks at the intervals required by the safeguarding policy as well as providing certificates to show that they have done so. The written contract should provide for any such subsequent training to be paid for by the PCC. Failure to comply with these requirements must be treated as misconduct rendering the organist liable to dismissal. Each Diocese has established a procedure for carrying out these checks, and for conducting risk assessments where necessary. The PCC must pay due regard to any such House of Bishops' guidance and comply with its own parish safeguarding policy as well as seek guidance from the diocesan safeguarding officer as needed. Failure to carry out such checks, and to put in place reasonable steps to manage any risk, could expose the PCC to legal liability if a child or an adult at risk is harmed.

50 If any question arises in relation to this concession reference should in the first instance be made to the PRS.

51 The taking of any video without such consent would be an infringement of the Copyright, Designs and Patents Act 1988, s 182(1).

Obligations imposed by statute on the PCC as employer

(It must be remembered that the organist may be an employee whatever terminology may be used in the wording of the agreement).

- (a) Where an employee begins employment, the employer not later than two months after the commencement of the employment must give to the employee a written statement of specific particulars of employment; subject to certain exceptions some of these particulars may be given in instalments: see the Employment Rights Act 1996, sections 1, 2 & 3. These particulars include any terms or conditions relating to holidays and holiday pay; incapacity for work due to sickness or injury (including any provision for sick pay); and pensions and pension schemes: see the 1996 Act, s 1(4)(d).
- (b) Where any changes to the terms of employment are agreed, the employer must provide details of these changes to the employee within one month: Employment Rights Act 1996, s 4.
- (c) Every payment to an employee must be accompanied by an itemised pay slip (or statement) giving specific particulars: Employment Rights Act 1996, s 8.
- (d) If an organist has a contract or other arrangement for work or services personally for reward and is between the ages of 16 and 24, he or she is entitled to the national minimum wage; if the organist is over the age of 25, the entitlement is to the national living wage: National Minimum Wages Act 1998, s 1. This does not apply if the employer is a charity (such as the PCC) and the organist receives (i) no monetary payment of any description or only receives expenses actually incurred in the performance of his or her duties or reasonably estimated as such; and (ii) no benefit⁵² (other than in relation to subsistence or accommodation) in kind of any description: see the 1998 Act, s 44.
- (e) If the organist is employed, the employer is under a duty to deduct income tax and national insurance at source under PAYE and to inform HMRC using the online service: see <https://www.gov.uk/payee-for-employers>.
- (f) If the organist is female she is entitled to maternity leave; a male organist may in certain circumstances be entitled to paternity leave: see the Employment Rights Act 1996, ss 71 & 76.
- (g) The auto-enrolment pensions scheme may in certain circumstances apply to employed organists: see www.thepensionsregulator.gov.org

⁵² A benefit would include the right to practice on the church's organ or to use it for the purposes of teaching.

The Bible teaches us that we should all give of our time and gifts and skills to support the work of sharing the Gospel as an imperative because we give in response to all that God has given to us.

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. In January 2015 we introduced a new way of seeking to fund the work in our parishes called the Parish Support Fund.

Parish Support Fund - resourcing God's mission in Southwark Diocese

Following a thorough review of the way in which the Diocese funded our mission and ministry, in July 2014 the Diocesan Synod adopted a new scheme. This generosity based scheme asks each parish to make a generous pledge to the Parish Support Fund.

The Parish Support Fund

The Parish Support Fund is a generosity based pledge scheme which brings together the principles of:

- proportionality
- informed generosity
- an aspiration to, and encouragement towards becoming self-financing.

These three principles are underpinned by a commitment to transparency and mutual accountability.

The Diocese of Southwark is like a family and family members help one another. The Parish Support Fund is designed to help the parishes of the Diocese to work together and support one another so that we can share God's Good News with all the people of South London and East Surrey, regardless of the parish's ability to pay for this ministry.

It is the responsibility of each parish to help fund the shared mission of the Diocese of Southwark to share the love of God in Christ Jesus with all around us. We need to play our part in ensuring this can happen whether parishes can pay for their clergy or not. Each parish is asked to make a pledge year by year.

What do we mean by a pledge?

Each year, every parish in the Diocese will be invited to make a monetary offer as their commitment to the shared responsibilities we have as a Diocese. This is known as the pledge.

- 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 areas can have a vicar to help them to work in their community.
- Each year parishes are asked to use their pledge from the prior year as a starting point and to add something extra to reflect rising costs in a new year. For 2018 we are asking that this extra should be no less than 2%.

- 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 and have been generous in their pledges and payments in the initial years of the Parish Support Fund.

Where will the money go?

One of the great things about the Church of England in the Diocese of Southwark, 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.

Every year in the Parish Support Fund pack we send each parish their indicative cost of ministry. This is the average cost of maintaining and supporting a full time priest in a parish in this Diocese, adjusted for the number of priests in that parish. In 2018 the indicative cost of ministry for one priest was £76,000 (£73,900 in 2017.)

How does it work?

Information packs and guidance are sent to every parish's PCC secretary in April. Incumbents are notified in the monthly mailing and Treasurers are sent copies of key papers by email.

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

Following the PCC discussion, parishes are asked to send their pledge (on the pledge form) to their Archdeacon by 30 June. This deadline is to enable the Diocese to put together a draft budget for consideration by the Diocesan Council of Trustees in September/October and then a revised budget goes to Diocesan Synod for approval in November.

The Diocesan office will handle the administration of the pledges but the responsibility for amount paid remains with each parish. Area Deans, Lay Chairs and Archdeacons will monitor the payment of pledges.

Giving and Stewardship advice

contact: Gabby Parikh Parish Giving Communications Officer
020 7939 9438

psf@southwark.anglican.org www.southwark.anglican.org

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 be 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/pay-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 agreed 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

Simone Garvin-Wilson Department Administrator;
DBS Administration, Human Resources, and Governance
Tel: 020 7939 9402 Fax: 020 7939 9468
Email: simone.garvin-wilson@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

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

www.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.

<https://www.gov.uk/browse/employing-people>

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

11.1 The following lengthy document *Guidebook for the Clergy* is Government issued guidance from the Registrar-General for England & Wales (the Home Office) relevant to the clergy of the Church of England and the Church in Wales.



HM Passport
Office

General Register Office

Guidebook for The Clergy

General Register Office
Issued: 2012
Last Updated: November 2017

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Introduction

This booklet has been 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 in 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 Appendix A.

Marriage

1 General

Roles and responsibilities

- 1.1 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.

Hours and place of marriage

- 1.2 Marriages may be solemnised 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.
- 1.3 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.
- 1.4 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

Restrictions on marriage

- 1.5 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.
 - gender- a marriage according to the rites and ceremonies of the Church of England or Church in Wales can only be contracted between persons of the opposite gender. A civil partnership or civil same sex marriage could be contracted between persons of the same gender.
 - 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.

Access

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

Witnesses

- 1.7 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.

Registration stock

- 1.8 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.

Replacement stock can be ordered from Registration Supplies Unit by phone 0151 471 4655/4247/4275 or by emailing 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.

- 1.9 It is important that you keep the following 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.
- 1.10 The Incumbent has legal custody and responsibility for any registers and stock, which must be kept in a fire and damp resistant safe (ideally with internal dimensions of no less than 310mm by 465mm).

Missing or stolen safe or registration stock

- 1.11 In the event of the safe or registers being lost or stolen, this matter should be reported to the Police immediately. If registers or certificates are unaccounted for and there is the possibility that it may have involved a theft, you should also report this to the Police. In all instances GRO must be notified immediately on 03001231837. Your local superintendent registrar should also be notified.
- 1.12 When you ring GRO, they will take details of the incident, and send out a report form for completion. The details GRO require include the name, address of the building, the serial numbers of the stolen /missing certificates, the numbers of registers stolen and the Police Crime Incident number.
- 1.13 GRO will circulate the serial numbers of stolen/ missing certificates to other agencies and government departments to help prevent them from being used for fraudulent purposes.

Damaged register books

- 1.14 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 Registrar General should be informed so that arrangements may be made to supply new registers and close the damaged books.

1.15 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. Contact details are in Appendix A

Preliminaries

- 2.1 The preliminaries for a marriage according to the rites of the Church of England or the Church in Wales should normally be either entirely ecclesiastical or civil; e.g. 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.

Ecclesiastical Preliminaries

- 2.2 Please refer to the Faculty Office booklet "Anglican Marriage in England and Wales. A guide to the law for Clergy."

Superintendent Registrar's Certificate in lieu of Ecclesiastical Preliminaries

- 2.3 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'.

- 2.4 The conditions which govern the issue of superintendent registrar's certificates are either:

1) 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

or,

2) 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.

Giving notice of intent to marry

- 2.5 Each party to the marriage needs to give notice at their local register office.

Each party to the marriage must complete 7 full days residence in that district (and the parish or ecclesiastical district of the church if one or both parties to the marriage

are not on the electoral roll of the building) before they can give notice. Notice of intent to marry can be given up to 12 months before the date of marriage. After 15 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 15 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.

Persons subject to immigration control

- 2.6 From 1 February 2005, people who are subject to immigration control and wish to marry according to the rites of the Church of England by superintendent registrar's certificate must attend to give notice of marriage to the superintendent registrar of a specially designated register office. Both parties must attend to give notice **together**.

It is possible that a couple will attend to give notice at a designated register office 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.

- 2.7 A superintendent registrar's certificate is valid for a period of twelve calendar months from the date of entry, and 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

- 2.8 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

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

Publication of banns - service personnel

- 2.10 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.

For further guidance, please refer to the Faculty Office booklet "Anglican Marriage in England and Wales. A guide to the law for the Clergy."

Publication of banns on board HM Ships

- 2.11 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.

Two marriage ceremonies on the same day

- 2.12 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.

Religious ceremony after a civil marriage

- 2.13 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.
- 2.14 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.

Re-marriage

- 2.15 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.
- 2.16 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 other and there is no statutory

provision for marriage preliminaries to be completed in these circumstances.

- 2.17 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.

3 Ceremony

Pre-marriage checks

- 3.1 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

- 3.2 Where possible, 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 (see chapter 1, Hours and place of marriage);
- the certificates have been signed by the superintendent registrar (or deputy) who issued them;
- the certificate is 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.

An example of a superintendent registrar's certificate for marriage is in Appendix E.

Pre-marriage questions

- 3.3 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 contact 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 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 or their deputy who issued the certificate 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.

- 3.4 If the details on the superintendent registrar's certificates do 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 certificates.

A flowchart showing this process can be found at Appendix B.

Forced marriages

- 3.5 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.

- 3.6 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.

Sham marriage

- 3.7 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 appendix E for the list of EEA countries)

- 3.8 The signs of a sham marriage may be similar to those associated with a forced marriage listed above. 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.

- 3.9 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.
- 3.10 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.
- 3.11 If you have any concerns that a marriage may be a sham, you should contact your local superintendent registrar, who, if satisfied, is obliged under the 1999 Act to report the facts of the matter to the UKBA. 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.

Mental capacity

- 3.12 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:
- (i) that they are taking part in a marriage ceremony and understands the words used;
 - (ii) the nature of the marriage contract. This means the person must be capable of understanding the duties and responsibilities which normally attach to marriage.
- 3.13 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.
- 3.14 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.

4 Registrations

Marriage registers

- 4.1 Section 55 of the Marriage Act 1949 requires that the marriage must be registered in duplicate immediately after the ceremony has taken place.
- 4.2 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.
- 4.3 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.
- 4.4 A marriage by special licence, elsewhere than in a church, should be recorded in the books 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 books of the nearest parish church.
- 4.5 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."

- 4.6 The entry must only be completed by the Clerk in Holy Orders who solemnised the marriage ceremony.
- 4.7 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"*.
- 4.8 If you need to spoil an entry, please ring GRO for advice.
- 4.9 With regard to marriages in naval, military and air force chapels, see Appendix C.
- 4.10 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

- 4.11 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

- 4.12 Register entries should always be completed in blue/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

- 4.13 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

- 4.14 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

- 4.15 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.
- 4.16 The names will usually be those entered on the banns form/superintendent registrar's certificates but you should enter them in accordance with the information given by the parties and not that contained in the documentation.
- 4.17 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.
- 4.18 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

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

Column 4 – condition

- 4.20 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 atonMarriage 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

- Married to each other twice in one day. When registering the second ceremony enter the condition of the couple at the start of the day before the first marriage.
- 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

- 4.21 You need to record the occupations of both parties in as much detail as possible. You should not use "unemployed" but you can 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

- 4.22 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

- 4.23 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.
- 4.24 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").
- 4.25 If either father has died, you should note this after his name e.g. John SMITH (deceased).
- 4.26 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).
- 4.27 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

- 4.28 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.
- 4.29 If either of the couple does not wish to supply this information you should put a line in the box.

The attestation

- 4.30 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

- 4.31 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), before banns, by superintendent registrar's certificates (if the authorities were superintendent registrar's certificates).

Examination of entry by the parties to the marriage

- 4.32 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

- 4.33 The entry in both registers must be checked carefully with the parties to ensure that they are both correct. If a discrepancy is found at this stage, it can be amended by a numbered correction. It is important at this stage that the incumbent explains to the parties that if an error is identified after the entry has been signed it may only be corrected by the addition of a note in the margin. An application for a correction will need to be made via the local register office and a consideration fee of £90 will be payable at the point of application. This fee is non-refundable.

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.

- 4.34 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) ofadding 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 should not be asked to sign the marriage certificate or quarterly return.

Bilingual registration in Wales

- 4.35 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.
- 4.36 You will need to use a register printed in both languages and insert the English details first with the Welsh underneath.
- 4.37 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..	Priodwyd o'r blaen yn....ar y....
Marriage dissolved on....	Terfynwyd y briodas ar y.....
Marriage annulled on....	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

Filled register books

- 4.38 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

- 4.39 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.
- 4.40 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.

- 4.41 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 manor. Further guidance on this practice can be obtained from your local register office.
- 4.42 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

- 4.43 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

- 4.44 Examples of marriages registrations can be found in Appendix F.

5 Corrections

- 5.1 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.
- 5.2 For errors in the heading of the entry or to cancel entries, please ring GRO for advice.

Before the entry is complete

Numbered corrections

- 5.2 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.

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

Particulars transposed

- 5.4 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

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

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

After the entry is complete

5.7 If an error is discovered in the registers after the entry is complete, the couple may wish to have it corrected. To do this, the couple will need to complete an application form and submit to the register office in the district where their marriage took place. A fee of £90 is payable at the point of application for the consideration of the correction. The fee is non-refundable.

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 “correcting a record” pages on the Directgov.uk website or can be obtained from either the local register office or GRO.

5.8 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

5.9 Examples of marriages corrections can be found in Appendix G.

6 Quarterly Certified Copies

Preparation of quarterly copies

- 6.1 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.
- 6.2 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.
- 6.3 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.
- 6.4 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 begun on the side which has the words 'Commence on this side' printed at the top of the page.
- 6.5 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.

Copies for each quarter to be kept separate

- 6.6 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.
- 6.7 Prepare and keep copies in register order. If any entries have been inadvertently missed out, reproduce these in their proper numerical order.
- 6.8 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.

Register from which copies are to be made

- 6.9 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.

Errors in quarterly copies

- 6.10 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.)

Certification of copies

- 6.11 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. We will not accept copies without your signature.

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

Offences and Penalties

- 6.14 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.

7 Baptism

Certificate of Name Given in Baptism

- 7.1 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.
- 7.2 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 H.
- 7.3 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.
- 7.4 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.

8 Burials

Births and Deaths Registration Act 1926

Authorities for burial

- 8.1 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) issued by a registrar of births and deaths or an order of the coroner has been delivered to the “person effecting the disposal”.
- 8.2 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.

Registrar’s certificate and coroner’s order

- 8.3 Where the death occurred in England or Wales, either a coroner’s order (an example of this order is at Appendix M) 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 K.

Certificate that death is not required to be registered

- 8.4 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 L.

Certificate or order lost or mislaid

- 8.5 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 N (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

- 8.6 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.

- 8.7 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 J.

Still-births

- 8.8 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
 - a) registered the still-birth or
 - b) received written notice of the still-birth.

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

- a 'Certificate for Burial or Cremation (Still-Birth)' for use after registration or
- a '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 J.

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.

- 8.9 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.
- 8.10 Ministers are advised to see that their clerks or sextons clearly understand the provisions set out above.

Births and Deaths Registration Act 1874

- 8.11 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

- 8.12 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:

(a) If the body is the body of a deceased person - the name, sex and place of abode of the said deceased person;

(b) 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

(c) 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'.

- 8.13 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

- 8.14 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

- 8.15 Section 10 of the Act provides that when any burial has taken place under the Act in the church yard 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 O.
- 8.16 The notice required to be given under Section 10 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.

9 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
Cardiff	Leeds	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 Q1 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 registrars' 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 15 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 do I do if the couple do not have their certificates to marry?**

Following civil preliminaries, the couple must collect their certificates from the register office(s) where notice was given and pass them onto you. If they do not have their certificates 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. They will forward you duplicate certificates to attach to submit with your quarterly return.

