

AMENDING CANON 38

(Of Morning and Evening prayer in parish churches, Of Holy Communion in parish churches, Of services in churches and other places of worship, Of relations with other Churches, Of local ecumenical projects, Of the titles of such as are to be ordained deacons or priests, Of ministers exercising their ministry, Of deans or provosts and canons residentiary of cathedral or collegiate churches, Of archdeacons, Of the order of deaconesses, Of lay workers, Of the admission and licensing of lay workers)

Morning and Evening prayer and Holy Communion

1. (1) Canon B 11 (services of Morning and Evening Prayer) is amended as follows.
 - (2) In paragraph 1 (requirement for prayer every Sunday etc.)—
 - (a) for “in every parish church” substitute “in at least one church in each benefice or, where benefices are held in plurality, in at least one church in at least one of those benefices”, and
 - (b) for “the minister of the parish” substitute “the minister who has the cure of souls”.
 - (3) In paragraph 2 (provision for prayer on other days), for the first sentence substitute—

“On all other days, the minister who has the cure of souls, together with other ministers licensed to serve in the benefice (or one or more of the benefices), shall make such provision for Morning and Evening Prayer to be said or sung either in at least one of the churches in the benefice (or at least one of the churches in at least one of the benefices) or, after consultation with the parochial church council of each parish in the benefice (or benefices), elsewhere as may best serve to sustain the corporate spiritual life of the benefice (or benefices) and the pattern of life enjoined upon ministers by Canon C 26.”
 - (4) In paragraph 2, in the second sentence, omit “in the parish”.
 - (5) In paragraph 3 (dispensation under Canon B 14A), omit “in any parish church”
2. (1) Canon B 14 (celebration of Holy Communion) is amended as follows.
 - (2) In paragraph 1 (requirement for celebration of Holy Communion every Sunday etc.), for “in every parish church” substitute “in at least one church in each benefice or, where benefices are held in plurality, in at least one church in at least one of those benefices”.
 - (3) In paragraph 2 (dispensation under Canon B 14A), omit “in any parish church”.
 - (4) Omit paragraph 3 (churches and chapels dependent on a parish church).
3. (1) Canon B 14A (services in churches etc.) is amended as follows.
 - (2) In paragraph 1 (dispensation of requirements of Canon B 11 or B 14), in the first sentence—
 - (a) omit “in any parish church” in each place it appears,

- (b) in each of paragraphs (a) and (b), for “the minister and the parochial church council” substitute “the minister who has the cure of souls and the parochial church council of each parish in the benefice”.
- (3) In paragraph 1, in the second sentence—
 - (a) for the words from the beginning to “as the case may be” substitute “In giving an authorization under this paragraph, the person or persons doing so”, and
 - (b) omit paragraph (i) and the following “; and”.
- (4) Omit paragraph 2 (case of benefices held in plurality).
- (5) Omit paragraph 3 (parish centres of worship).
- (6) In paragraph 4 (directions by bishop as to services to be held or not to be held)—
 - (a) after “The bishop of a diocese may”, insert “, subject to Canons B 11 and B 14 and the preceding paragraphs of this Canon,”,
 - (b) omit “which is not a parish church”, and
 - (c) for “section 29 of the Pastoral Measure 1983” substitute “section 43 of the Mission and Pastoral Measure 2011”.

Ecumenical relations

- 4. For Canon B 43 (relations with other Churches) and Canon B 44 (local ecumenical projects), substitute the following—

“B 43 Of ecumenical relations

Invitations to members of other Churches etc. to take part in services

- 1. (1) A person who is a minister or lay member of a designated Church, and who is baptised, may be invited to perform any relevant duty in a parish church or other place of worship in a parish or in a cathedral church.
- (2) Each of the following is a “relevant duty”—
 - (a) saying or singing Morning or Evening Prayer or the Litany or officiating at a Service of the Word,
 - (b) reading the Holy Scriptures;
 - (c) preaching at a service;
 - (d) leading the Intercessions at the Holy Communion or leading prayers;
 - (e) assisting at Baptism or the Solemnization of Matrimony or conducting a Funeral Service;
 - (f) assisting in the distribution of the holy sacrament of the Lord’s Supper to the people at the Holy Communion.