Appendix A

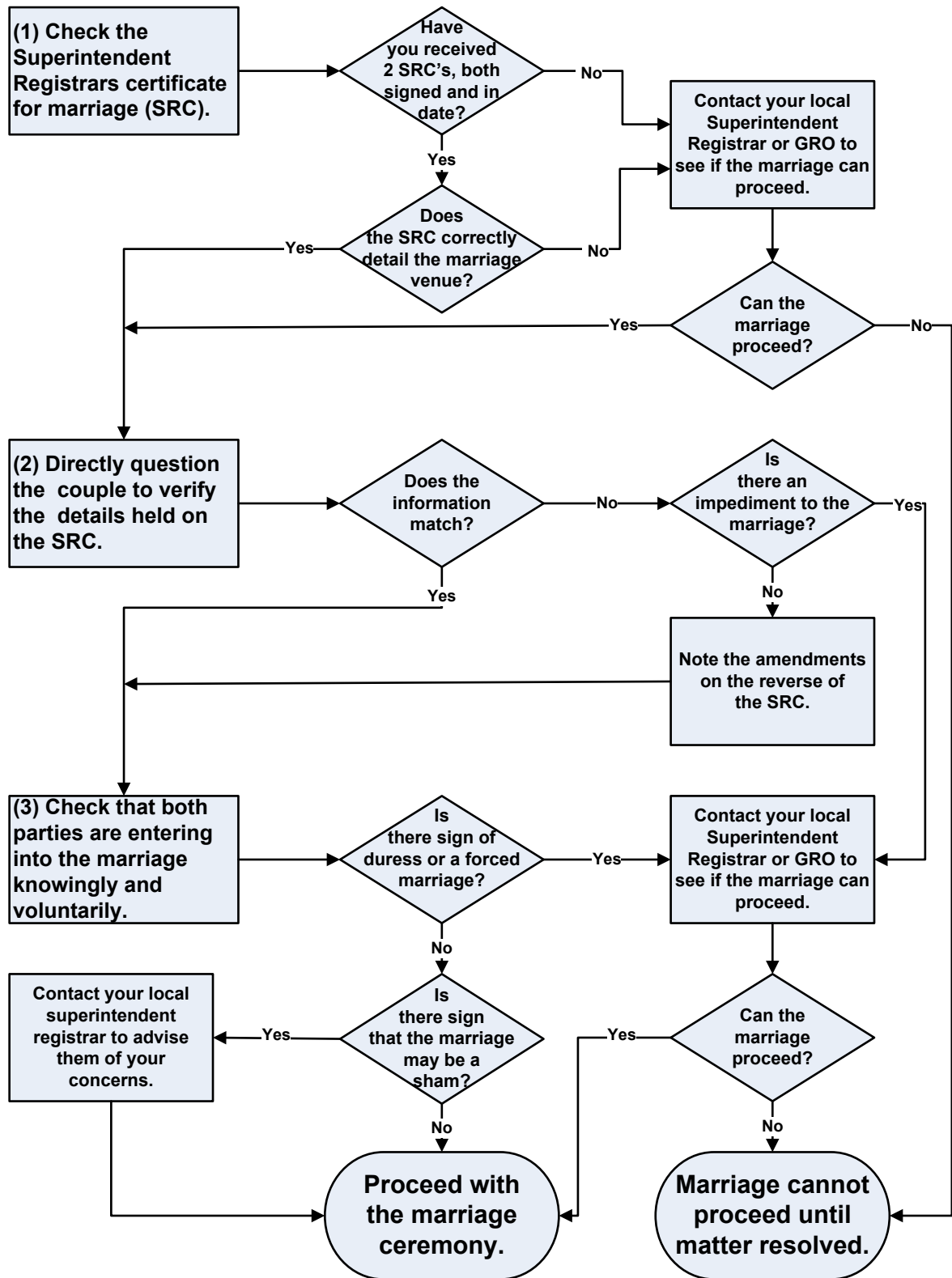
Useful contact details

GRO	General Register Office Smedley Hydro, Trafalgar Road Southport Merseyside PR8 2HH Tel: 0300 123 1837 Email: grocasework@gro.gsi.gov.uk
GRO Data Unit	Tel: 0151 147 4833 Email: gro.fdu@gro.gsi.gov.uk
GRO, Registration Supplies Unit	Tel: 0151 471 4655/4247/4275 Email: 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	0207 008 0151

Appendix B

Authorised Person (AP)

Pre-marriage checks



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 solemnised 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
Greece

New Zealand
Nigeria

Zambia
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.

CERTIFICATE FOR MARRIAGE
Pursuant to the Marriage Act 1949

Marriage Act 1949, s.31(2)

†

Date and time of marriage

I, of the district of notice was given by and
hereby certify that on the † duly entered in the Marriage Notice Book of the said district of the marriage intended to be solemnized between the parties hereinafter named and described.

Name and Surname	Age	Condition	Occupation	Place of residence	Period of residence	Church or other building or residence in which the marriage is to be solemnized	Nationality and district of residence
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

I further certify that the issue of this certificate has not been forbidden by an person authorised to forbid the issue thereof.

Date of issue..... Signature.....

Note: This certificate will be void if the marriage is not solemnized within ** one month/three months/twelve months from the date of the entry of notice given above (See †).

The marriage must be solemnized on or before.....

*The Serial number in the Marriage Notice Book must be entered in this space.

† When the marriage has been solemnized the No. of the Entry in the Marriage Register Book must be entered in this space

First party's father's Name:
Second party's father's Name:

Form 262

These instructions are issued in accordance with section 31(5) of the Marriage Act 1949

**Delete whichever does not apply

Appendix F

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

Example 1: Marriage after Banns.

2010 Marriage solemnized at the Parish Church of Christchurch, Southport				in the Metropolitan Borough of Sefton				
Columns:-	1	2	3	4	5	6	7	8
No.	When married	Name and surname	Age	Condition	Rank or profession	Residence at the time of marriage	Father's name and surname	Rank or profession of father
32	Seven-teeth April 2010	Henry HARKER	37 years	Single	Bank Clerk	6 Epsom Road, Croydon CRO 4NB	Charles HARKER (deceased)	Timber Merchant
		Patricia DAWSON	29 years	Widow	-----	73 Lord Street Southport PR9 0QP	James MARTIN	Solicitor

Married in the Parish Church according to the rites and ceremonies of the Church of England by or after Banns by me,

This marriage was solemnized between us { **X the mark of Henry Harker** } in the presence of us { **W F Thompson Robert Martin** } **Montagu Curtis** Vicar

Pat Dawson

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

2011 Marriage solemnized at the Parish Church of St. Luke, Chelsea				in the Royal Borough of Kensington and Chelsea				
Columns:-	1	2	3	4	5	6	7	8
No.	When married	Name and surname	Age	Condition	Rank or profession	Residence at the time of marriage	Father's name and surname	Rank or profession of father
17	Fifth January 2011	Francis George DEBENHAM	44 years	Single	Earl of Barford	Gately Manor Suffolk	Frank William DEBENHAM (deceased)	Earl of Barford
		Maud Ellen LATIMER	42 years	Widow	Dowager Marchioness of Chalfont	14 Belmont Place London S.W.	Hugh Geoffrey COLEMAN	Baronet

Married in the Parish Church according to the rites and ceremonies of the Church of England by Licence or after by me,

This marriage was solemnized between us { **Barford Maud Ellen Chalfont** } in the presence of us { **H G Coleman Emily Matilda Debenham Louisa Brooks** } **Edward Cargill** Rector

Appendix F (continued)

Example 3: Marriage by Superintendent Registrar's certificate. No fathers details for the groom.

2011 Marriage solemnized at the Parish Church in the City of Liverpool in the							
Parish of St Nicolas, Liverpool							
Columns:-	1	2	3	4	5	6	7
No.	When married	Name and surname	Age	Condition	Rank or profession	Residence at the time of marriage	Father's name and surname
							Rank or profession of father
85	Eleventh May 2011	Richard WILSON	28 years	Single	Ship's Steward	32 Clayton Street Liverpool L5 9XC	-----
		Emma MURRAY	25 years	Single	Dress Maker	96 Vauxhall Road Liverpool L3 6EZ	Patrick MURRAY
Married in the <i>Parish Church</i> according to the rites and ceremonies of the <i>Church of England</i> by <i>Superintendent registrar's certificate</i> or after ... by me,							
This marriage was solemnized between us		{ Richard Wilson Emma Murray	} in the presence of us		{ Caroline Murray Edward Jackson	William Cranfield Curate	

Appendix G

Examples showing how errors in Registers of Marriages should be corrected.

Example 1: Correction discovered before the entry was completed.

2006 Marriage solemnized at the Parish Church of St Nicholas, Seven Oaks in the County of Kent in the Parish of St Nicholas, Seven Oaks									
Columns:-									
No.	When married	Name and surname	Age	Condition	Rank or profession	Residence at the time of marriage	Father's name and surname	Rank or profession of father	
74	Second April- ¹ May 2006	William HAMLEY	32 years	Previous marriage annulled	Mailster	24 High Street Sevenoaks TN13 7PQ 17 Market Street Maidstone ME14 6HA	George HAMLEY	Brewer	
		Mary KENNARD	27 years	Single	-----		Henry KENNARD	Captain, Royal Navy (retired)	
Married in the Parish Church according to the rites and ceremonies of the Church of England by Special Licence of after by me,									
This marriage Was solemnized between us { William Hamley Mary Kennard } in the presence of us { James Hamley Helen Kennard } Edward Lightfoot Vicar									

One EL
Two EL

Example 2: Formal correction to include grooms middle name.

2006 Marriage solemnized at the Parish Church of St.Mary, Hampstead in the London Borough of Camden in the Parish of St.Mary, Hampstead								
Columns:-								
No.	When married	Name and surname	Age	Condition	Rank or profession	Residence at the time of marriage	Father's name and surname	Rank or profession of father
73	Fifth July 2006	Lionel BRANDON	47 years	Widower	Civil Engineer	15 Clive Road Hampstead	Edward BRANDON (deceased)	Orthopaedic Surgeon
		Hetty Maud GRINDLAY	23 years	Single	-----	75 Cork Street London	Thomas GRINDLAY	Solicitor
Married in the Parish Church according to the rites and ceremonies of the Church of England by Special Licence of after by me,								
This marriage was solemnized between us								
{		L H Brandon	{		in the presence of us	{	James Brandon	Edward Young Rector
{		M H Grindlay	{			{	Thomas Grindlay	

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.

Appendix G (continued)

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

2010 Marriage solemnized at the Parish Church of Christ Church Southport in the Metropolitan Borough of Sefton								
Columns:-	1	2	3	4	5	6	7	8
No.	When married	Name and surname	Age	Condition	Rank or profession	Residence at the time of marriage	Father's name and surname	Rank or profession of father
32	Seven-teeth April 2010	Henry HARKER	37 years	Single	Bank Clerk	6 Epsom Road, Croydon CRO 4NB	Charles HARKER (deceased)	Timber Merchant
		Patricia DAWSON	29 years	Widow		73 Lord Street Southport PR9 0PQ	James MARTIN	Solicitor

Married in the *Parish Church* according to the rites and ceremonies of the *Church of England* by or after Banns by me,

This marriage was solemnized between us { **X the mark of Henry Harker** } in the presence of us { **W F Thompson** } **Montague Curtis** Registrar

Pat Dawson **Robert Martin** **Vicar**

Example 4: Correction to the bride's age.

2011 Marriage solemnized at the Parish Church of St Nicolas, Liverpool in the City of Liverpool in the								
Columns:-	1	2	3	4	5	6	7	8
No.	When married	Name and surname	Age	Condition	Rank or profession	Residence at the time of marriage	Father's name and surname	Rank or profession of father
85	Eleventh May 2011	Richard WILSON	28 Years	Single	Ship's Steward	32 Clayton Street Liverpool L5 9XC		
		Emma MURRAY	25 years	Single	Dress Maker	96 Vauxhall Road Liverpool L3 6EZ	Patrick MURRAY	Railway Guard

Married in the *St Saviour's Church* according to the rites and ceremonies of the *Church of England* by ^{Superintendent registrar's certificate} or after by me,

This marriage was solemnized between us { **Richard Wilson** } in the presence of us { **Caroline Murray** } **William Cranfield** Curate

Emma Murray **Edward Jackson** **Curate**

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



General Register Office

Application form to correct the details of a
Marriage Registration

Before completing this form please read:

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

This can be obtained from any register office or at www.gov.uk

A fee of £90 is payable to the register office where the marriage took place for an application to correct a marriage registration

This is a consideration fee, as such, is non-refundable. The fee must be paid at the point of application.

The General Register Office recommends that you check with the place of marriage or in the case of a civil ceremony, the register office where the marriage took place, to confirm that the error exists in the marriage register held there.

We will only accept an application from the parties to the marriage. If neither party is still alive we are unable to correct the entry in the register.

1.0 Details of the parties married :

1.1 Your details:

Title	<input type="text"/>
Forenames	<input type="text"/>
Surname	<input type="text"/>
Current address	<input type="text"/> <input type="text"/> <input type="text"/>
Contact tel. no.	<input type="text"/>
Email	<input type="text"/>

We may need to contact you, how would you prefer to be contacted? Please tick one.

E-mail ☐ Telephone ☐ Post ☐

1.2 Other party's details:

Title	<input type="text"/>
Forenames	<input type="text"/>

Surname	<input type="text"/>
Current address	<input type="text"/>
(if different from above)	<input type="text"/>
Contact tel. no.	<input type="text"/>
Email	<input type="text"/>
Details not known	<input type="checkbox"/>

2.0 Marriage details

We will need to see a copy of your marriage certificate to check that the error occurs in the marriage register(s) and is not simply a copying error. Please tick the box to indicate a copy enclosed. Yes ☐

2.1 If you were married in the Church of England or Wales please ask the vicar at the church to complete the declaration below:

Title	<input type="text"/>	Initials	<input type="text"/>
Surname	<input type="text"/>		
Current address	<input type="text"/>		
	<input type="text"/>		
	<input type="text"/>		

I confirm I am happy to carry out a correction to the said marriage entry on the authority of the Registrar General.

Signature:	Date:
<input type="text"/>	<input type="text"/>

3.0 Details of the error(s) and the correction(s) to be made to your marriage registration.

Please clearly explain in the boxes below what is wrong and what the correct details are:

3.1 Error as it is shown on the certificate

3.2 The correct details to be shown

--	--

3.3 Please confirm that you have checked your certificate and that all errors have been identified and noted above.

Yes

☐

4.0 Before the correction can be authorised you will need to provide evidence that an error has been made.

These documents should be valid or dated within the 3 months prior to the date of the marriage.

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

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

Please do not send original documents; photocopies which have been certified by a professional or reputable person as a true copy of the original will be accepted. We cannot accept photographs of original documents. A list giving examples of suitable persons can be found at:

If you are taking the application to a Register Office and paying in person then the Register Office should be able to certify your documents as a true copy of the original which means you can retain your original documentation.

4.1 Please tick the box to confirm that evidence to support the correction is enclosed

Yes

☐

If you cannot send any evidence of an error having occurred, then normally a correction will not be possible. Further advice can be obtained by calling 0300 123 1837

5.0 Usually the parties to the marriage will witness the correction.

If either party to the marriage is unable to witness the correction, they can appoint a witness to act on their behalf. If one party is deceased/absent a second witness will need to be appointed. Whoever witnesses the correction will be required to attend at either the place of marriage or the local register office where the marriage took place.

5.1 Who will witness the correction? Please select one option only:

Both parties to the
marriage

☐

You and
a witness

☐

Other party to the
marriage and
a witness

☐

Two
witnesses

☐

Witness 1. name and address (if applicable)

Witness 2. name and address (if applicable)

--	--

6.0 Declaration - to be completed by both parties to the marriage (if applicable)

I confirm that I am happy for the correction to be made and I understand that it will take the form of a note in the margin of the marriage register.

I acknowledge that the fee paid is for the consideration of my application and that, should sufficient evidence not be available, the correction will not be authorised.

Party 1 Signature:

Party 2 Signature:

--	--

Date:

Date:

--	--

6.1 If you are the only applicant, please give the reason for this below:

--

7.0 Checklist for Superintendent Registrar

- | | |
|---|------------------------------|
| 7.1 Application form fully completed | Yes <input type="checkbox"/> |
| 7.2 Marriage certificate enclosed | Yes <input type="checkbox"/> |
| 7.3 Civil marriage entry or duplicate religious marriage entries enclosed | Yes <input type="checkbox"/> |
| 7.4 Evidence enclosed | Yes <input type="checkbox"/> |
| 7.5 Fee paid | Yes <input type="checkbox"/> |

Print Name:

Signature:

--	--

Register Office:

Contact No:

--	--

Date:

--

Please take or send your application form and documentary evidence to the register office for the area where the marriage was registered. You can ring GRO on 0300 123 1837 who can also confirm where your application needs to be sent.

The local register office will be able to advise you on which fee will apply for consideration of the correction.

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

Fair Processing Notice

By completing this form you agree to the General Register Office contacting you in relation to your application as well as to ask if you are satisfied with our services.

The General Register Office is part of Her Majesty's Passport Office.



How to apply for a correction to a marriage registration

1. General Information

A fee of £90 is payable for an application to correct a marriage registration. This is a consideration fee, as such, is non-refundable. The fee must be paid at the point of application.

A correction can only be made when the information recorded in the marriage register or conversion register is wrong. The registration cannot be corrected to show new information if circumstances have changed since the registration was made.

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 where your civil marriage took place, or
- the vicar, authorised person, marriage secretary or registering officer who registered your religious marriage, or
- the register office where your civil partnership was converted to a marriage

2. How do I apply for a correction?

You can download an application form from www.gov.uk/correct-marriage-registration/how-to-apply, you should then contact the register office in the area where your marriage took place to check how the fee will be taken and how your application will be processed.

3. Who can apply for a correction?

Either party to the marriage* can apply, however both parties must be aware that the correction is being made. If both parties are no longer alive, we will not be able to correct the entry in the register.

5. What does a correction look like?

The original information will always be shown as it was first given at the time of the registration, but a note will be written in the margin of the register explaining what the correct information should be and the date on which the correction was made. All certificates issued afterwards will include this note.

6. Do I need to prove that the information contained in the marriage certificate is wrong?

You will need to show that the information originally given at the time of marriage was wrong. You should provide a copy of the marriage* certificate **and** produce document(s) which show the correct information. These documents should be valid or dated within the 3 months prior to the date of the marriage*. Please see the application form for a list of suitable documents.

If you cannot provide any evidence of an error having occurred, then normally a correction will not be possible. Further advice can be obtained by calling 0300 123 1837

7. Do I need to send in original documents?

If sending the application by post and paying for the service over the phone, please do not send original documents with your application form. You should only send in photocopies of documents which have been certified by a professional or reputable person as true copies of the originals. A list giving examples of suitable persons can be found at:

<https://www.gov.uk/countersigning-passport-applications>

Acceptable certifiers are listed under the heading 'Occupations'.

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

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

If you are taking the application to a Register Office and paying in person then the Register Office should be able to certify your documents as a true copy of the original which means you can retain your original documentation.

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

GRO and the local registration service will confidentially destroy all certified copies submitted **unless** specifically asked to return them.

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

A correction to a marriage* entry must be witnessed by either:

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

The witnesses do not need to have been present at the time of marriage* but they do need to be have knowledge of the information which is being corrected.

9. How long will it take for my marriage registration to be corrected?

If there are no problems with your application, you can expect the paperwork authorising the correction to be sent out **within 25 working days** of receipt of your documentation by GRO. If GRO needs more information or if you need to submit more paperwork, each further reply may take up to **25 working days** to review.

However, you should be aware that, in exceptional circumstances, it may not always be possible

to meet these targets.

If a correction is authorised, the parties to the marriage* and the person holding the register will then need to agree a convenient time for the correction to be made.

10. Where can I find out more?

You can contact either the religious building or the register office 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

E-mail: GROcasework@gro.gsi.gov.uk

Internet: Go to www.gov.uk/correct-marriage-registration to find the forms to download

The information contained in this leaflet is based on the **Marriage Act 1949 & the Marriage (Same Sex Couples) Act 2013**, but is not a full statement of the law.

*For the purpose of this form "marriage" refers to a marriage which has been entered in a marriage register in accordance with the Marriage Act 1949, or entered in a conversion register in accordance with the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014.

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

The General Register Office is part of Her Majesty's Passport Office.

Appendix I

Certificate of Name Given in Baptism

*This form to be used only for insertion of Baptismal name in a birth register
(NOT - in the case of an adopted child - for insertion in the Adopted Children Register)*

BIRTHS AND DEATHS REGISTRATION ACT 1953
(Form prescribed by the Registration of Births and Deaths Regulations 1987)

CERTIFICATE OF NAME GIVEN IN BAPTISM #
within 12 months after registration of birth

I.....of.....
do hereby certify that (according to the register of Baptisms for.....
now in my custody)* the ^{male}_{female} † child stated to have been born on the.....day of.....
to.....and.....
was on the.....day of.....baptised by.....
in the name.....
Witness my hand this.....day of.....Signature.....
Officiating Minister
Person having custody of register

CERTIFICATE OF ENTRY OF BAPTISMAL NAME

I certify that the baptismal name has been entered by me in Entry No.....In the register book of births for
the sub-district of.....in the quarter ended.....
Signed.....Superintendent Registrar
Date.....Registrar †

#Baptism means the rite or ceremony of the Christian Church
*To be deleted where the certificate is given by the person who baptised the child
†Strike out whichever does not apply

Appendix J

Certificate for burial or cremation (still-birth)

CERTIFICATE FOR BURIAL OR CREMATION (STILL-BIRTH)

AFTER REGISTRATION	
<p align="center">CERTIFICATE THAT REGISTRAR has REGISTERED STILL-BIRTH <i>(Births and Deaths Registration Act 1953, S.11 (2))</i> <i>(Form prescribed by the Registration of Births and Deaths Regulations 1987)</i></p>	
<i>(see note overleaf)</i>	
I, the undersigned registrar, do hereby certify that I have this day registered the birth of	
the STILL-BORN child of	
which took place on	at
Entry No.	Signature of registrar
	Date
Registration District	Sub-district

CERTIFICATE FOR BURIAL (STILL-BIRTH)

BEFORE REGISTRATION	
<p align="center">CERTIFICATE THAT REGISTRAR has RECEIVED NOTICE of STILL-BIRTH</p>	
<p align="center">This certificate is not available for purposes of cremation.</p>	
To be delivered to the person effecting the BURIAL of this body <i>(see note overleaf)</i>	
I, the undersigned registrar, do hereby certify that I have been duly notified of the birth of	
the STILL-BORN child of	
which took place on	at
	Signature of registrar
	Date
Registration District	Sub-district

One of the above certificates is necessary if it is intended to bury the body of the still-born child in a burial ground. A person who has control over, or who ordinarily buries bodies in a burial ground may not bury the body of a still-born child until a registrar's certificate upon this form is delivered to him.

A certificate given AFTER REGISTRATION is necessary if it is intended to cremate the body in a crematorium. A certificate given BEFORE REGISTRATION will not be accepted for that purpose. It is an offence against the Cremation Act 1902, to burn the body of a still-born child except in a crematorium, notice of the opening of which has been given to the Secretary of State.

DD035-1-02

Certificate issued "after registration"
"before registration"

Issued by

Parent's names

Place of still-birth

Date of still-birth

"Data as necessary"

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.

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

PART B

DIS 34 839601

Births and Deaths Registration Act 1953, s. 24(1)

CERTIFICATE FOR BURIAL OR CREMATION (Issued after registration)		I, the undersigned registrar, do hereby certify that the death of
aged	who died on	
at	has been registered by me at Entry No.	
Signature	Date	(Registrar of Births and Deaths)
Registration District	Sub-district	

CERTIFICATE FOR BURIAL OR CREMATION (Issued before registration)		I, the undersigned registrar, do hereby certify that the death of
aged	who died on	
at	has been notified to me.	
Signature	Date	(Registrar of Births and Deaths)
Registration District	Sub-district	

IMPORTANT. If the death has not been registered it must be registered within 14 days of the date on which it happened by a relative of the deceased or by one of the other people required by law to give information.

If the burial or cremation is to take place outside England or Wales the Coroner must be notified before the body is moved. The registrar who issued this certificate can provide a form on which to notify the Coroner.

PART C

DIS 34 839601

NOTIFICATION OF BURIAL OR CREMATION (see back)

Births and Deaths Registration Act 1926, s. 3(1) (Form prescribed by the Registrars of Births and Deaths Regulations 1987)

This is to notify that the body of

deceased, who died on

was buried/cremated* on

Signature on behalf of

Date

*Strike out whichever does not apply

Appendix K (continued)

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

<p style="text-align: center;">NOTE</p> <p>The person to whom this certificate must be delivered is:</p> <p>(a) if the body is to be buried,</p> <p style="margin-left: 40px;">(i) the person by whom or by whose officer the register in which the burial is to be recorded is kept, or</p> <p style="margin-left: 40px;">(ii) in the case of a burial in a churchyard under the Burial Laws Amendment Act 1880 or Section 4 of the Welsh Church (Burial Grounds) Act 1945, the relative, friend or legal representative of the deceased having the charge of or being responsible for the burial.</p> <p>(b) if the body is to be cremated,</p> <p style="margin-left: 40px;">the medical referee appointed by the cremation authority.</p>	
<p>NOTE TO PART C</p> <p>On the burial or cremation of the body of the deceased person to whom this certificate relates, the person effecting the burial, or in the case of cremation, the Registrar of the Crematorium, must within 96 hours fill up the Form of Notification on the other side (Part C), detach it from Part B and send it to the Registrar of Births and Deaths by whom the certificate was given. The certificate itself (Part B) should be retained by the person effecting the burial, etc. (See Note to Part B).</p> <p>The Part C of this certificate must not be used to notify the burial or cremation of any body except that of the deceased person to whom the certificate relates.</p>	<p style="text-align: center;">NAME AND ADDRESS OF REGISTRAR</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

Appendix L
Certificate that death is not required to be registered

LA 192082

PART A

DECLARATION BY APPLICANT

I hereby declare that the body of the late..... has been removed from..... into England and Wales and that it is intended to bury or cremate the body at.....

and that no Coroner's Inquest in England or Wales has been or, so far as I am aware, is intended to be held respecting such body. I declare that the death of the said deceased took place at..... on the..... day of..... 20..... and I produce the following documentary evidence of the date and place of death so declared to me.....

I accordingly apply for a Certificate that the death is not required by law to be registered in England or Wales, and I make this declaration solemnly and sincerely, believing the same to be true.

Signature of Declarant..... address.....

Date..... Capacity in which Applicant is acting.....

I have seen the documentary evidence produced and witnessed the above declaration.

Signature of Registrar.....	Whether burial/cremation.....
Certificate issued on.....	Duplicate issued on.....
Notification Received.....	Enquiry due.....
Date of burial or cremation.....	Enquiry made.....
Place of burial or cremation.....	

LA 192082

PART B

CERTIFICATE THAT DEATH IS NOT REQUIRED TO BE REGISTERED

(Form prescribed by the Registration of Births and Deaths Regulations 1987)

I, the undersigned registrar, hereby certify that the information declared before me appears that the death of..... is not required by law to be registered in England or Wales.

Date.....

Signature..... Registrar of Births and Deaths.

Registration District.....

Sub-district.....

LA 192082

PART C

NOTIFICATION OF DISPOSAL

(see back)

Births and Deaths Registration Act 1926, s. 3 (1).

(Form prescribed by the Registration of Births and Deaths Regulations 1987)

This is to notify that the body of deceased, who died on..... at..... was buried/cremated* on..... at.....

Signature.....

on behalf of.....

Date.....

*Strike out whichever does not apply.

Appendix L (continued)

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

NAME AND ADDRESS OF REGISTRAR

NOTE TO PART C

On the burial or cremation of the body of the deceased person to whom this certificate relates, the person effecting the burial or, in the case of cremation, the Registrar of the Crematorium, must within 96 hours fill up the Form of Notification on the other side (Part C), detach it from Part B and send it to the Registrar of Births and Deaths by whom the certificate was given. The certificate itself (Part B) should be retained by the person effecting the burial, etc. (See Note to Part B)

The Part C of this certificate must not be used to notify the burial or cremation of any body except that of the deceased person to whom the certificate relates.

NOTE TO PART B

The person to whom this certificate must be delivered is:

- (a) if the body is to be buried,
 - (i) the person by whom or by whose officer the register in which the burial is to be recorded is kept, or
 - (ii) in the case of a burial in a churchyard (under the Burial Laws Amendment Act, 1880 or Section 4 of the Welsh Church (Burial Grounds) Act, 1945, the relative, friend or legal representative of the deceased having the charge of or being responsible for the burial.
- (b) if the body is to be cremated, the medical referee appointed by the crematorium authority.

Appendix M

Coroner's Order for Burial; Notification of Burial

PART A

Name of deceased

.....

Order issued on

.....

to (name)

.....

(address)

.....

.....

.....

PART B

CORONER'S ORDER FOR BURIAL

Form prescribed by The Coroners Rules 1984

I hereby authorise the burial of the body of aged
late of
who died at
on
Dated this day of 19
Signature
Coroner for

SPECIMEN

Any intention to remove the body out of England and Wales must be notified to the coroner in advance of removal. A form for giving notice may be obtained from the coroner or the registrar. This certificate will authorise the burial in a burial ground of the remains of a still-born child. This certificate is of no use for cremation. The coroner is requested to fill in spaces 1 and 2 of Part C of this form (see notes on cover). Unless this document is delivered intact to the person mentioned overleaf the burial may be delayed.

Form 101

PART C

NOTIFICATION OF BURIAL

(See overleaf)

1. Order issued by the coroner for

2. The burial must be notified on this form to the Registrar of Births and Deaths at

This is to notify that the body of

deceased, who died on

at

was buried on

at

Signature

on behalf of

Date

Form 101

Appendix M (continued)

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

NOTE TO PART C

On the burial of the body of the deceased person to whom this certificate relates, the person effecting the burial must, within 96 hours, fill up the form of notification on the other side (Part C), detach it from Part D and send it to the Registrar of Births and Deaths for the sub-district in which the death took place or, if the death took place elsewhere than in England or Wales, to the registrar of births and deaths for the sub-district in which the burial took place. The certificate itself (Part B) should be retained by the person effecting the burial (see note to Part B).

The Part C of this certificate must not be used to notify the burial of any body except that of the deceased person to whom the certificate relates.

No notification is necessary in the case of the burial of the remains of a still-born child.

NOTE TO PART B

The person to whom this certificate must be delivered is:

1. The person by whom or by whose officer the register in which the burial is to be recorded is kept.
2. In the case of a burial in a churchyard under the Burial Laws Amendment Act 1880, or Section 4 of the Welsh Church (Burial Grounds) Act 1945, the relative, friend or legal representative of the deceased having the charge of or being responsible for the 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 aton
- and
3. 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

(Schedule B - 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

- 12.1 As the Church Buildings Review (2015)⁵³ points out, there are some 15,700 church buildings nationally, around 78% of which are listed and some of which are in the care of small congregations. The same report contains a section on the theology of place. In the Diocese of Southwark, there are currently 190 listed church buildings (2015).
- 12.2 Please find in the following the guidance applicable from the Pastoral Department of the Diocese of Southwark.

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

Luke Tatam Assistant Secretary to the DAC

Luke Tatam is Assistant Secretary to the DAC, and is the first point of contact for all matters relating to the DAC's work

Tel: 020 7939 9457 e-mail: luke.tatam@southwark.anglican.org

Keri Dearmer Historic Churches Support Officer

Keri has been appointed in partnership with Historic England to offer help and support to parishes in caring for their historic church buildings, including in making best use of these buildings.

Tel: 020 7939 9443 e-mail keri.dearmer@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.
- **Training** new incumbents on the work of the DAC, and assisting with other training events such as for churchwardens.

DMPC (Diocesan Mission & Pastoral Committee)

- **Pastoral schemes:** Stephen supports 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.

53 https://www.churchofengland.org/media/2383717/church_buildings_review_report_2015.pdf

Online Faculty System

<https://facultyonline.churchofengland.org/home>

From 1st January 2017, the Online Faculty System⁵⁴ (OFS) is the method by which parishes in the Diocese of Southwark should submit a Faculty application or List B request. This makes it easier for parishes to develop and put forward new proposals for works in their church buildings, especially in regards to the changes brought about by the Faculty Jurisdiction Rules 2015:

- “List A” matters may be undertaken by an authorised person (i.e. a member of the PCC or someone else acting on the PCC’s behalf) without a faculty and without the need for consultation, subject to any conditions specified in the Rules.
- “List B” matters may be undertaken by an authorised person without a faculty if the Archdeacon has been consulted on the proposal and has given notice in writing that it may be undertaken without a faculty but subject to any conditions specified in the Rules and/or imposed by the Archdeacon (who must consult the DAC before deciding whether to give notice of consent).

A full faculty requires formal feedback (often preceded by informal consultation) from the DAC (Diocesan Advisory Committee), and then the granting of the faculty from the Chancellor - this can all be done through the OFS.

Although it is expected that the Online System should be the norm, there may still be circumstances where hard-copy applications will be used.

Registering for the Online System

PCCs will have to nominate a member to act as their Registered Applicant to register with the OFS system and deal directly with the DAC. That applicant should register on the OFS website (with assistance if necessary from the guide available on the ‘User Manuals’ page under the ‘Help’ tab on the OFS website).

- Applicants should remember to select both the Diocese of Southwark and at least one church or the churches which their PCC has authorised them to make applications for.
- We would encourage applicants to register with a generic email address if possible (eg. ChurchWarden@StStephen), in order for their successors to be able to use the account, rather than a new one having to be made for every change in post. It is recommended to have two users registered as applicants, per church.
- Applicants should be aware that applications on the OFS are logged by church and not by applicant. Consequently, the dashboard will show all the applications made against the church and not just the ones that they have created. If they see an application that they do not recognise, it may be that a local authority with responsibility for maintaining a closed churchyard has also made an application. Equally, if they are a local authority applicant, they will see applications that the PCC has made. Therefore, they should not abandon cases that they don’t recognise without checking with the Assistant DAC Secretary first.

Applying

When registered, applicants then make an application by going to the ‘Applications’⁵⁵ tab of the OFS website, then clicking ‘Start Application’. Fill in the required areas and follow the onscreen instructions, which gives the option to choose whether the proposal is a List A matter, a List B matter, or requires a full faculty. If necessary, in the ‘User Manuals’ section of the ‘Help’ tab on the OFS website there is a guide for submitting a List A matter⁵⁶, a guide for submitting a List B matter⁵⁷, and a guide on how to start a faculty application⁵⁸. Once done, the applicant should

⁵⁴ <https://facultyonline.churchofengland.org/home>

⁵⁵ <https://facultyonline.churchofengland.org/applications>

⁵⁶ https://facultyonline.churchofengland.org/data/sites/1/media/user-manuals/petitioner_recording-list-a-matter.pdf

⁵⁷ <https://facultyonline.churchofengland.org/data/sites/1/media/user-manuals/petitoer-list-b-application.pdf>

⁵⁸ <https://facultyonline.churchofengland.org/data/sites/1/media/user-manuals/petitoer-list-b-application.pdf>

upload all their supporting documents and images. Again, if this presents any difficulty there is a user manual on how to attach supporting documents and images⁵⁹.

- Once done, the Registered Applicant should submit their proposal, which if it is a List B matter will go to the Archdeacon to be approved, and if an application for a Faculty will go to the DAC for consultation (as it did before the introduction of the OFS).

If any problems or difficulties occur in this process there is a list of frequently asked questions⁶⁰ and a complete guide to the Online Faculty System⁶¹ on the 'Help' tab of the OFS website, or contact DAC department at Trinity House, and speak to Luke Tatam (020 7939 9457) or Stephen Roberts (020 7939 9456).

Why the Online Faculty System?

The OFS is part of the Church of England's ongoing 'Faculty Simplification' initiative⁶². In 2012 the Archbishops' Council Faculty Simplification Group appointed a working party to make recommendations for updating and streamlining the faculty system. The working party consulted widely with parishes and Dioceses, providing the basis for practical proposals to speed up and simplify the process for those who operate the faculty system. This included the Faculty Jurisdiction Rules 2013, which began to simplify and modernise the application procedures, and was followed up subsequently by the Faculty Jurisdiction Rules 2015 which established the above detailed Lists A and B. The Online Faculty System was also a part of this initiative. It was considered important for parishes, DACs, Registrars, Chancellors and Archdeacons to access the information about any one proposal quickly and easily. Following a trial period in the Dioceses of Truro and Leicester, the system began a national rollout in February 2015, with the Diocese of Southwark adopting it on 1st August 2016, and requiring it to be used from the 1st January 2017.

Pastoral Department,

- January 2017

59 <https://facultyonline.churchofengland.org/data/sites/1/media/uer-manuals/attaching-supporting-documents.pdf>

60 <https://facultyonline.churchofengland.org/faqs>

61 <https://facultyonline.churchofengland.org/data/sites/1/media/user-manuals/a-parishes-user-manual.pdf>

62 <http://www.churchcare.co.uk/churches/faculty-rules-2015/simplifying-the-faculty-process>

**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, and applications for Faculties and 'List B' permissions from the Archdeacons may now be made online, using the Online Faculty System. You are advised to read this leaflet 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). My colleagues and I will be happy to help.

PAUL C. E. MORRIS
Registrar
February 2016 (with amendments September 2017).

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

Mr Luke Tatam
Diocesan Advisory Committee
Trinity House, 4 Chapel Court, Borough High Street
London SE1 1HW

Tel. No: 020 7939 9457
Email: luke.tatam@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 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 Assistant 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 Assistant 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 submitted to the DAC. 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 Assistant DAC Secretary. Examples of each are attached. You are also advised to refer to the ChurchCare 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 Assistant 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. However, so far as possible, these consultations should already have taken place before intending applicants seek the formal notification of advice from the DAC.

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 provided by the Assistant DAC Secretary (usually through the Online Faculty System). 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. 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 proposals 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 PCC approving the carrying out of the works.
- (b) Obtain a notification of advice from the DAC as described above.
- (c) Obtain the necessary forms from the Assistant DAC Secretary.
- (d) 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 be 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.
- (e) The completed form of Petition must be submitted to the Registrar while the Public Notice is being published together with the following:
 - i) DAC notification of advice
 - ii) a copy of the resolution of the PCC signed by the Chairman or the PCC Secretary
 - iii) Statement of Needs and Statement of Significance (if applicable)
 - iv) a copy of the Public Notice (this should be a copy of the Public Notice which is being published)
 - v) 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
 - vi) 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
 - vii) 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
 - viii) 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.
- (f) The Registrar will forward the papers to the Chancellor for a decision.
- (g) 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.
- (h) 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 :

- (a) 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
- (b) affect the archaeological importance of the church or archaeological remains existing within the church or its curtilage,

The Chancellor is obliged 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 notification of advice. 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 is always 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 copy of 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. In some circumstances a temporary reordering licence will not be available, eg if there is currently no parish priest.

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. The Local Authority Conservation Officer may also need to be consulted.

National Amenity Societies

These are the Ancient Monuments Society, the Council for British Archaeology, the Society for the Protection of Ancient Buildings, the Georgian Group, 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. In some circumstances it is mandatory for the CBC to be consulted.

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 guidance on the procedure to be followed.

Trees

There are special rules dealing with the introduction or removal of trees and Petitioners should familiarise themselves with the Church Buildings Council's trees guidance, and then contact their Archdeacon, the DAC or the Registry for further advice. Briefly, List A allows some minimal works to trees. Some other works may come within List B. Otherwise a Faculty will normally 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.

From 1st January 2016



Diocesan Advisory Committee

issued by the Diocesan Advisory Committee for the Care of Churches ('DAC'),
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Background

From 1st January 2016 the Rules have changed. The list of ‘matters not requiring a faculty’ is now the same nationally, across the Church of England, not specific to each Diocese.

This change was brought about by the Faculty Jurisdiction Rules 2015 (www.legislation.gov.uk/ukxi/2015/1568/contents/made). There are now two Lists: ‘List A’ and ‘List B’:

List A - Matters which may be undertaken without a faculty, but subject to any specified conditions, and without the need for consultation.

List B - Matters which may be undertaken without a faculty, subject to an archdeacon’s written notice, and subject to any conditions.