(3) A person who is a minister or lay member of a Church which subscribes to the Holy Trinity but which is not otherwise a designated Church may be invited to perform any relevant duty under sub-paragraph (2)(b) or (d) (including in connection with a service of ordination or confirmation) in a parish church or other place of worship in a parish or in a cathedral church.

(4) A person who is a member of the Salvation Army may be invited to preach at any service (including a service of ordination or confirmation) in a parish church or other place of worship in a parish or in a cathedral church.

(5) An invitation under this paragraph to perform a duty otherwise than in connection with a service of ordination or confirmation may be given only by the incumbent of the parish or the Chapter of the cathedral concerned.

(6) An invitation under this paragraph to perform a duty in connection with a service of ordination or confirmation may be given only by the bishop of the diocese in which the parish or cathedral church concerned is situated.

- (7) An invitation under this paragraph to perform a duty may be given only if—
- (a) the invitee is authorised to perform the equivalent duty at the equivalent service in his or her own Church,
 - (b) the incumbent, Chapter or bishop giving the invitation, having made such enquiries as are appropriate in all the circumstances, is satisfied that the invitee is of good standing, and
 - (c) in the case of an invitation to assist at Baptism or the Solemnization of Matrimony, the persons concerned have requested that the invitation be given or in the case of an invitation to conduct a Funeral Service, the persons concerned have given their consent.

2. (1) Where a bishop's mission order authorises a minister to exercise ministry in a place in which divine service, or in which any divine service, may be performed, a person of the description given in paragraph 1(1) may be invited to perform in that place any relevant duty within the meaning of paragraph 1(2).

(2) An invitation under this paragraph may be given only by the leader or leaders of the mission initiative endorsed by the bishop's mission order.

Invitations to members of other Churches to take part in joint worship etc.

3. (1) Members of a designated Church may be invited—
- (a) to take part in joint worship with the Church of England in a parish church or cathedral church, or
 - (b) to use a parish church or cathedral church for worship in accordance with the forms of the service and practice of the designated Church.
- (2) An invitation under this paragraph may be given only by the incumbent of the parish or the Chapter of the cathedral concerned.

4. (1) Where a bishop's mission order authorises the performance of divine service by virtue of subsection (13) of section 80 of the Mission and Pastoral Measure 2011, members of a designated Church may be invited—
- (a) to take part in joint worship with the Church of England in a church, building or other place mentioned in that subsection, or
 - (b) to use a building of a kind mentioned in that subsection.
- (2) Where a bishop's mission order authorises the performance of any divine service by virtue of subsection (14) of that section, members of a designated Church may be invited to take part in joint worship with the Church of England in a church, building or other place mentioned in that subsection.
- (3) An invitation under this paragraph may be given only by the leader or leaders of the mission initiative endorsed by the bishop's mission order.

Invitations from other Churches to take part in services

5. (1) A relevant office-holder who accepts an invitation from a person authorised by a designated Church to take part in a service may perform in the course of that service any duty assigned to the office-holder if it is the same as or similar to a duty which the office-holder is authorised to perform in the Church of England.
- (2) Each of the following office-holders in the Church of England is a relevant office-holder—
- (a) a bishop;
 - (b) a priest or deacon;
 - (c) a deaconess, lay worker or reader.
- (3) A bishop or priest who is authorised under this paragraph to take part in the ordination or consecration of a minister of a designated Church may, despite that authorisation, not do anything which is a sign of the conferring of holy orders unless the designated Church is an episcopal Church with which the Church of England has established intercommunion.
6. (1) Where there is a bishop's mission order, a relevant office-holder who accepts an invitation from a person authorised by a designated Church to take part in a service may perform in the course of that service any duty assigned to the office-holder if it is the same as or similar to a duty which the office-holder is authorised to perform in the Church of England.
- (2) Each of the following office-holders in the Church of England is a relevant office-holder—
- (a) a minister who is authorised by the bishop's mission order to exercise ministry in a place in which the minister does not hold office;
 - (b) a deaconess, lay worker or reader who is authorised by the bishop's mission order to perform duties.