Please note:
The Diocesan Chancellor can make “an excluded matters order” for an individual parish, church or churchyard - this would mean that Lists A and B do not apply. You will be informed if this is the case. It would happen only in very rare circumstances.

Summary

‘List A’

‘List A’ gives the categories of works which may be carried out on your church without a Faculty, subject to conditions. This replaces the Diocesan Chancellor’s guidance as to ‘matters not requiring a faculty’ issued in 2004, or any earlier versions of that document.
(In other Dioceses, this list was sometimes called ‘De Minimus’ or ‘Minor Works’.)

‘List B’

‘List B’ gives the categories of works which require consultation with the Archdeacon. You may carry out these works to your church once the written permission of the Archdeacon has been identified. Some of these works would previously (before 2016) have required a faculty. The intention is that the ‘List B’ process is simpler, speedier and more flexible, enabling parishes to get on with work without any unnecessary delay.

The Archdeacon is required to consult the DAC. Consultation with the DAC will be done via the Assistant DAC Secretary, and will usually involve seeking the expert advice (by email / telephone) of one or more of the relevant advisers, rather than a discussion by the full Committee.

When the Archdeacon has decided that work may be carried out without a faculty, he/she will issue a written ‘List B’ notice. Works under ‘List B’ are subject to conditions, and the Archdeacon may set additional conditions on the way the works are carried out (usually on the advice of the Assistant DAC Secretary / adviser).

From 1st January 2017, seeking the Archdeacon’s approval under ‘List B’ is done by applying through the Online Faculty System:
<https://facultyonline.churchofengland.org>

List A and B are set out in law, as decided by the General Synod of the Church of England and approved by Parliament. They are contained in Schedule I of the Faculty Jurisdiction Rules 2015, and are reproduced here (believed to be up-to-date as at 1st January 2017).

All other works not covered under any of the categories in List A or List B will still require a Faculty.

General exclusions from List A and List B - matters which will always require a Faculty.

Any works to which any of the general exclusions/conditions apply cannot be carried out via List A or List B even if they are otherwise works which are on one of the Lists.

Some examples of these general exclusions are:

- Works which involve extension, demolition or partial demolition of a building, or the erection of a new building;
-
- Works to a listed building which might affect its status as a building of special architectural or historic interest;
-
- Works which involve the disposal / sale of any item of architectural, archaeological, artistic or historic interest;
-
- Works which involve exhumation or other disturbance of human remains;
-
- Works which are likely to affect archaeology within the building or immediate surroundings;
-
- Works where Scheduled Monument Consent is required.

THESE ARE ONLY EXAMPLES; PLEASE CHECK THE FULL LIST, BELOW.

If any of the general exclusions apply, a faculty must always be applied for.

Trees, bells, and pipe/digital organs

Before considering any work to trees, bells or organs (whether pipe or electronic), you will need to read the relevant Statutory Guidance which is issued by the Church Buildings Council and is available online:

www.churchcare.co.uk/churches/faculty-rules-2015

First Steps

GENERAL EXCLUSIONS AND CONDITIONS

Before considering any work, you should check that the works are not excluded from Lists A and B, and therefore will require a faculty. The Rules state that, if any of the following apply, a faculty must be applied for:

- any works which involve alteration to or the extension of a listed building to such an extent as would be likely to affect its character as a building of special architectural or historic interest
- any works which are likely to affect the archaeological importance of a building or any archaeological remains within a building or its curtilage
- any works in respect of all or part of which Scheduled Monument Consent is required (under the Ancient Monuments and Archaeological Areas Act 1979)
- any works which involve extension, demolition or partial demolition of a building, or the erection of a new building
- any matter which gives rise to a question of law or of doctrine, ritual or ceremonial or which would, if undertaken, affect the legal rights of any person [except for the grant of a licence for the grazing of a churchyard by livestock, which is allowed by List A]
- the exhumation or other disturbance of human remains
- the reservation of a grave space
- the sale or other disposal of any article of architectural, archaeological, artistic or historic interest
- the sale of any book remaining in or belonging to a library to which the Parochial Libraries Act 1708 applies (i.e. historic collections of books established by charity law and under the special oversight of the bishop)
- the introduction of an aumbry or any other receptacle used for the reservation of the

sacrament of Holy Communion

- (k) the introduction of, or the carrying out of any work to, a monument of the kind referred to in section 3 of the Faculty Jurisdiction Measure 1964
[“monument” includes a tomb, gravestone or other memorial and any kerb or setting forming part thereof, and “owner” means the person who erected the monument in question and, after his death, the heir or heirs at law of the person or persons in whose memory the monument was erected.]

Additionally, no work can be carried out under List A or List B, if the work would be in breach of:

- any condition on an earlier faculty;
- any injunction or restoration order; or
- any undertaking given.

Process for ‘List A’ requests

Please consider using the Online Faculty System (OFS) to record a List A matter: it is there to help you, and can be used to record List A matters. Visit the OFS website for more information, and to sign up: <https://facultyonline.churchofengland.org/>

1. Does this fall under List A, or is a List B permission/faculty needed?
 - consult List A, below, as well as the general exclusions/conditions
 - or speak to your Archdeacon
 - or contact the Pastoral Department at Trinity House and speak to Luke Tatam (020 7939 9457) or Stephen Roberts (020 7939 9456).

If you think the matter is not on List A, but there is a genuine emergency and the works need to start quickly, contact the Archdeacon. For List B matters, it should be possible to handle this speedily. If a faculty would have been required, contact the Archdeacon and Diocesan Registry: the Chancellor is usually give an ‘interim faculty’ (i.e. urgent permission for the necessary work to proceed), but a confirmatory faculty will be required in due course.

2. Prepare details of the proposed work (in consultation with your architect or other professional advisers):

The PCC should always ensure that it obtains from the architect / professional advisers / contractors sufficient technical documentation of the proposed works:

 - This is responsible trusteeship, and ensures that the PCC’s money is being properly spent;
 - It reduces the likelihood of confusion or dispute during (or after) the works;
 - It assists the incumbent / churchwardens in ensuring they are not in breach of the law by going ahead with works which require a faculty (or List B permission).
3. Obtain PCC resolution for the work. Even if not legally required, it is usually good practice to notify your church’s inspecting architect/surveyor and the PCC’s insurance company. It may also be helpful if you inform the Archdeacon.
4. Now you can start the work! (But don’t forget to record the completed works in the church’s logbook / inventory, as appropriate). You must adhere to any of the specified conditions which are legally-required for that category of work.

Process for ‘List B’ requests

From 1st January 2017, you need to use the Online Faculty System (OFS) to apply for List B approval as well as to make a faculty application. Visit the OFS website for more information, and to sign up: <https://facultyonline.churchofengland.org/> An outline of the procedure that should be followed when requesting a List B Archdeacon’s permission in the Diocese of Southwark:

1. Does this fall under List B, or is a faculty needed?
 - consult List B, below, as well as the general exclusions/conditions
 - or speak to your Archdeacon

- or contact the Pastoral Department at Trinity House and speak to Luke Tatam (020 7939 9457) or Stephen Roberts (020 7939 9457).

In a genuine emergency, contact the Archdeacon. For List B matters, it should be possible to handle this speedily. If a faculty would have been required, contact the Archdeacon and Diocesan Registry: the Chancellor is usually give an 'interim faculty' (i.e. urgent permission for the necessary work to proceed), but a confirmatory faculty will be required in due course.

2. Prepare full details of the proposed work (in consultation with your architect or other professional advisers):

A request for a List B permission must still include the technical details of the proposed work - this should usually be professionally-produced documentation such as an architectural specification, specialist report, detailed annotated drawings, or detailed quotation that includes a description of the scope of works, method statement, materials used etc.

If the work was highlighted in a recent QI (Quinquennial Inspection) report, please say so. (The DAC and Archdeacon's office should both have a copy of the report on their files).

A supporting statement from the church's inspecting architect/surveyor may be appropriate - particularly for repair works to the fabric of the building.

Photographs of the relevant area of the building (interior or exterior) are always helpful - please assume that the DAC advisor(s) looking at your proposals have no previous knowledge of your church.

A short Statement explaining what the 'problem' is (why the work needs to be carried out, which may be self-evident) and why this 'solution' has been proposed. This is sometimes referred as a 'Statement of Need', but does not need to be a long document for a List B request.

[Guidance on writing 'Statements of Need' for faculty applications can be found online: www.churchcare.co.uk/churches/guidance-advice/statements-of-significance-need]

You can assume that the Archdeacon and DAC already have sufficient outline information on your church (e.g. whether the building is listed, approximate age of the building, whether the building is in a conservation area) to process a List B request; but the 'Standard Information Form 1A' is still a requirement for faculty applications.

3. Obtain PCC resolution for the work; this is preferable before making a List B request, and essential before the work can go ahead. Submissions should normally be sent in by the rector/vicar/priest-in-charge or churchwardens of the parish; if we receive an application direct from an architect or anyone else there should be evidence that the PCC has authorised this. If in doubt the Archdeacon/DAC will check with the incumbent.
4. Submit all details to the Online Faculty System. This sends your request to both the DAC and Archdeacon's offices; they will then liaise regarding the application, and obtain the necessary expert advice from the relevant DAC adviser(s).
5. You will hear from the DAC or Archdeacon if further information or clarification is required, or if the Archdeacon has decided that a faculty should be applied for.
6. If the Archdeacon is content to give permission for the List B works to proceed, the Archdeacon will issue the written notice, which is sent through the Online Faculty System.
7. Please do not go ahead with the works until you have received written notice from the Archdeacon's office, and the works have been approved of the PCC. Even if not legally required, it is usually good practice to notify your church's inspecting architect/surveyor and the PCC's insurance company.
8. Now you can start the work! (But don't forget to record the completed works in the church's logbook / inventory, as appropriate). You must adhere to any of the specified conditions which are legally-required for that category of work.

Matters which may be undertaken without a faculty

Table 1

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.

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-soleing 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

<p>(3) The introduction, removal or disposal of kneelers, hassocks, pew runners and cushions</p> <p>(4) The introduction, removal or disposal of—</p> <ul style="list-style-type: none"> (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 	<p>The introduction, removal or disposal of the articles does not result in a change to the overall appearance of the church</p> <p>No article of historic or artistic interest is removed or disposed of</p> <p>No article of historic or artistic interest is removed or disposed of</p>
A6. Church halls and similar buildings	
<p>(1) Routine repairs to the building and the replacement of fittings in the building</p> <p>(2) The introduction, removal or disposal of furniture</p>	<p>No article of historic or artistic interest is removed or disposed of</p>
A7. Churchyard	
<p>(1) The introduction and maintenance of equipment for maintenance of the church and churchyard</p> <p>(2) The repair of paths and other hard-surfaced areas, including resurfacing in the same materials and colour</p> <p>(3) The routine maintenance of, repairs to, and like for like replacement of fences and gates (but not lychgates, walls or historic railings)</p> <p>(4) The carrying out of repairs to a notice board and the repainting of a notice board</p> <p>(5) The grant by the incumbent of a licence for grazing in the churchyard</p>	<p>The works do not involve any new disturbance below ground level</p> <p>The licence is in a form approved by the chancellor</p>
A8. Trees	
<p>(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)</p>	<p>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</p> <p>Regard is had to guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards</p>

(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

Matters which may be undertaken without a faculty

Table 2

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.

B1. Church building etc.	
(1) Works of routine maintenance and repair affecting the fabric of a church or historic material	<p>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</p> <p>Details of any materials to be used are submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter</p> <p>The works do not involve any new disturbance below ground level</p> <p>The parochial church council’s insurers are notified if external scaffolding is to be erected</p>
(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)	<p>Details of materials and colours are submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter</p> <p>The overall appearance of the building is not changed</p> <p>The parochial church council’s insurers are notified if external scaffolding is to be erected</p>

(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— <ul style="list-style-type: none"> • 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

<p>(12)The installation of a lightning conductor</p> <p>(13)The installation of a sound reinforcement system or loop system or the alteration of an existing system</p>	<p>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</p> <p>The parochial church council's insurers are notified of the proposals and the work is carried out by a specialist contractor approved by them</p>
B2. Bells etc.	
<p>(1)The lifting of a bell to allow the cleaning of bearings and housings</p> <p>(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</p> <p>(3)The replacement of— (a) bell bolts (b) a wrought iron clapper shaft with a wooden-shafted clapper</p> <p>(4)The treatment of timber bell frames with preservative or insecticide materials</p> <p>(5)The re-pinning or re-facing of hammers in Ellacombe apparatus</p> <p>(6)The introduction of peal boards in a location not normally visible to the public</p>	<p>Regard is had to any guidance issued by the Church Buildings Council The bell is currently in a fit condition to be rung</p> <p>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</p> <p>Regard is had to any guidance issued by the Church Buildings Council The bell is currently in a fit condition to be rung</p> <p>Regard is had to any guidance issued by the Church Buildings Council The bells are currently in a fit condition to be rung</p>
B3. Clocks	
<p>(1)Alterations to striking trains to prevent striking at night</p> <p>(2)The upgrading of electrical control devices and programmers</p>	<p>No part of the clock mechanism is affected</p>
B4. Church contents	
<p>(1)The repair and maintenance of church plate (including candlesticks and crosses) not of special historic or artistic interest</p> <p>(2)The introduction, maintenance or replacement of portable audio-visual equipment used in connection with church services</p> <p>(3)The replacement of carpets or other floor covering and underlay</p>	<p>No equipment is fixed to the fabric of the church</p> <p>Only breathable underlay is used when underlay is replaced</p>

<p>(4)The replacement of curtains (other than curtains and other hangings associated with an altar)</p> <p>(5)The treatment of fixtures and furniture against beetle or fungal activity</p> <p>(6)The introduction of a book of remembrance and stand</p> <p>(7)The introduction of a fixed internal noticeboard</p> <p>(8)The disposal of free-standing chairs</p> <p>(9)The replacement of a grand piano with another grand piano and the disposal of the original grand piano</p>	<p>No chair of historic or artistic interest is disposed of</p> <p>No piano of historic or artistic interest is disposed of</p>
B5. Churchyard	
<p>(1)The introduction of benches in a churchyard</p> <p>(2)The replacement of gas or oil tanks</p> <p>(3)The routine maintenance, repair or rebuilding of walls</p> <p>(4)The routine maintenance or repair of lychgates</p>	<p>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</p> <p>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</p> <p>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</p> <p>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</p>

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	<p>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</p> <p>Regard is had to the guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards</p>
(3)All other works to trees (whether or not prescribed in List A) except felling	<p>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</p> <p>Regard is had to the guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards</p>

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:

- i) Its special architectural and historical interest
- ii) 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).

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/
- Magic www.magic.gov.uk
- Caring for God’s Acre www.caringforgodsacre.org.uk

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?

- 13.1 This supersedes the work done by John Richardson, then Ecumenical Project Worker, in February 2009. The remaining feature of that remains in the draft template agreements and accompanying safeguarding agreement which are at Annexes A-C. The rest of the documentation is that issued by the Council for Christian Unity of the Church of England by the office of the National Ecumenical Officer in April 2017.
- 13.2 Please discuss with your Archdeacon at the outset any requests you have received and you wish to pursue to hire or otherwise use parish premises by other churches.**
- 13.3 The Bishop of Southwark, the Area Bishops and the synodical structures of the Diocese recognise the importance of being part of a total Christian presence in South London and East Surrey. They particularly note 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 the Diocese is committed to working with them wherever appropriate in the furtherance of the Christian mission.
- 13.4 There are some particular points to emphasise in engaging with partner churches:
- That they are covered in full by their own public liability insurance
 - That they have a fully compliant safeguarding policy
 - That the lead minister has a current and satisfactory DBS
 - That they are a member of a recognised ecumenical body such as Churches Together in England or the Evangelical Alliance. There is also Affinity, the successor to the British Evangelical Council, a partnership of conservative evangelical groupings, independent churches, mission agencies and colleges.
- 13.5 Please note that the following guidance is to enable you to make good decisions and to avoid complications further down the line. The guidance which is issued by the Council for Christian Unity is as follows:
- Partnership and Hospitality
 - offering hospitality: guidelines for incumbents and archdeacons
 - A summary of instruments
 - The legal framework
 - Checklist for a Licence Agreement
 - Safeguarding and shared buildings
 - When a church is not designated
 - Dos and don'ts
 - Same sex marriage - legal considerations
- 13.6 The draft template agreements are at appendices A and B. The safeguarding agreement to accompany both is at appendix C. These have been very lightly revised since the 2009 version. The difference between the standard and enhanced templates is that the enhanced agreement would be used in every case where the building is covered by faculty jurisdiction or where there is a degree of co-operation anticipated between the host and hiring church. Please note that some church halls do come within faculty jurisdiction even if the building is not consecrated, e.g. if the building is within the church curtilage. If in doubt you may consult the Pastoral Department at Trinity House as to whether the building is covered by faculty jurisdiction. If it is and your PCC wishes to pursue such an agreement, a licence under faculty will be needed. An application for a licence under faculty needs to be made to the Chancellor of the Diocese via the Diocesan Registry (the Diocesan Advisory Committee - DAC - do not become involved in such cases). Again, the archdeacon can advise. The details are:

Philip Petchey

Chancellor of the Diocese of Southwark and Official of the Archdeaconries
c/o The Registrar
Winckworth Sherwood
Minerva House
5 Montague Close
London SE1 9BB

020 7593 5110

PARTNERSHIP AND HOSPITALITY:

The use of Church of England Places of Worship by Guest Churches

There has been a rapid increase in the diversity of Christian churches and congregations in the UK over the last 20 years, which is the result of a combination of factors:

- The arrival from overseas of Christians of many different churches, identified with particular ethnic groups, which desire to worship in their own traditions and style: these churches include Christians from Asia, Africa, Middle East and Eastern Europe, some of whom represent ancient traditions, while others are from young, often rapidly expanding churches. Worshipping together helps to maintain cultural as well as religious identity for these communities.
- The growth and diversification of Black Majority Churches, whether independent or part of global fellowships and movements. Some of these churches, such as the New Testament Church of God, the Church of God of Prophecy and the New Testament Assembly, are familiar and well established in the Christian life of this country. Others are new churches, for example Kingsway International Church Centre and Ruach Ministries. This diversity is reflected in two directories of Black Majority Churches: The Black UK Christian Directory⁶³ and the online Directory of Black Majority Churches⁶⁴, both of which are a valuable resource. Because of this diversity, it is very difficult to refer to these churches with one simple descriptive term. The term Black Majority Churches is well established, but it is a generic, sociological term, which is now being challenged in some quarters⁶⁵. The Churches Together in England Group for Minority Ethnic Christian Affairs (MECA) refers to Black and Minority Ethnic Churches⁶⁶.
- The increasing number of independent evangelical and pentecostal churches which have arisen through church planting. Some of these groups belong to associations, such as the Vineyard, while others are totally independent, and rely on a support network of personal contacts and relationships through para-church organisations and events. These churches are not necessarily Black Majority or Ethnic Churches.

One collective term cannot embrace this diversity of Christian expression, and so care should be taken about how a particular church is described. A church's self understanding is derived from its tradition and origins, and this will be reflected in the name the church itself uses. The name should be one of the first things to learn about a church, and that name should be used in referring to it.

As the diversity of churches has increased so has the potential for churches to offer hospitality to other congregations to worship in their church buildings. Although many churches may start by worshipping in all manner of premises, as they grow and become better established, they will need to find a space which offers them the opportunity to develop their life in a stable and suitable environment. So they will often turn to another church which has premises in the neighbourhood. The Church of England, and the other traditional churches in this country

63 McGreal, S. (ed) Black UK Christian Directory: Black UK Publications Limited (Bury St Edmunds), 2008

64 Got to: <http://www.bmcdirectory.co.uk/>

65 For more information about Black Majority Churches and Black Christianity see:

Aldred, J. Respect: Understanding Caribbean British Christianity, Epworth Press 2006

Sturge, M. Look what the Lord has done! An exploration of Black Christian Faith in Britain, Scripture Union 2005

Gerloff, R. A Plea for British Black Theologies, P. Lang 1992

66 Membership of the MECA Reference Group includes all the Black Majority Churches which have national structures, and other national Church agencies. For further information on MECA, go to: http://cte.churchinsight.com/Groups/42999/Churches_Together_in/Themes/Focus_on_People/Minority_Ethnic_Christian/Minority_Ethnic_Christian.aspx

are building rich and there are many examples where hospitality is extended by them to accommodate the needs of guest congregations. There are also a growing number of instances where hospitality is being offered by one Black Majority Church to another.

What Sort of Relationship?

The relationship between a church that owns the premises, the host church, and the one that hires the premises for worship can be characterised in a number of ways. A leaflet from the Group for Local Unity⁶⁷, suggests three categories - sharers, guests, tenants - to describe these sorts of relationship. It may be more accurate to refer not to tenants, suggesting sole occupancy, but to licencees, suggesting a limited use of facilities and space, granted by licence under faculty.

The landlord - licensee relationship suggests purely a practical agreement limited to an agreement on terms of use and finance. It is important nevertheless to ensure that there is a proper agreement, which is reviewed on a regular basis.

A hiring congregation may have no interest in developing the relationship, but it must be remembered that there may be many reasons for this, including their sense of being only a lodger, and therefore of being the weaker party. Many hiring arrangements may only be for a limited period, while a congregation is searching for its own premises, and this will also curtail the relationship.

The church which owns the premises likewise may not appreciate or welcome the opportunity for developing a deeper relationship and may regard the arrangement only as a source of income from rent. Some churches have a number of congregations using the same building, and may not have the capacity to nurture all the relationships involved.

However, relating as landlord to licensee is not appropriate to a relationship between two churches. It implies a lack of mutual regard of each other as members of the body of Christ, and could reinforce impressions of superiority and inferiority.

A host - guest relationship suggests that generous hospitality, where the host has a sense of responsibility and care for the guest, is the main motivation, arising from a regard for the other as fellow Christians. Although there is still the need for practical agreements to be in place, it is a tangible and practical way for one church, blessed with a church building, to offer these resources with a sister church which does not have its own space.

St Paul wrote in 2 Corinthians 8.13-14, of the generosity of the Macedonian Church:

..... it is a question of a fair balance between your present abundance and their need, so that their abundance may be for your need, in order that there may be a fair balance.

Being generous by showing hospitality is a sign of the generosity of Christ (2 Corinthians 8.9). It is possible for such a relationship to develop into friendship, but the guest congregation may still not have a sense of belonging within the sacred space, in contrast to the hosts⁶⁸.

Being sharers suggests that a partnership is developing, which is mutual and where there is a sense of equality in terms of Christian belonging. There will be a sense of belonging within the sacred space in both congregations, and a growing shared interest, mutual concern for each other, and interaction, which may lead, where possible, to shared worship, life, witness and mission.

Sharing hospitality opens up the possibility of deeper understanding and friendship developing between the two congregations, which itself helps to further the cause of Christian unity. When two congregations live under the same roof, the opportunities of meeting socially, in common prayer and in worship are much greater than when they worship in separate places. The two congregations have the opportunity to begin to share a common purpose and there is great

⁶⁷ Sharers, Guests and Tenants, Churches Group for Local Unity, CTE, 2002: downloadable from: http://www.churches-together.net/Articles/61504/Churches_Together_in/Local_Ecumenism/Ecumenical_Notes/4_SHARING_CHURCH.aspx where there are many other resources on the subject of shared church buildings.

⁶⁸ Jonathan Sacks, the Chief Rabbi, in his book "The home we build together" explores these sorts of relationship in a rather different context.

potential for common witness. Sharing a building has the potential for being a sign to others of this growing partnership. If it is accepted that both churches, though normally meeting separately, are committed to a continuing partnership, entering into a covenant may be an appropriate way of strengthening the relationship.

Some principles for offering hospitality

When a Black or Ethnic Minority Church approaches a Church of England parish to use some of its premises, it is important to acknowledge that members of that church may have sensibilities about the way they have been treated in the past, through slavery, colonialism and racism. There is also potential for prejudices among members of the potential host church to surface: prejudices ranging from attitudes about the beliefs and practices of the church, to racial and ethnic prejudices. The use of inappropriate language can add to difficulties. Awareness of these potential issues, as well as courtesy and respect, are essential on the part of the host church.

If approached with sensitivity, providing space to a church drawn from a minority community, especially one which has recently arrived in this country, to affirm its sense of belonging and identity will assist that community in the process of settling and integrating into the life of the community at large. It is part of the wider hospitality which neutralises the forces that attempt to reject the newcomer among us, and is therefore a simple statement of solidarity with those who may otherwise be excluded. In Solomon's prayer offered before he dedicated the Temple (2 Chronicles 6) there is a prayer for the foreigner who comes to worship at the Temple, acknowledging their need to do so, and the glory that this gives to the Lord (vv 32 - 33).

Churches which use the same building need to be encouraged to move from a purely practical arrangement into partnership. However, in any of these relationships tensions and conflicts may arise, and there are examples of unhappy situations which have developed. Such tensions and conflicts have a number of causes:

- Lack of a clear and fair agreement between the parties
- Cultural differences which lead to misunderstanding
- No regular contact between the leaders of the churches
- Little contact between the members of the congregations except when problems arise
- One church acting and speaking as if it were superior to the other
- The churches see themselves as being in competition.

There is a wide variety of practice across parishes and Dioceses in the arrangements for the use of Church of England buildings by independent congregations and greater consistency is needed within and between Dioceses, in order to avoid some of the problems that can occur, and also to open up the possibilities for mission, and building up the body of Christ which sharing church buildings present.

It is essential that the following three areas of the relationship are attended to.

a The agreement between the PCC and the guest church.

Whilst the early stages of reaching such an agreement will often be informal and verbal, any arrangement needs to be set out in a written document that both sides agree and sign. For a long-term agreement with considerable financial and other aspects, a proper Sharing Agreement under the Sharing of Church Buildings Act 1969 is more appropriate. The essential point is that both sides should have a written basis for the agreement which is regularly reviewed.

As early as possible in the negotiating process the meetings should involve responsible lay members of both host and guest churches.

It is good practice for there to be a joint host church/guest church group, meeting at least twice a year, to review the arrangements to deal with problems and possibilities.

In any relationship language can create great difficulty. A willingness to listen, patience and

understanding, are asked for where there are cultural differences and especially in meetings with those whose first language is not English.

All arrangements must be expressed with clarity and technical accuracy; avoiding terms which set the tone of the relationship from the outset. It is important to remember that the arrangements can express a link between two Christian bodies who should ideally relate to each other in more than a purely practical way.

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 experience⁶⁹.

b The relationship between the church leaders.

Experience shows that it is not enough for the leaders of the congregations to agree to meet only when problems arise; it is important to have a scheduled and regular meeting - perhaps monthly or bi-monthly - when any small issues can be raised before they become larger irritants. Action agreed upon should be minuted in writing, and checked at the next meeting. When leaders of either congregation are leaving or arriving, it is common courtesy to inform the other; an “exit” meeting and an “incoming” one between the leaders should be natural.

The leaders have a particular role in ensuring that others involved in the arrangements - wardens, PCC, administrators, caretakers, congregation - appreciate both the general nature of the relationship 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 signed⁷⁰.

c The relationship between the congregations.

Granted that different cultures and traditions make it unlikely in most cases that two or more worship services can be permanently unified, can special arrangements be made for members of one congregation to visit the other and be welcomed? If this “getting to know you” process is left to chance, the chances are it will never happen. Perhaps a year’s programme of mutual visiting could be agreed, and at the end whatever was learned can be assessed.

OFFERING HOSPITALITY TO NON DESIGNATED CHURCHES

Guidelines for Incumbents and Archdeacons

When a parish church is approached by a church seeking to use the church building or church hall for worship, the incumbent should first contact the Archdeacon and the Diocesan Ecumenical Officer for advice.

The incumbent, with the support of the Diocesan Ecumenical Officer, should ascertain whether the church in question, or an association of churches to which it belongs, is a church to which the Sharing of Church Buildings Act (1969) applies and has been designated by the Archbishops under the Ecumenical Relations Measure 1988 - CCU keeps an up to date list.

Any further information about the church should be gathered before the incumbent and churchwardens arrange a meeting with the leaders of the church, to establish a working relationship and to find out more about the specific request and the nature of the church.

If hospitality is proposed to be offered to a Church that is currently not designated under the ERM, the Archdeacon should in the first instance check with the Council for Christian Unity (CCU) to establish the reasons why the Church has not been designated. The CCU can then, if appropriate, set in motion the process that might lead to designation by the Archbishops under the ERM. The key questions to be asked of any Church prior to designation are:

- *Does this community subscribe to the doctrine of the Holy Trinity?*
- *Does this community administer Baptism and Holy Communion?*

69 Taken from the Diocese of Southwark Guidelines for Host Churches/Hiring Churches 2009
70 Ibid Southwark Guidelines

- *Is this community gazetted under the Sharing of Church Buildings Act (or, in the case of a Church outside the UK, has it been nominated by the General Synod)?*

If a prospective partner Church cannot be designated under the ERM, or to be gazetted under the Sharing of Church Buildings Act, the scope for what the Church of England may agree to in terms of offering hospitality is less clearly defined. Archdeacons are, however, encouraged to proceed positively but with discernment to explore extending hospitality to such congregations.

Acting with discernment

In exercising discernment an archdeacon may wish to take account of the following:

- It is advisable if offering hospitality to a non-designated Church is established in a way that carries the consent of all involved.
- Particular care is needed to avoid any confusion about the denominational identity of any services of Baptism and Holy Communion.

Identifying Potential Partners

It is suggested that a Church might prove to be a welcome and trustworthy partner if a positive picture emerges from the answers that can be given to the following questions:

- a) The three questions asked prior to designation under the Ecumenical Relations Measure (ERM) - thus:

1. *Does this community subscribe to the doctrine of the Holy Trinity?*
2. *Does this community administer Baptism and Holy Communion?*
3. *Is this community gazetted under the Sharing of Church Buildings Act (or, in the case of a Church outside the UK, has it been nominated by the General Synod)?*

A positive answer to Question 1 is essential. If the answer to all three is 'Yes', the proper route will be to approach the Council for Christian Unity to ask for formal designation for that Church under the ERM.

- b) Questions that demonstrate that the prospective partner Church has credibility within the ecumenical 'family'- thus:

1. *Is this community actively associated with the local Churches Together group?*
2. *Is this community a member of Churches Together in Britain and Ireland (CTBI) or part of one of the Afro-Caribbean Church networks that are members of CTBI (IMCGB, TAPAC etc)?*
3. *Is this community a member of the Evangelical Alliance or Affinity (formerly the British Evangelical Council)?*
4. *Is this community part of a recognised Church based mainly overseas?*
5. *What assessment do other local Churches make of the integrity of the leadership of this community?*

These questions would serve to rule out a) small groups claiming exclusively that they are the one true Church b) self-proclaimed church leaders c) political groups pretending to be churches d) sectarian groups such as Jehovah's Witnesses, Mormons and Christian Spiritualists.

- c) Questions that demonstrate that this Church or organisation has the necessary corporate infrastructure:

1. *Has this community got charitable status or is it part of a larger charity?*
2. *If it is a charity, are its published aims compatible with the values and mission of Christ's Church as understood by the Church of England?*
3. *Can this community show that it meets its obligations in relation to the safeguarding of children and vulnerable adults?*
4. *Does this community already function as an agency within, or is it closely associated with, a Church or group of Churches most or all of which are designated under the ERM?*

Because these suggested questions serve as indicators, and are not criteria, it should not be expected that positive answers should be given to every question. Nor are these questions a

definitive list, but they may point to areas that warrant further investigation.

Positive answers will provide indicators that may give the archdeacon confidence that here is a potential partner who can be trusted to work competently with the Church of England and in good faith. It is recognised that potential partners may well want to ask similar questions of the Church of England.

If the archdeacon is satisfied that the church should be allowed to use the consecrated or licensed church building for worship, then it may be appropriate to advise the Incumbent and PCC, and the leaders of the church to submit jointly an application for a license under faculty. Suitable application forms may need to be produced for this.

In either case a licence agreement will also need to be drafted, which covers the many practical arrangements that will need to be in place. A checklist of the areas which will need to be covered by a hiring agreement is provided in Appendix 1.

It is vital that both the church seeking hospitality and the church providing hospitality have compatible policies for Safeguarding of Children and Vulnerable Adults. CTE has produced a full checklist on Safeguarding for Churches in Local Ecumenical Partnerships, and it is recommended that this checklist is referred to.

USE OF CHURCH BUILDINGS FOR WORSHIP BY ANOTHER CHURCH:

Summary of Instruments Available to the Church of England

For a consecrated or licensed church building, in all cases a licence agreement is recommended in addition to the permission granted by the instrument.

Instrument	Description	Application	Procedure
Faculty	Authority granted by the Chancellor of the Diocese for the use of the church for purposes other than those of the Church of England; the faculty will spell out in detail the conditions of such use. If the use is intended to be regular then the faculty petition will need to include an application authorising the Incumbent and PCC to enter into a license agreement.	Applies in all cases where the hiring church is expected to use the church on a regular basis under a licence. Applies in all cases where the guest church has not been designated under the ERM. Not appropriate where a sharing agreement under the 1969 Measure is envisaged.	The Incumbent should consult with the Archdeacon in the first instance.
Sharing agreement under the Sharing of Church Buildings Act 1969	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.	Applies only in cases where the sharing church is one to which the Sharing of Church Buildings Act applies. Sharing agreement binds successors to those who make the agreement and may only be brought to an end in accordance with the terms of the agreement. Not likely to be appropriate for non-permanent, “hiring” arrangements.	The Incumbent should consult with the Archdeacon in the first instance.
Invitation issued by Incumbent under Canon B43.9	This may be for regular or occasional use. If regular use is envisaged a licence agreement, authorised by faculty, may be required. Shared worship is also allowed under this Canon. Requires approval of bishop and PCC.	Only applies to a church designated by the Archbishops.	The Incumbent should write to the Bishop, with approval from the PCC.
Authorisation given under Canon B43.10	This may be for regular or occasional use in a Cathedral. Shared worship is also allowed under this Canon.	Only applies to a church designated by the Archbishops.	The Dean and Chapter should write to the Bishop.

The Legal Framework for the Use of Church of England Buildings for Worship by Other Churches

The approach of the Church of England to offering hospitality to another Christian congregation for worship is governed by ecclesiastical law. This legal framework serves not only to regulate the degree to which the Church of England may allow the use of its buildings by other churches, but also to grant legal status and a degree of stability in the arrangements for congregations of other churches worshipping in Church of England places of worship. The quality of relationship between the host and guest congregations should be facilitated by such legal provisions.

A consecrated church building has been ‘set apart from all profane or common uses’ for worship according to the rites and ceremonies of the Church of England ‘for ever’; it is subject to the jurisdiction of the ecclesiastical court of the bishop of the Diocese, and cannot normally be used for other purposes unless authority for the use in question is obtained from the court (by grant of a faculty) or conferred by legislation. Unconsecrated church buildings may also be subject to the faculty jurisdiction. All parish churches - whether consecrated are not - are subject to the jurisdiction. Buildings that are licensed for public worship (but not consecrated) will often be subject to the faculty jurisdiction. All such buildings should be considered as being subject to constraints as to their use for purposes other than worship according to the rites of the Church of England. (Restrictions as to use also apply to buildings held on the terms of a charitable trust deed which lays down the purposes for which the building is to be used.)

Regarding uses other than worship, Canon F15 prohibits a church from being ‘profaned by any meeting therein for temporal objects inconsistent with the sanctity of the place’ and Canon F16 provides that when a church is to be used for a play, concert or exhibition of films or pictures, the minister ‘shall take care that the words, music and pictures are such as befit the House of God, are consonant with sound doctrine, and make for the edifying of the people’. The same principles would seem to be applicable to the use of the church for teaching or instruction of any kind.

A church hall may be held on charitable trusts, or on the terms of some other legal instrument, which prescribe the purposes for which the hall may be used. Any use made of a church hall will therefore need to be consistent with these purposes, including use of the hall by another Christian group for worship.

The Canons of the Church of England lay down which forms of service are authorised for use in churches (see Canon B1). Under Canon B5 the minister with cure of souls is allowed to use forms of service other than those authorised by Canon on occasions for which no authorised provision is made, as long as such forms of service are ‘neither contrary to, nor indicative of any departure from the doctrine of the Church of England in any essential matter’. The statutory basis for these Canons is the Church of England (Worship and Doctrine) Measure 1974, which conferred powers on the General Synod to legislate by Canon with respect to worship in the Church of England.

The Sharing of Church Buildings Act (1969) made it lawful for churches which are listed in the London Gazette for the purposes of the Act to share church buildings for worship. The Act included reference to the Church of England. Thus the Sharing of Church Buildings Act introduced a qualification to the general law with regard to worship in the Church of England, so that in those cases where there was a sharing agreement under the Act, worship other than that authorised in the Canons of the Church of England could take place lawfully in its churches. This was achieved in the Act by requiring provision to be made, within sharing agreements, for churches to be available for worship in accordance with the forms of service and practice of the sharing churches. (The Act also enables the holding of joint services and allows the participation of the clergy of one sharing church in the services of another such church; but in these two cases this is subject to such activity being approved by - or carried out in accordance with the rules of - the respective churches.)

The Ecumenical Relations Measure 1988 took matters further and allowed provision to be made by Canon “for enabling a place of worship of the Church of England to be made available for the

conduct of worship in accordance with the forms of service and practice of a Church to which this Measure applies". Canon B43.9 (and 10) allows the Incumbent of a parish (or the Chapter of a Cathedral) to invite members of another church to use the church building for worship according to their own traditions and practices. Such an invitation requires the approval of the PCC and the Bishop. It may be for a limited period, or open-ended. Such an invitation does not require a sharing agreement to be in place; the provisions of Canon B 43.9 are therefore much more flexible than the requirements of the 1969 Act.