Invitations under paragraphs 1 to 6

7. (1) An invitation may not be given or accepted under paragraphs 1 to 6 unless—
 - (a) the approval of persons of such description as the Code of Practice may specify has been obtained, and
 - (b) such other conditions as the Code may specify in relation to the giving or acceptance of the invitation have been met.
- (2) An approval required under sub-paragraph (1)—
 - (a) may not be given unless such conditions as the Code may specify have been met;
 - (b) must provide for such matters as the Code may specify;
 - (c) may be given generally or subject to such conditions as the approval may specify;
 - (d) may be given for an indefinite period, for such period as the approval may specify or for specified periods only;
 - (e) may be renewed or revoked.
- (3) An approval required under sub-paragraph (1) must be in such form, and must be given in such manner, as the Code may specify,
- (4) In a case within paragraph 5 or 6 of an invitation to preside at the Holy Communion, the approval of a person of a description specified under sub-paragraph (1) may not be given unless that person is satisfied that—
 - (a) there are special circumstances which justify acceptance of the invitation, and
 - (b) the rite and the elements to be used are not contrary to, or indicative of a departure from, the doctrine of the Church of England in any essential matter.
- (5) Where, in a case within paragraph 5, the approval of a person of a description specified under sub-paragraph (1) is withheld, the office-holder concerned may appeal to the bishop of the diocese in which the service is to take place.
- (6) If, on an appeal under paragraph (5), the bishop decides, after considering the views of the office-holder and the person who withheld the approval, that the approval has been unreasonably withheld, the bishop—
 - (a) may authorise the office-holder to take part in the service, and
 - (b) if the bishop does so, must inform the person whose approval was withheld of the reasons for the decision.

Local Ecumenical Co-operative schemes

8. (1) This paragraph applies where a local ecumenical co-operative scheme is or is to be established—
- (a) for the whole or part of one or more parishes (other than the parish of a cathedral church),
 - (b) for an area in which a cathedral church is situated,
 - (c) for an institution in respect of which a clerk in holy orders is licensed under section 2 of the Extra-Parochial Ministry Measure 1967, or
 - (d) in connection with a bishop's mission order.
- (2) The bishop of the diocese or, in a case within sub-paragraph (1)(d), the bishop or bishops making the order may enter into an agreement with the appropriate authority of each Church participating in the scheme in relation to the participation of the Church of England in the scheme.
- (3) Where the area of a local ecumenical co-operative scheme is extended to include the whole or part of a parish which was not previously included in the scheme (other than the parish of a cathedral church), the Church of England may not participate in the scheme in relation to that parish or part unless the bishop of the diocese has entered into an agreement to that effect.
- (4) An agreement under this paragraph has effect for such period as the agreement specifies, unless it is extended on one or more occasions in reliance on sub-paragraph (5) or revoked by either party in accordance with the agreement.
- (5) The duration of an agreement under this paragraph may from time to time be extended by an agreement entered into between the bishop of the diocese and the appropriate authority of each participating Church for such period as the agreement specifies.
9. Where a local ecumenical co-operative scheme is amended to include a Church or an additional congregation of a Church participating in the scheme, the Church of England may not continue to participate in the scheme unless—
- (a) the bishop of the diocese has given agreement to the amendment, or
 - (b) if the area of the scheme comprises areas in different dioceses, the bishop of each diocese has given agreement to the amendment.
10. (1) Where a bishop has entered into an agreement under paragraph 8 or given agreement under paragraph 9, the bishop by an instrument in writing—
- (a) may exercise any of the powers that the bishop has under paragraphs 1 to 6 of this Canon or under Canon B 14A or Canon B 40, and
 - (b) may make provision as to any of the following five matters.
- (2) The first matter is the exercise of ministry—

- (a) in a case within paragraph 8(1)(a), in the whole or part of the parish or parishes concerned by office-holders who are beneficed in or licensed to the parish or to one or more of them;
- (b) in a case within paragraph 8(1)(b), in the area concerned by office-holders who minister in or are licensed to the cathedral church;
- (c) in a case within paragraph 8(1)(c), in the institution concerned by office-holders who are licensed in respect of that institution;
- (d) in a case within paragraph 8(1)(d), in the area to which the mission initiative endorsed by the bishop's mission order applies by office-holders who are licensed in connection with the order.