However, Canon B43 is only applicable to those churches which have been designated by the Archbishops in accordance with the Ecumenical Relations Measure. One of the requirements for being designated under the ERM is that the church in question must be a church to which the Sharing of Church Buildings Act 1969 applies. In addition to the Church of England, the Act applies to any church of the Baptist denomination, any church of the Congregational denomination, any congregation of the Association of Churches of Christ in Great Britain and Ireland, the Methodist Church, the Presbyterian Church of England, the United Reformed Church, the Roman Catholic Church and the Church in Wales. Additionally it applies to churches that have given notice to the General Secretary of CTBI (referred to in the Act under its original name of "the British Council of Churches"), under section 11(3) of the Act. Such a notice is required to be published in the London Gazette and the process of giving notice is therefore often referred to as "gazetting" and a church which has given such notice as having been "gazetted". In order to be gazetted a church must be represented on the General Council of CTBI, or on the governing body of the Evangelical Alliance or Affinity. The gazetting process requires, among other things, a church to specify the appropriate authority of the church for the purposes of the Act.

Churches based outside the UK cannot generally be gazetted under the 1969 Act. However it may still be possible for such a church to be designated for the purposes of the Church of England (Ecumenical Relations) Measure 1988 if it has been nominated by resolution of the General Synod.

When a church is designated it becomes a church to which the ecumenical Canons (Canons B 43 and 44) apply, and therefore is accepted and acknowledged as a potential ecumenical partner. However, in the context of growing diversity of church life in the UK, there are many churches which fall outside the scope of the ecumenical Canons because they have not been designated. These churches include independent churches, Pentecostal churches, black majority churches, and churches with particular ethno-linguistic roots. Some of these churches are linked into global networks with which the Church of England has little contact. The reasons why these Churches are not designated are complex, and revolve around cultural, as well as doctrinal, ecclesiological and leadership issues.

- It may be localised and independent and not part of a larger grouping in order to belong to CTE
- Its natural empathy will not be with CTE, EA or Affinity
- It may be unfamiliar with English Law
- It may be reluctant to enter into agreements with the traditional churches.

In general, the Church of England has not designated localised and independent churches, although there is a single case of this happening with Southam Road Evangelical Church, Banbury, which was for the specific reason of enabling that church to be a partner in a Local Ecumenical Partnership. In the majority of such cases, designation is not a straightforward option.

A growing number of parishes offer hospitality to non-designated churches to worship in Church of England buildings. Offering hospitality is to be affirmed as a tangible way of extending a welcome to such groups and to build up relationships both ecumenically and within the life of the wider community. However, providing hospitality to churches which are not designated falls into a grey area, and it is the case that here there is both confusion and lack of consistency.

The Bishop of Winchester, acting as commissary for the Archbishop of Canterbury, held in the case of *Coekin v Bishop of Southwark* that to be lawful, an act of worship must come within the framework of the Canons or be expressly permitted by some other legal authority. He accepted "that the use of a parish church for the acts of worship of religious bodies outside the scope

of the Canons must normally be authorized by a faculty of the Consistory Court. The granting of a faculty for the purposes of providing hospitality to a non designated church would appear to remove most, if not all of the potential legal obstacles, and appears to rest on reasonable legal authority. The granting of licences under faculty has been used by diocesan registrars and chancellors in a number of Dioceses, and is regarded as a useful facility, being more flexible than the leases under faculty which are now permitted by the Pastoral (Amendment) Measure.

A licence fee would normally be payable, assessed on the basis of a surveyor's report and recommendation which would cover all the same kind of issues as for any regular leasing arrangement under Section 36 of the Charities Act 1993, that is to say rental value, contribution towards lighting, heating and general maintenance, provision for other services (for example, telephones and computers), security and so forth. The matter of the fee payable is one of some delicacy, and each case needs to be carefully and properly scoped at the outset.

USE OF CHURCH BUILDINGS FOR WORSHIP BY ANOTHER CHURCH

Checklist for a Licence 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 church building that is subject to the faculty jurisdiction if it forms part of a licence entered into under the authority of a 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 £5 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 to comply with the host church's child and vulnerable adults protection policy in the operation of all of its activities where children and vulnerable adults are present
- the hiring church will provide the host church with a copy of its own child and vulnerable adults protection policy
- the hiring church will inform the child protection representative 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 child protection representative 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 child and vulnerable adults protection policy is being violated in any way.

The following statements should also be included:

- 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

A SAFEGUARDING CHECKLIST

SHARING AGREEMENTS, GUEST CHURCHES, HIRING AGREEMENTS, TENANTS

Detailed guidance will be available from the church authority whose policy and guidance you refer to on legal considerations of bookings and rental licences. These should already be in place in your own PCC. The following should be considered:

- Those renting premises for ongoing children's or youth activities should have their own public liability insurance and their own safeguarding policy and guidance. This should be made available to the host church
- This should be stipulated in a specific rental agreement or licence, even when the rent is nominal and copies seen by the booking secretary/ minister/ safeguarding co-ordinator
- Keys should be accounted for and key holders limited to as few as possible

- If the above are not in place then the PCC and insurers could be liable for anything that happens in that group
- You don't have an obligation to rent the premises to groups who do not follow good practice
- Who else needs to know? [e.g. your Insurance company, the appropriate authority of each participating Church]
- Where there are issues concerning language and culture it is important that negotiations are not abandoned as too difficult. Common ground in a desire to protect all children from harm is usually found if you persevere, all children deserve the protection of society as a whole
- Resources for progressing this issue may be available through the local authority Safeguarding Board, through NSPCC, Community Partnership Programmes and CCPAS.

OFFERING HOSPITALITY TO NON DESIGNATED CHURCHES

Guidelines for Incumbents and Archdeacons

When a parish church is approached by a church seeking to use the church building or church hall for worship, the Incumbent should first contact the Archdeacon and the Diocesan Ecumenical Officer for advice.

The Incumbent, with the support of the Diocesan Ecumenical Officer, should ascertain whether the church in question, or an association of churches to which it belongs, is a church to which the Sharing of Church Buildings Act (1969) applies and has been designated by the Archbishops under the Ecumenical Relations Measure 1988 - CCU keeps an up to date list.

Any further information about the church should be gathered before the Incumbent and churchwardens arrange a meeting with the leaders of the church, to establish a working relationship and to find out more about the specific request and the nature of the church.

If hospitality is proposed to be offered to a church that is currently not designated under the ERM, the Archdeacon should in the first instance check with the Council for Christian Unity (CCU) to establish the reasons why the church has not been designated. The CCU can then, if appropriate, set in motion the process that might lead to designation by the Archbishops under the ERM. The key questions to be asked of any church prior to designation are:

- Does this community subscribe to the doctrine of the Holy Trinity?
- Does this community administer Baptism and Holy Communion?
- Is this community gazetted under the Sharing of Church Buildings Act (or, in the case of a Church outside the UK, has it been nominated by the General Synod)?

If a prospective partner church cannot be designated under the ERM, or to be gazetted under the Sharing of Church Buildings Act, the scope for what the Church of England may agree to in terms of offering hospitality is less clearly defined. Archdeacons are, however, encouraged to proceed positively but with discernment to explore extending hospitality to such congregations.

Acting with discernment

In exercising discernment an Archdeacon may wish to take account of the following:

- It is advisable if offering hospitality to a non-designated Church that it is established in a way that carries the consent of all involved.
- Particular care is needed to avoid any confusion about the denominational identity of any services of Baptism and Holy Communion.

Identifying Potential Partners

It is suggested that a church might prove to be a welcome and trustworthy partner if a positive picture emerges from the answers that can be given to the following questions:

- a) The three questions asked prior to designation under the Ecumenical Relations Measure (ERM) - thus:

1. Does this community subscribe to the doctrine of the Holy Trinity?
2. Does this community administer Baptism and Holy Communion?
3. Is this community gazetted under the Sharing of Church Buildings Act (or, in the case of a church outside the UK, has it been nominated by the General Synod)?

A positive answer to Question 1 is essential. If the answer to all three is 'Yes', the proper route will be to approach the Council for Christian Unity to ask for formal designation for that church under the ERM.

b) Questions that demonstrate that the prospective partner church has credibility within the ecumenical 'family'- thus:

1. Is this community actively associated with the local Churches Together group?
2. Is this community a member of Churches Together in Britain and Ireland (CTBI) or part of one of the Afro-Caribbean Church networks that are members of CTBI (IMCGB, TAPAC etc)?
3. Is this community a member of the Evangelical Alliance or Affinity (formerly the British Evangelical Council)?
4. Is this community part of a recognised church based mainly overseas?
5. What assessment do other local churches make of the integrity of the leadership of this community?

These questions would serve to rule out a) small groups claiming exclusively that they are the one true Church b) self-proclaimed church leaders c) political groups pretending to be churches d) sectarian groups such as Jehovah's Witnesses, Mormons and Christian Spiritualists.

c) Questions that demonstrate that this church or organisation has the necessary corporate infrastructure:

1. Has this community got charitable status or is it part of a larger charity?
2. If it is a charity, are its published aims compatible with the values and mission of Christ's Church as understood by the Church of England?
3. Can this community show that it meets its obligations in relation to the safeguarding of children and vulnerable adults?
4. Does this community already function as an agency within, or is it closely associated with, a church or group of churches most or all of which are designated under the ERM?

Because these suggested questions serve as indicators, and are not criteria, it should not be expected that positive answers should be given to every question. Nor are these questions a definitive list, but they may point to areas that warrant further investigation.

Positive answers will provide indicators that may give the Archdeacon confidence that here is a potential partner who can be trusted to work competently with the Church of England and in good faith. It is recognised that potential partners may well want to ask similar questions of the Church of England.

If the Archdeacon is satisfied that the church should be allowed to use the consecrated or licensed church building for worship, then it may be appropriate to advise the Incumbent and PCC, and the leaders of the church to submit jointly an application for a license under faculty. Suitable application forms may need to be produced for this.

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USE OF CHURCH BUILDINGS FOR WORSHIP BY ANOTHER CHURCH

Good Practice

For host churches

- A request from another church for the hire of rooms on a regular basis should not be dealt with by the hall booking secretary or caretaker.
- The leadership of your church should be involved in any negotiations about a sharing arrangement at the earliest possible stage.
- During the negotiating process it is important that all necessary information is given regarding finance, cost to the guest church, how maintenance costs are worked out, access to the building, storage, insurance and display of information. Areas which are not accessible should be stated clearly and procedures for dealing with complaints or problems should be outlined. Where there are no existing procedures these should be discussed and agreed.
- The church council or church meeting should always be involved in the final decision about a sharing arrangement and, if possible, should have the chance to meet representatives of the guest church beforehand. Some form of written agreement is always highly desirable. The agreement should include provision of regular meetings between host and guest churches to review the relationship and iron out any difficulties.
- If an enquiry for the use of the church building or for a decision to have a formal sharing agreement is refused do not be mysterious about it. Give the real reason for refusal.
- Where there is a signboard some space should be allocated to the guest church for displaying their information, thus informing the community of their presence.
- Seriously consider refusing any request to share from a church which is going to act in competition with you.
- If in doubt about racist attitudes (yours or the other church's) consult race relations advisers.
- Members of the guest churches are often from different ethnic backgrounds, church traditions and customs. Openness and sincerity are a Christian way of dealing with fellow Christians. Where there are doubts or hurts dialogue is essential.
- Communication is vital and the guest churches should be kept informed through regular meetings about general repairs and refurbishing as well as general activities. It is expected that this will be a two-way process.

For Guest Churches

Cultural expectations which have caused problems in the host/guest relationship:

- Times. Be realistic about how long your services take especially if there is more than one guest church. Allow time for preparation and clearing up afterwards.
- Use of amplified equipment The noise level of electrically amplified equipment should be monitored to avoid unnecessary disturbance to local residents.
- Cleanliness and order. Discuss and agree arrangements. Who is to be responsible for what? Be sensitive to each others' needs. Is adequate storage available? If not, can it be arranged or can you manage without it?
- Finance. While wanting to avoid a landlord/tenant relationship, buildings, nevertheless, cost money to run. They have to be heated, lit, insured, repaired and maintained. Sometimes even the hosts don't know what it costs per hour to run their hall or church. It is important to find out.
- Access and closure arrangements. Unless there are legal restrictions you should be given a set of keys. Sometimes, however, this is not possible. Caretakers need to be involved in the spirit of any agreements. Parking facilities should also be discussed.
- Troubleshooting. Don't wait for the first problem to arise. Set up a system with your hosts to deal with conflicts like allegations of abuse of the premises, not keeping to agreed times, feelings of resentment about your treatment, racism, etc.

Issues which have caused most ill-feeling on the part of guest churches.

- Payment by the hour per room is most dreadful and kills off all ecumenical spirit.
- Do not leave your sharers in the cold. They also need warmth just as the host congregation does.
- It is very inconvenient to lock up toilets when people are using the building.
- Locking one end of the church is a fire hazard and is dangerous. If there are facilities you do not want your guest church to use, for a genuine reason, tell them about it. Do not suddenly hide things away.
- Ministers must avoid hostility towards the guest church's congregation and children.
- Children are children and need the use of the recreational facilities on the premises.
- Abusive language must not be used against anybody. Derogatory remarks and insults must be avoided.
- Unnecessary fault finding and unbelievable excuses lead to a bad relationship.

Same Sex Marriage - Licensing of Shared Church Buildings

Legal Considerations

The starting point is that there can be no marriages of same sex couples according to the rites of the Church of England and any such marriage would be void. (See section 25(4) of the Marriage Act 1949.)

A church or chapel of the Church of England cannot be registered for marriages in accordance with the usages of other denominations unless it is subject to a formal agreement under the Sharing of Church Buildings Act 1969. That is because before a place of worship can be registered for non-Anglican marriages it must first be certified as a place of religious worship under the Registration of Places of Worship Act 1855. (See section 41(1) and 43A(1) of the Marriage Act 1949 which, in relation, respectively, to opposite-sex and same-sex marriages, provides only for "a building which has been certified as required by law as a place of religious worship" to be registered for the solemnization of marriages.) It is not generally possible for a church or chapel of the Church of England to be certified under the 1855 Act. (See section 10 (Nothing in this Act shall affect churches, etc, of Established Church).)

It has, however, been the case since the Sharing of Church Buildings Act 1969 was passed for a church or chapel of the Church of England which is subject to a sharing agreement under the Act to be certified under the 1855 Act, and therefore to be registered for marriages by the sharing denominations other than the Church of England. That is because the 1969 Act makes special provision to that effect in section 6.

The Marriage Act 1949, as now amended by the Marriage (Same Sex Couples) Act 2013, makes special provision for buildings that are subject to the Sharing of Church Buildings Act 1969. Section 44A of the Marriage Act provides that an application to register, for the marriage of same sex couples, a shared building cannot be made unless the relevant governing authorities of each of the sharing churches have given a separate written consent to the use of the shared building for the marriage of same sex couples. A church or chapel of the Church of England which was subject to a sharing agreement could not, therefore, be registered by one of the other sharing churches for the marriage of same sex couples unless the written consent of the General Synod to such use of the shared building had been given.

The same requirement for separate written consent applies in the case of all sharing agreements under the 1969 Act. Irrespective of who owns the building, the shared building cannot be registered for the marriage of same sex couples unless the relevant governing authorities of all the sharing denominations give their consent. If a denomination which had opted in to same sex marriages wished to use one of its own shared buildings for the marriage of same sex couples but could not obtain the consent of one or more of the sharers, it would be open to the owning denomination to bring the sharing agreement to an end and then to proceed under the ordinary provisions for registration (which do not require consents beyond the owning denomination

itself).

The same consent requirements also apply in relation to shared institutional chapels which are used as mentioned in section 6(4) of the 1969 Act.

Where a church or chapel of the Church of England is used by another denomination otherwise than under an agreement made under the 1969 Act, it cannot be registered for non-Anglican marriages at all (because it cannot, in that case, be certified under the 1855 Act).

Draft template agreement for the use of parish buildings by other churches

A. Host church incumbent/priest in charge contact details:

Name.....
Position.....
Postal address.....
.....
.....
Telephone number.....
Mobile number.....
Email address

B. Hiring church contact details:

Name.....
Position.....
Postal address.....
.....
.....
Telephone number.....
Mobile number.....
Email address

C. Parts of the church/hall to be used by the hiring church:

.....
.....

D. Purposes for which the church/hall will be used by the hiring church:

.....
.....

E. 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.....

F. 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:

G. Conditions of use

1. 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.
2. 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.

3. 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.
4. The host church reserves the right for the incumbent/priest in charge or his/her representative to enter the church/hall at any time.
5. 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.
6. 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.
7. 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]
8. 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
9. 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.
10. In accordance with the Regulatory Reform (Fire Safety) 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.
11. In accordance with Regulatory Reform (Fire Safety) 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
12. 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.
13. The hiring church shall use the heating and lighting facilities of the church/hall with regard for reasonable economy.
14. 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 (Liquefied Petroleum Gas)/Calor gas canisters of cylinders.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.

20. 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.
21. 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.
22. The hiring church shall not sub-let the premises.
23. 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.
24. 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.
25. Smoking is not permitted anywhere inside the host church premises.
26. The use of drugs is not permitted anywhere inside the host church premises.
27. Alcohol consumption may only be permitted with the prior written agreement of the incumbent/priest in charge.
28. 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.
29. The hiring church shall abide by the health and safety regulations in operation in the host church.
30. The hiring church will provide evidence that it has a current insurance with public liability of not less than £5 million and contents cover and shall display its insurance certificate in the church/hall.
31. 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 C), 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.
32. 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 jointly accepted and signed.
33. 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.
34. Two months notice shall be given by the host church or the hiring church for the termination of the agreement.
35. The host church reserves the right to terminate the agreement with immediate effect in the event of conditions being violated.
36. 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.

H. Finance

1. The charge for the use of the church/hall shall be £..... per session/month
2. Payments shall be made by the hiring church at the end of each month
3. Cheques shall be made payable to ['----- PCC'] or by bank transfer to
4. 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.
5. 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.

I. 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 [----- PCC]..... Signed on behalf of

[-----]..... Date.....

One signed copy of this form shall be kept by the host church and one by the hiring church.

Draft template enhanced agreement for the use of parish buildings by other churches

Recognising that [----- 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 ----- church/hall by the hiring church are agreed.

A. Host church incumbent/priest in charge contact details:

Name.....
 Position.....
 Postal address.....

 Telephone number.....
 Mobile number.....
 Email address

B. Hiring church contact details:

Name.....
 Position.....
 Postal address.....

 Telephone number.....
 Mobile number.....
 Email address

C. Parts of the church/hall to be used by the hiring church:

.....

D. Purposes for which the church/hall will be used by the hiring church:

.....

E. 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.....

F. 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:

G. Conditions of use

1. 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.
2. 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.
3. 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.
4. The host church reserves the right for the incumbent/priest in charge or his/her representative to enter the church/hall at any time.
5. 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.
6. 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.
7. 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].
8. 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.
9. 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.
10. In accordance with Regulatory Reform (Fire Safety) 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.
11. In accordance with Regulatory Reform (Fire Safety) 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.
12. 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.
13. The hiring church shall use the heating and lighting facilities of the church/hall with regard for reasonable economy.
14. 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 or cylinders.
15. 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.
16. 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.
17. 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.

18. 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.
19. 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.
20. 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.
21. 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.
22. The hiring church shall not sub-let the premises.
23. 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.
24. 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.
25. Smoking is not permitted anywhere inside the host church premises.
26. The use of drugs is not permitted anywhere inside the host church premises.
27. Alcohol consumption may only be permitted with the prior written agreement of the incumbent/priest in charge.
28. 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.
29. The hiring church shall abide by the health and safety regulations in operation in the host church.
30. The hiring church will provide evidence that it has a current insurance with public liability of not less than £5 million and contents cover and shall display its insurance certificate in the church/hall.
31. 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 C), 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.
32. 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 jointly accepted and signed.
33. 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.
34. Two months notice shall be given by the host church or the hiring church for the termination of the agreement.
35. The host church reserves the right to terminate the agreement with immediate effect In the

event of conditions being violated.

36. 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.

H. Finance

1. The charge for the use of the church/hall shall be £..... per session/month
2. Payments shall be made by the hiring church at the end of each month
3. Cheques shall be made payable to ['----- PCC'] or by bank transfer to
4. 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.
5. 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.

I. 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

Signed on behalf of..... Date.....

One signed copy of this form shall be kept by the host church and one by the hiring church.

Appendix C: 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 Disclosure and Barring Service
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
 - a) any allegations of abuse or causes of concern relating to members or leaders of your church, and
 - b) 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

- 14.1 The following does three things: 1) it helps to ensure compliance with law as regards church records; 2) it promotes sound administration through the proper recording of information, its storage and access; and 3) it lays down both requirements and guidance on either the deposit or disposal of records. For many clergy and other Readers, this will be the least interesting chapter in the entire compilation. But it does, for example, provide some valuable guidance on how to set up simple electronic filing systems that are easy to access because you have named your electronic files in such a way that they are easy to identify in a search. In paper records it provides the sort of guidance (that other professionals will recognise) on how long to keep records in the parish and what then to do with them. Even simple details such as avoiding the use of plastic tape and using only brass paper clips or staples may save someone else problems later on.
- 14.2 When it comes to deposit, there are certain documents that have to be retained by law or deposited in the relevant Diocesan Archive/record office. In the case of the Diocese of Southwark, there are several archives relevant, depending on the location of the parish. In addition to statutory deposits such as registers and PCC records, archives are often very interested to receive items that map out the texture of church life such as photographs (with identifying marks and dates where available), parish magazines and literature relating to parish events. An enquiry at the archive as to what they can take will be gratefully followed up. You will find local authority archive staff helpful when it comes to disposal and deposit. Deanery synod and chapter records should also go to the diocesan record offices (see below 14.4ff).
- 14.3 Reference to CRB is now to Disclosure and Barring Service. Any reference to the Data Protection Act 1998 should, from the 25 May 2018, read 'General Data Protection Regulations'. Please see chapter 15 and <http://southwark.anglican.org/information/gdpr>

Diocesan Record Offices

- 14.4 London Metropolitan Archives
(Former London County Council area excluding the former Metropolitan Boroughs of Greenwich and Lewisham)
40 Northampton Road
London EC1R 0HB
Tel: 020-7332 3820
Fax: 020-7833 9136
Minicom: 020-7278 8703
E-mail (enquiries): ask.lma@corpoflondon.gov.uk

See also Access to Archives (A2A) website

www.cityoflondon.gov.uk/lma

- 14.5 Former Metropolitan Borough of Greenwich only (1900-1965; it combined that year with the former Metropolitan Borough of Woolwich to form the current Royal Borough of Greenwich).

Greenwich Heritage Centre
Artillery Square
Royal Arsenal
Woolwich
London SE18 4DX
Phone: 020 8854 2452
e-mail: heritage.centre@rght.org.uk

www.greenwichheritage.org/visit/greenwich-heritage-centre

- 14.6 Former Metropolitan Borough of Lewisham only (1900-1965; it included Lewisham, Blackheath, Lee, Hither Green, Catford, Brockley, Forest Hill and part of Sydenham. In 1965 it combined with the former Metropolitan Borough of Deptford to form the current London Borough of Lewisham)

Lewisham Local Studies and Archives Centre
Lewisham Library
199-201 Lewisham High Street
London SE13 6LG
Tel: 020 8314 8501
E-mail: local.studies@lewisham.gov.uk

www.lewisham.gov.uk/inmyarea/history/archives/Pages/default.aspx

14.7 Parishes in the London Borough of Bexley

Bexley Local Studies & Archive Centre
Central Library,
Townley Road,
Bexleyheath,
Kent
DA6 7HJ
Telephone 020 8301 1545
E-mail archives@bexley.gov.uk

www.bexley.gov.uk

14.8 Parishes in the London Borough of Bromley

Bromley Local Studies Library and Archives
Bromley Central Library
High Street
Bromley
Kent
BR1 1EX
Telephone: 020 8461 7170
Fax: 020 8466 7860
E-mail: localstudies.library@bromley.gov.uk

www.bromley.gov.uk/libraries/librariesintheborough/local_studies_library.htm

14.9 Surrey History Centre

County of Surrey and Surrey London Boroughs
130 Goldsworth Road
Woking
Surrey GU21 6ND
Tel: 01483-518737
Fax: 01483-518738
E-mail: shs@surreycc.gov.uk

www.surreycc.gov.uk/surreyhistoryservice

14.10 London Borough of Sutton Local Studies Centre

London Borough of Sutton
Central Library
St Nicholas Way
Sutton
Surrey SM1 1EA
Tel: 020-8770 4747
Fax: 020-8770 4666
E-mail: local.studies@sutton.gov.uk

www.sutton.gov.uk/index.aspx?articleid=1883

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 published⁷¹.

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."⁷²

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

⁷¹ 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 © The Church Commissioners for England

⁷² Definition of records management by the Records Management Society of Great Britain

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.

Back Ups

It is essential to make regular back ups of files on your 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 manage 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 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" gives individuals the right to know what information is held about them and provides a framework 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>

Copyright

Copyright protects the physical expression of ideas, in general, 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>

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: 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 events⁷³

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 Handbook⁷⁴. 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:

⁷³ 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

⁷⁴ 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

- 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 volunteer⁷⁵
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 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.

⁷⁵ 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.

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 Bible
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 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 History Service	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)

New General Data Protection Regulations (GDPR)

- 15.1 New law on data protection take effect from 25 May 2018 and all parishes will need to comply with these new regulations as will all other charities and organisations. There is guidance on the new legislation on the Diocese of Southwark's website www.southwark.anglican.org/information/gdpr as well as on the Church of England's website. This guidance includes practical tools including a checklist for action, an audit questionnaire and pro formas which can adapted for use locally by parishes.
- 15.2 If you have any questions on data protection, please email our dedicated email address data@southwark.anglican.org

- 16.1 As part of the 2014 settlement by which the Consecration of women as Bishops was agreed, the House of Bishops set out a framework for the oversight of Parishes that express theological objections to receiving Episcopal ministry from a woman. Key to this framework is the concept of “mutual flourishing”. To elaborate further:
- the journey by which the Church of England first determined, in its General Synod, (1974) that there was no doctrinal bar on women entering the three historic orders and then enacting this shall not be rehearsed here, but an understanding of how we got to this point will help with understanding how the rules and principles to which we are committed are meant to work
 - key to the 2014 settlement, which includes Measure and Canon, is the House of Bishops of the Church of England’s Declaration and also Regulations on resolving any disputes
 - the following materials are copied below
 - the Declaration sets out five principles for the Church of England to live by
 - a guidance note by the House of Bishops to further elucidate the process (including the way in which consideration should be given when a parish is undertaking the process of considering a resolution)
 - the regulations
 - the House of Bishops amended its standing orders specifically to ensure that their 2014 declaration may not be amended or repealed without a vote of at least two-thirds in each house of the General Synod
 - the regulations under Canon 29 as to the resolution of disputes under an ‘ombudsman’ (currently, Sir Philip Mawer) has an identical restriction)
- 16.2 The five principles, as the guidance note makes clear, are to be taken in their total, not focused upon in isolation. The House of Bishops further enjoins “that the outworking of these principles needs to be accompanied by simplicity, reciprocity and mutuality”. Ministers and PCCs will be expected to follow the declaration diligently, including in those provisions relating to the passing of a resolution
- 16.3 Paragraph 14 of the Declaration makes clear that if mutual flourishing is to be achieved, it is not simply a matter of what provision is made for the minority, but of a positive, active commitment is required of all concerned, both those in the majority and those in the minority: “Mutuality ... means that those of differing conviction will be committed to making it possible for each other to flourish”.
- 16.4 The Bishop of Southwark and the Area Bishops are more than willing to discuss the implication of the House of Bishops’ Declaration with any Incumbent and the Churchwardens of the Parish. Any PCC which passes the requisite resolution set down in the Declaration should send a copy of this and the accompanying paperwork set down in the guidance note to the Diocesan Bishop. The Bishop of Southwark has made arrangements with the Bishop of Fulham and with the Bishop of Maidstone to provide pastoral care to relevant Parishes and both Bishops are commissioned as Assistant Bishops in this diocese in order to enable them to fulfill this ministry.

GENERAL SYNOD
WOMEN IN THE EPISCOPATE

House of Bishops' Declaration on the Ministry of Bishops and Priests

I attach a copy of the Declaration agreed by the House of Bishops on 19 May.

William Fittall
Secretary General
June 2014

House of Bishops' Declaration on the Ministry of Bishops and Priests

Introduction

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

Statement of guiding principles

5. The House reaffirms the five guiding principles which it first commended in May 2013 when submitting legislative proposals to the General Synod for the consecration of women to the episcopate and which the Synod welcomed in its resolution of 20 November 2013. They need to be read one with the other and held together in tension, rather than being applied selectively:
 - Now that legislation has been passed to enable women to become bishops the Church of England is fully and unequivocally committed to all orders of ministry being open equally to all, without reference to gender, and holds that those whom it has duly ordained and appointed to office are the true and lawful holders of the office which they occupy and thus deserve due respect and canonical obedience;
 - Anyone who ministers within the Church of England must be prepared to acknowledge that the Church of England has reached a clear decision on the matter;
 - Since it continues to share the historic episcopate with other Churches, including the Roman Catholic Church, the Orthodox Church and those provinces of the Anglican Communion which continue to ordain only men as priests or bishops, the Church of England acknowledges that its own clear decision on ministry and gender is set within a broader process of discernment within the Anglican Communion and the whole Church of God;
 - Since those within the Church of England who, on grounds of theological conviction, are unable to receive the ministry of women bishops or priests continue to be within the spectrum of teaching and tradition of the Anglican Communion, the Church of England remains committed to enabling them to flourish within its life and structures; and
 - Pastoral and sacramental provision for the minority within the Church of England will be made without specifying a limit of time and in a way that maintains the highest possible degree of communion and contributes to mutual flourishing across the whole Church of England.

Simplicity, reciprocity and mutuality

6. The House believes that the outworking of these principles needs to be accompanied by

simplicity, reciprocity and mutuality.

7. The simplicity of the legislation now agreed by the General Synod is reflected in the fact that it makes no changes to the structures of the Church of England, leaves unaltered the position of each diocesan bishop as Ordinary and preserves the historic requirement for canonical obedience to the diocesan bishop 'in all things lawful and honest' and for the taking of oaths acknowledging this duty⁷⁶.
8. The practical arrangements to be made for parishes which, on grounds of theological conviction, are unable to receive the priestly or episcopal ministry of women need to be made with the same principle of simplicity in mind.
9. Reciprocity means that everyone, notwithstanding differences of conviction on this issue, will accept that they can rejoice in each other's partnership in the Gospel and cooperate to the maximum possible extent in mission and ministry. There will need to be an acknowledgement that the differences of view which persist stem from an underlying divergence of theological conviction.
10. In particular reciprocity will mean that those of differing conviction will do all within their power to avoid giving offence to each other. There will need to be sensitivity to the feelings of vulnerability that some will have that their position within the Church of England will gradually be eroded and that others will have because not everyone will receive their ministry.
11. Now that the Church of England has admitted women to the episcopate there should within each Diocese be at least one serving bishop, whether the diocesan or a suffragan, who ordains women to the priesthood. This has a bearing on the considerations that the Crown Nominations Commission and diocesan bishops will need to take into account when considering diocesan and suffragan appointments.
12. In addition, Dioceses are entitled to express a view, in the statement of needs prepared during a vacancy in see, as to whether the diocesan bishop should be someone who will or will not ordain women. In Dioceses where the diocesan bishop does not ordain women he should ensure that a bishop who is fully committed to the ordained ministry of women is given a role across the whole Diocese for providing support for female clergy and their ministry.
13. All bishops have a shared responsibility for the welfare of the whole Church of England. It will be important that senior leadership roles within Dioceses continue to be filled by people from across the range of traditions.
14. Mutuality reflects the Church of England's wider commitment to sustaining diversity. It means that those of differing conviction will be committed to making it possible for each other to flourish. All should play a full part in the lives of the deaneries and Dioceses and be prepared to engage with the diocesan bishop whoever he or she is.
15. Equal treatment, for example in relation to resource issues and the discerning of vocations to the ordained ministry, is essential irrespective of convictions in relation to gender and ministry. In discerning vocations bishops will continue not to discriminate on the grounds of a candidate's theological conviction on his issue. In addition, ordination services for deacons and priests should be planned and conducted in a way that is consistent with the five guiding principles set out in paragraph 5 above.

Arrangements for parishes

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

⁷⁶ Canon C 1.3 provides that "According to the ancient law and usage of this Church and Realm of England, the priests and deacons who have received authority to minister in any diocese owe canonical obedience in all things lawful and honest to the bishop of the same ...". By way of acknowledgement of that duty, under Canon C 14 clergy are required on various occasions to make or reaffirm the Oath of Canonical Obedience to their diocesan bishop. But we are advised that, in the light of the decision of the Privy Council in *Long v Bishop of Capetown* (1863), the duty of obedience does not require the cleric to comply with any and every direction given by the bishop; rather, it requires the cleric to obey such directions as the diocesan bishop is authorised by law to give.

17. The practical outworking of the arrangements may vary according to local circumstances but the approach commended in the following paragraphs will, in the view of the House, enable all Dioceses and parishes to act consistently with the guiding principles set out above and the requirements of the law, including the Equality Act 2010.
18. The responsibility for signalling that a parish wishes to take advantage of arrangements available to those whose theological conviction leads them to seek the priestly or episcopal ministry of men rests with the relevant parochial church council ('PCC')⁷⁷.
19. A meeting of a PCC to consider a motion seeking arrangements of this kind should either be one held under section 11 of the Patronage (Benefices) Measure 1986 or one for which the secretary of the PCC has given members at least four weeks' notice of the place and time of the meeting and the motion to be considered. Given the importance of the issue such a motion should have been passed either (a) by a majority of those present at a meeting at which at least two-thirds of the members of the PCC who are entitled to attend are present or (b) by a majority of all the members of the PCC.
20. The recommended form of the resolution to be passed by the PCC is as follows: "This PCC requests, on grounds of theological conviction, that arrangements be made for it in accordance with the House of Bishops' Declaration on the Ministry of Bishops and Priests." A PCC which has passed a resolution should send a copy of it to the diocesan bishop, archdeacon, diocesan registrar and registered patron.
21. Parishes which have passed a resolution may rescind it at any time. The same procedures as are set out in paragraphs 18-19 should apply in relation to a PCC meeting which is to consider a motion rescinding a resolution. Parishes which have passed a resolution should review it from time to time, especially when a vacancy in a benefice arises.
22. The House recognises that the nature of the theological conviction on the ordained ministry of women which underlies a decision to pass such a resolution will vary according to the tradition of the parish concerned. Where a resolution has been passed, and before clergy are appointed to the parish or a bishop chosen by the diocesan bishop to provide oversight, there will, therefore, need to be consultation between bishop and parish to ascertain the nature of that conviction so that the resolution can be implemented effectively. The House will provide guidance for bishops and parishes to help facilitate these conversations.
23. Anyone involved in making appointments to ordained parochial roles, whether of incumbents, priests in charge or assistant curates, or in exercising the power conferred by Canon C 8.2(a) to allow occasional ministry in a parish, should do everything possible to achieve an outcome that does not conflict with the nature of the conviction on this issue underlying the PCC's resolution. Where a clerk in holy orders is the registered patron of a benefice in right of his or her office, he or she should not limit his or her selection of candidates to those of a particular sex except in circumstances where a parish has passed a resolution.
24. In the event that any difficulties arise between a patron and a parish following the passing of a PCC resolution, the diocesan bishop should do all in his or her power to achieve an outcome that respects the declared view of the parish and protects the parish representatives from having to resort to their own power of veto under the Patronage (Benefices) Measure 1986. The archbishop of the province should also seek to achieve such an outcome in the event of the right of presentation lapsing to him or her under the 1986 Measure.
25. In the case of multi-parish benefices the needs of parishes in the benefice that have not passed a resolution should be weighed alongside those of any parish that has when decisions are taken about appointments to the benefice.
26. The choice of a bishop to undertake ministry in respect of a parish which has passed a resolution is for the relevant diocesan bishop to make, again with a view to avoiding conflict with the theological conviction on this issue underlying its resolution. In all cases the choice should be made from among the male bishops who are members of the House of Bishops of the diocesan

⁷⁷ In the case of a guild church designated and established under section 4 of the City of London (Guild Churches) Act 1952 the responsibility rests with the guild church council and what is said in paragraphs 16 to 29 applies to guild churches and guild church councils as it applies to parishes and PCCs, with the necessary modifications.

synod of that or another Diocese of the Church of England.

27. As noted in paragraph 16, parishes which pass a resolution in one part of the country are entitled to expect equivalent treatment to that provided in another. In all cases the diocesan bishop should seek to ensure that pastoral and sacramental ministry is provided in accordance with the guiding principles set out in paragraph 5 above.
28. In addition the diocesan bishop and the bishop invited to minister to the parish should explore how they can best cooperate in a variety of ways to contribute to its welfare, resourcing and mission and in its relationship with the Diocese.
29. The precise extent of the ministry entrusted to the bishop is for the diocesan to determine and is likely, for practical reasons to vary according to the pattern of episcopal ministry in that Diocese and the extent of the bishop's other commitments. But the expectation is that there will be many similarities with the range of responsibilities carried by any suffragan bishop within a Diocese.

The College of Bishops

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

Arrangements in relation to other places of worship

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

Oaths

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

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

Grievances and mediation

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

Providing assurance

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

Transitional provisions

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

GENERAL SYNOD

House of Bishops' Declaration on the Ministry of Bishops and Priests - Guidance note from the House

1. The Declaration agreed by the House in May is being circulated separately. Paragraph 22 includes a commitment from the House to provide guidance to help facilitate the conversations that will be necessary between bishops and PCCs following the passing of a resolution under the Declaration.
2. A draft of the guidance was circulated to Synod members in January for consultation. Comments were received from the Catholic Group on Synod, from WATCH and from one member of Synod offering views from a Headship Evangelical perspective.
3. The House has now agreed the attached guidance note, which incorporates a few amendments made in the light of the comments received. In addition the House thought that some further clarification might be helpful over the status of the document- a point raised in some of the comments.
4. This is, as its title makes clear, a guidance note. It neither adds to nor subtracts from the contents of the Declaration. The text of the Declaration was arrived at after prolonged discussion within the Steering Committee, on which were represented a wide range of viewpoints from across the Church of England. It is action or failure to act in accordance with the Declaration that may trigger a grievance to the Independent Reviewer under the Regulations for the Disputes Resolution Procedure.
5. The House did, however, accept the view of the Steering Committee that PCCs which had passed a resolution would find it helpful to have some guidance in relation to the conversations which would then need to happen with the diocesan bishop. The purpose of these conversations is to ensure that the arrangements made by the bishop for ministry in relation to the parish are informed by an understanding of the PCC's decision and what lies behind it in terms of theological conviction, so that the resolution can be implemented effectively.
6. In order to make the document reasonably self contained the House has, in addition to the guidance and recommended good practice, included within a brief summary of some of the provisions in the Declaration and the Disputes Resolution Procedure as well as the text of the five guiding principles. It is from the five principles that everything else flows.

William Fittall
Secretary General
12 June 2014

House of Bishops' Declaration on the Ministry of Bishops and Priests - Guidance note for Bishops and Parishes

Statement of guiding principles

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

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

1. In [2014] the General Synod approved legislation enabling women to become bishops and removing all gender distinctions in the canons of the Church of England in relation to the ministry of bishops, priest and deacons.
2. As part of the package of proposals of which the legislation was part, the House of Bishops agreed a Declaration on the Ministry of Bishops and Priests designed to sustain the diversity of the Church of England and the mutual flourishing of its constituent parts. The Declaration embodies five guiding principles which have been endorsed by the General Synod. A copy of the five principles is set out above.
3. The Declaration acknowledges that some PCCs may wish to pass a resolution to take advantage of arrangements available to those who, on grounds of theological conviction are unable to receive the ministry of women bishops or priests.
4. Where a PCC has passed the requisite resolution it is the responsibility of the diocesan bishop to put the arrangements in place after consultation with the PCC. The purpose of that consultation is to enable the diocesan bishop to ascertain the nature of the theological conviction underlying the resolution so that the resolution can be implemented effectively.
5. This guidance note, promised in paragraph 22 of the Declaration, is designed to help facilitate those conversations between bishops and parishes where resolutions have been passed.

Passing a resolution

6. Under paragraph 19 of the Declaration a resolution should be passed at a meeting held under section 11 of the Patronage (Benefices) Measure 1986 or at a meeting of which the secretary of the PCC has given members at least four weeks' notice of the place and time of the meeting and of the motion to be considered.

7. A decision to pass a resolution has significant consequences for the exercise of ministry in the parish. It is good practice, therefore, for the PCC to enable members of the wider church community to submit views before any meeting at which a resolution is to be considered.
8. The recommended form of the resolution is:

‘This PCC requests, on grounds of theological conviction, that arrangements be made for it in accordance with the House of Bishops’ Declaration on the Ministry of Bishops and Priests.’
9. Under the terms of the Declaration any resolution should have the support of either (a) a majority of those present at a meeting at which at least two-thirds of the members of the PCC who are entitled to attend are present or (b) a majority of all the members of the PCC.
10. It is important to note that the resolution should be founded on theological conviction in relation to gender and ordained ministry. Considerations such as the personality or theological stance of the diocesan bishop, social conservatism or a desire to distance the parish from the policies of the Diocese- for example in relation to pastoral reorganisation, parish share and the deployment of clergy- are not relevant.
11. In considering whether to pass a resolution it is for each PCC member to consider what weight to give to his or her own theological conviction as against the conviction of others in the church community . If a resolution is passed the PCC needs to be able to articulate for the bishop the nature of the conviction which, in its view, underlay the decision.
12. In accordance with paragraph 20 of the Declaration, a copy of any resolution passed should be sent to the diocesan bishop, archdeacon, diocesan registrar and registered patron.

Conversations between the bishop and the PCC

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

and the identity of the patron. The Declaration urges them all to do everything possible to achieve an outcome that does not conflict with the nature of the theological conviction underlying the PCC's resolution.

19. Paragraph 25 of the Declaration acknowledges that, when it comes to decisions about the appointment of clergy to multi-parish benefices, the needs of parishes that have not passed a resolution should be weighed alongside those of any parish that has.
20. Given the diversity of situations in multi-parish benefices it is not possible, nationally, to give guidance that will cover all situations. The aim should be to explore options that will avoid, on the one hand, a single parish being able to frustrate the wishes of the others in the benefice and, on the other, that parish being denied the pastoral and sacramental provision that the PCC has sought.
21. Where a resolution is passed by a parish in a multi-parish benefice, the diocesan bishop will consult with representatives of the other parishes in the benefice in relation to the practical arrangements that need to be made to give effect to the resolution.

Review

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

Disputes

23. Where a PCC that has passed a Resolution considers that the diocesan bishop has not responded consistently with the terms of the House of Bishops' Declaration it may bring a grievance to the Independent Reviewer appointed under the Regulations for the Resolution of Disputes.

In addition it is open to any person to raise a concern in writing with the Independent Reviewer in relation to any aspect of the operation of the Declaration.

25. If a patron is minded to offer an appointment inconsistently with a resolution the parish representatives are entitled to look to the diocesan bishop to use his or her powers under the Patronage (Benefices) Measure 1986 to withhold his or her consent rather than having to do so themselves.

A note about Legal Terms

17.1 It might be useful to have some basic information about terminology used.

Acts of Parliament

17.2 Parliament may legislate (and indeed has legislated) on matters pertaining directly and indirectly to the Church of England.

Measures of the General Synod

17.3 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.

Subordinate legislation

17.4 Such as Orders in Council or statutory rules and orders under statute or Measure (secondary legislation)

Canons

17.5 The Canons of the Church are a form of legal requirement distinctive to the Church. They have their origin as a means of directing church life in the Canons of the medieval catholic church. The role of the church to do so is argued to lie in its *jus statuendi* (i.e. the right of deciding), resting upon a commission given by our Lord to loose and to bind - what is allowed and what is forbidden (e.g. Matt. 28:18). The Council at Jerusalem responds to one situation (Acts 15) and the Apostle Paul to others in Corinth, for example. The Councils of the early church agreed enactments for their region or for the whole church. By the fourth century these enactments were called Canons (from the word for a straight rod or line against which something is measured or judged). From the late 4th century, the Bishop of Rome, the Pope issued decretals, a response to particular questions and in later centuries some of these later came to have the force of law. In Anglo-Saxon England, dooms: laws and judgements affecting the property and persons of clergy were issued by kings and witanmoots. The use of penitentials also spread from Ireland to England regulating and moderating brutal behaviour on the one hand and encouraging hospitality and charitable behaviour on the other. From the twelfth century systematic attempts to codify church law gathered pace, much of it papal.

17.6 In England, the Act of the Submission of the Clergy 1533 established that Canon law not be contrary to the Royal Prerogative or to Statute Law and the papal jurisdiction was broken the following year. Commissions to revise what remained of Canon law were twice provided for in Henry VIII's reign but were not followed through. The new Canons of 1552 at the end of Edward VI's reign were not enacted nor were the proposals of Elizabeth's reign. The first widespread revision and codification of the Canons after the Reformation was in 1604 (Convocation of Canterbury) and 1606 (York). It is a misnomer to refer to the Canons of 1603, but this designation is universally used: the year they were drafted. A Commission to revise these Canons was appointed in 1939 but did not get under way until 1943 and it published its report in 1947. The Chair was Cyril Garbett, the Archbishop of York and a former Bishop of Southwark. Work on actually revising the Canons in the Convocations of Canterbury and York then proceeded throughout the 1950s and 60s, concluding in the former in 1965 and in the latter in 1969. These are, in the main, the Canons we have today.

17.7 No Parliamentary approval is necessary but the Royal Licence to make the Canon is required as is the Royal Assent. The Canons are key to ordering church life and bind clergy and lay officers. They are, by and large, terse, and unmistakably Anglican. While they were intended by the Archbishop of Canterbury who drove the project through, Geoffrey Fisher to both help the Church of England into the second half of the Twentieth Century and to bring order where there was no order, they are couched in terms which bear all the marks of a Tudor English modified for

the cadences of a 1950s England. Fisher characterised these Canons as ‘norms’.

- 17.8 Whether and what pre-reformation Canon law may still apply (as customary law) is occasionally still debated. It is certainly the case that no such provision may over-ride positive law i.e. any later Canon, measure nor any statute, case law judgement or the Royal Prerogative. Furthermore, to have any validity a provision must be shown to have been in continual use and recognised by the bishops of the Church of England since the Reformation⁷⁸.

Church Courts

- 17.9 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. The Chancellor also plays a part in the issue of Common Licences.
- 17.10 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.
- 17.11 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) and there is a panel of people who hear cases with the Dean. From here appeal lies to the Judicial Committee of the Privy Council
- 17.12 For clergy discipline cases involving matters of doctrine, ritual or ceremonial there is a different system from that under the Clergy Discipline Measure 2003. 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.

78 Hill, M (2007) Oxford p. 24; Bishop of Exeter v Marshall (1868) LR3 HL 17 at 53-56

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 Chapter 15, The New General Data Protection Regulations (GDPR) take effect on 25.5.2018

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 - a clerk in holy orders: a clergy person who holds the benefice of a parish. They have charge of a parish and are responsible for the cure of souls and are known by the title Vicar or Rector. A Priest-in-charge is not an incumbent, but their duties in practice are indistinguishable.

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. Now more generally known as a vacancy.

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 - 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 officio 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 1978- 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.

19.1 The Law of the Church of England

A Guide to the Church of England Martin Davie Mowbray 2008

Your Church and the Law: A Simple Explanation and Guide David Parrott 2nd edition Canterbury Press 2015

The Canons of the Church of England, online at <https://www.churchofengland.org/more/policy-and-thinking/canons-church-england> and in hard copy from Church House Publishing

The Church Representation Rules 2017 Church House Publishing and at <https://www.churchofengland.org/more/policy-and-thinking/church-representation-rules>

Ecclesiastical Law Mark Hill 3rd Edition (2007) Oxford University Press

19.2 The Parochial Church Council and Administration

Practical Church Management James Behrens, Gracewing 3rd edition 2014

Parish Resources: the Church of England's National Stewardship & Resources team has over 400 pages of resources (web & pdf) to support all aspects of stewardship, administration and management, as well as links to other sites and pages of interest
<http://www.parishresources.org.uk/>

The PCC Tonight - your guide to leading a PCC Church Pastoral Aid Society
This is a CPAS course which may be purchased
<http://www.cpas.org.uk/church-resources/resource-for-pccs/#.WRwEV-vyvcu>

The Charities Act 2011 and the PCC
<http://www.parishresources.org.uk/wp-content/uploads/PCC-Accountability-5th-Edition.pdf>

PCC Accountability - The Charities Act 2011 and the PCC 5th ed. Incorporating SORP 2015 Church House Publishing 2017

A Handbook for Churchwardens and Parochial Church Councillors MacMorran & Briden 13th edition 2010 Mowbray

An ABC for the PCC - a handbook for church council members John Pitchford 5th edition 2008 Mowbray

The PCC Member's Essential Guide Mark Tanner Church House Press 2015

A Handbook for Council and Committee Members Gordon W Kuhrt 1985 Mowbray. Dated and second-hand only but useful for those looking to chair PCCs. From a former Archdeacon of Lewisham.

The Church Treasurer's Handbook ed Robert Leach revised edition January 2012, Canterbury Press

Building for Mission - a Complete Guide to the Care, Conservation & Development of Churches by Nigel Waler & Andrew Mottram, Canterbury Press 2015

19.3 Worship

Using the Book of Common Prayer: A simple guide Paul Thomas Church House Publishing 2012

A New History of the Book of Common Prayer with a Rationale of Its Offices
Francis Proctor and Walter Howard Frere 1908 available second hand and currently under various

reprints

The tutorial prayer book: for the teacher, the student, and the general reader Charles Neil and J M Willoughby 1913 available second hand and currently under various reprints

Hodder and Stoughton published a series of short paperback commentaries on the services of the Prayer Book in the early 1960s under the editorship of a Southwark churchman, Frank Colqhoun, Canon Chancellor of Southwark cathedral and Principal of the Southwark Ordination Course

Resources to help the minister understand and use Common Worship are very abundant. Unlike the Book of Common Prayer, Common Worship is not a historic formulary (cf. the Declaration of Assent) but is an authorised alternative to worship using the BCP and which is judged to meet the requirements of the teaching and worship of the Church of England as she has received it

Church House publishing has published a Using Common Worship series: <https://www.chpublishing.co.uk/category/christian-books/common-worship-and-liturgy-1378/using-common-worship-1379>

A Companion to Common Worship vol. 1 ed. Paul Bradshaw SPCK 2001

A Companion to Common Worship vol. 2 ed. Paul Bradshaw SPCK 2006

Both are published in conjunction with the Alcuin Club. The first volume deals with the standard volume of Common Worship and the second with the marriage service, funerals, Times and Seasons and other rites

Many clergy, in respect of worship will have access to resources via networks but some additional sources are:

Praxis Worship	http://www.praxisworship.org.uk/
Grove Booklets	https://grovebooks.co.uk/collections/worship
Alcuin Club	http://alcuinclub.org.uk/
Society for Liturgical Study	http://www.studyofliturgy.org.uk/

The requirement for the minister to preach or cause to have preached a sermon each Sunday relates to so much published material that discretion is the better part of valour

19.4 Safeguarding children & vulnerable adults

There is a dedicated national online resource: <https://www.churchofengland.org/clergy-office-holders/safeguarding-children-vulnerable-adults.aspx>

19.4.1 Policy Statements-

Protecting All God's Children (safeguarding policy for children and young people, 4th edition, 2010): <https://www.churchofengland.org/sites/default/files/2017-11/protectingallgodschildren.pdf>

Promoting a Safe Church (safeguarding policy for adults) 2006: <https://www.churchofengland.org/sites/default/files/2017-11/promotingasafechurch.pdf>

19.4.2 Practice Guidance

Responding Well to Domestic Abuse (2017): <https://www.churchofengland.org/sites/default/files/2017-11/responding-well-to-domestic-abuse-formatted-master-copy-030317.pdf>

Safeguarding Training & Development Practice Guidance (2017): <https://www.churchofengland.org/sites/default/files/2017-11/training%20and%20development%20practice%20guidance.pdf>

Promoting a Safer Church - The Church of England's Safeguarding Policy for

children, young people and adults (2017): <https://www.stalbans.anglican.org/wp-content/uploads/Promoting-a-Safer-Church-2017-Safeguarding-Policy-Statement-of-the-Church-of-England.pdf>

Responding to Serious Safeguarding Situations (2015): <https://www.churchofengland.org/sites/default/files/2017-11/responding-to-assessing-and-managing-concerns-or-allegations-against-church-officers.pdf>

Risk Assessment for Individuals who may Pose Risk to Children or Adults (2015): <https://www.churchofengland.org/sites/default/files/2017-11/responding-to-assessing-and-managing-concerns-or-allegations-against-church-officers.pdf>

Safer Recruitment (2016): https://www.churchofengland.org/sites/default/files/2017-11/safeguarding%20safer_recruitment_practice_guidance_2016.pdf

DBS Eligibility and related matters - Frequently Asked Questions - 2016: <https://www.churchofengland.org/sites/default/files/2017-11/dbs-faq-february-2017.pdf>

Safeguarding in Religious Communities (2015): <https://www.churchofengland.org/sites/default/files/2017-11/safeguarding%20in%20religious%20communities%20practice%20guidance.pdf>

Responding to Domestic Abuse (guidelines for those with pastoral responsibility 2006: <https://s3.amazonaws.com/berkley-center/060101CoERespondingtoDomesticAbuse.pdf>

Responding Well (policy and guidance for the Church of England, 2011): <https://www.churchofengland.org/sites/default/files/2017-11/Responding%20well%20to%20those%20who%20have%20been%20sexually%20abused%20%282011%29.pdf>

(which is Responding Well to those who have been sexually abused, 2011 GS Misc 982 Church House Publishing)

19.4.3 Joint Practice Guidance with The Methodist Church-

Safeguarding Records: Joint Practice Guidance for the Church of England and the Methodist Church (2015): <https://www.churchofengland.org/sites/default/files/2017-11/safeguarding%20joint%20practice%20guidance%20-%20safeguarding%20records.pdf>

Safeguarding Guidance for Single Congregation Local Ecumenical Partnerships (2015): <https://www.churchofengland.org/sites/default/files/2017-11/safeguarding%20joint%20practice%20guidance-%20leps.pdf>

19.5 Ministry at times of need

A Time to Heal A Contribution Towards the Ministry of Healing Church House Publishing 2000 hard copy only.

<http://www.healingministry.org.uk/good-practice.html>

Guidelines for Good Practice in the Healing Ministry - House of Bishops 2000
<http://www.healingministry.org.uk/downloads/hob-guidelines.pdf>

Guidelines for Good Practice in the Deliverance Ministry 1975 (revised 2012) - House of Bishops
<https://www.cofeguildford.org.uk/DownloadHelper.aspx?resourceID=fb37244c-9004-6456-ad78-ff0000437928&docID=f737244c-9004-6456-ad78-ff0000437928>

19.6 Marriage

Guidance from the Registrar General (The Home Office) is already included in this compendium.

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) hard copy only.

19.7 Resource to the Clergy

Clergy Couples Guidance, Ministry Division Publication (2009)

Council tax on clergy 'second' homes. <https://www.churchofengland.org/more/clergy-resources/national-clergy-hr/guidance-clergy-claiming-council-tax-discount-second-home>

Dignity at Work (2008) - working together to reduce incidents of bullying and harassment Ministry Division publication <https://www.churchofengland.org/sites/default/files/2017-10/dignity%20at%20work%20booklet.pdf>

The Parochial Expenses of the Clergy (2017) - <https://www.churchofengland.org/sites/default/files/2017-10/Parochial%20Expenses%20Guide%20-%202017.pdf>

Charities that help clergy and their families. See Guidelines for Clergy and Conditions of Service issued by the Diocese of Southwark.

The Church of England website has links on well being for clergy and family members. <https://www.churchofengland.org/more/clergy-resources/national-clergy-hr/supporting-clergy-health-and-wellbeing#na>

19.8 Buildings

www.churchcare.co.uk

Buildings for Mission: A complete guide to the care, conservation and development of churches by Nigel Walters and Andrew Mottram Canterbury Press 2015

Making Church Buildings Work: A Handbook for Managing and Developing Church Buildings for Mission and Ministry by Maggie Durran Canterbury Press 2013

Changing Churches: A practical guide to the faculty system by Charles Mynors Bloomsbury Continuum 2016

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“You have heard, ... as well in your private examination, as in the exhortation which was now made to you, and in the holy Lessons taken out of the Gospel and the writings of the Apostles, of what dignity and of how great importance this office is, whereunto ye are called. And now again we exhort you, in the Name of our Lord Jesus Christ, that you have in remembrance, into how high a dignity, and to how weighty an office and charge ye are called: that is to say, to be messengers, watchmen, and stewards of the Lord; to teach and to premonish, to feed and provide for the Lord’s family; to seek for Christ’s sheep that are dispersed abroad, and for his children who are in the midst of this naughty world, that they may be saved through Christ for ever.

Have always therefore printed in your remembrance, how great a treasure is committed to your charge. For they are the sheep of Christ, which he bought with his death, and for whom he shed his blood. The Church and Congregation whom you must serve, is his spouse and his body.”

From the declaration of the Bishop in *The Form and Manner of Ordering of Priests* affixed to the Book of Common Prayer.