(3) The second matter is the authorisation of a minister of another Church participating in the scheme with the goodwill of the persons concerned to baptise in accordance with a rite authorised by that or another participating Church—

- (a) in a case within paragraph 8(1)(a), (b) or (c), in a place of worship of the Church of England in the area concerned;
- (b) in a case within paragraph 8(1)(d), in a place where divine service is authorised to be performed by the bishop's mission order.

(4) The third matter is the authorisation of a priest of the Church of England to preside at a service of Holy Communion in accordance with a rite authorised by another Church participating in the scheme—

- (a) in a case within paragraph 8(1)(a), (b) or (c), in a place of worship of the Church of England in the area concerned;
- (b) in a case within paragraph 8(1)(d), in a place where divine service is authorised to be performed by the bishop's mission order.

(5) The fourth matter is the holding of joint services (including baptism and confirmation) with another Church participating in the scheme—

- (a) in a case within paragraph 8(1)(a), (b) or (c), in the area concerned;
- (b) in a case within paragraph 8(1)(d), in a place where divine service is authorised by the bishop's mission order to be performed.

(6) The fifth matter is the authorisation of the holding of services of Holy Communion presided over by a minister of another Church participating in the scheme—

- (a) in a case within paragraph 8(1)(a), (b) or (c), in a place of worship of the Church of England in the area concerned;
- (b) in a case within paragraph 8(1)(d), in a place where divine service is authorised to be performed by the bishop's mission order.

(7) In sub-paragraph (2), “office-holder” means a clerk in holy orders, deaconess, lay worker or reader.

11. (1) An instrument under paragraph 10 may not make provision to authorise a rite to be used in a service mentioned in sub-paragraph (4), (5) or (6) of that paragraph unless the bishop is satisfied that the rite and the elements to be used are not contrary to, or indicative of a departure from, the doctrine of the Church of England in any essential matter.
 - (2) Where an instrument under this paragraph makes provision for the holding of a service under paragraph 10(6)—
 - (a) notice must, so far as practicable, be given on the preceding Sunday with an indication of the rite to be used and the Church to which the minister who is to preside belongs;
 - (b) the service is not to be held out or taken as being a celebration of the Holy Communion according to the use of the Church of England, even if the form of service used follows a form authorised under Canon B1 or a substantially similar form;
 - (c) no portion of the bread and wine consecrated at the service may be carried out in accordance with Canon B 37.2 except at the express wish of the sick communicant concerned;
 - (d) carrying out a portion of bread and wine in reliance on paragraph (c) must be done during or immediately after the service or as soon as practicable on the same day.
 - (3) When acting under paragraph 10 or under an instrument under that paragraph, a bishop must ensure that public worship according to the rites of the Church of England is maintained with reasonable frequency.
 - (4) When acting under Canon B 14A, by virtue of paragraph 10(1)(a), in relation to the celebration of the Holy Communion, the bishop must (in addition to complying with the requirements of that Canon) have regard to—
 - (a) the duty imposed by Canon B 15.1 (duty of confirmed to receive Holy Communion regularly), and
 - (b) the extent and frequency of the celebration of the Holy Communion according to the rites of the Church of England in neighbouring areas.
 - (5) An instrument under this paragraph may be amended or revoked by a subsequent instrument made in the same manner.
 - (6) A bishop may not make, amend or revoke an instrument under this paragraph unless the bishop has consulted persons of such description as the Code of Practice may specify.
 - (7) This paragraph, so far as relating to cathedral churches, does not affect the requirements of Canon B 10 or Canon B 13.
 - (8) Sub-paragraphs (3) and (4) do not apply in a case within paragraph 8(1)(d).
12. (1) A bishop may not enter into an agreement under paragraph 8 or give agreement under paragraph 9 unless the bishop—

- (a) has consulted persons of such description as the Code of Practice may specify, and
 - (b) has obtained the approval of persons of such description as the Code may specify.
- (2) A bishop may at any time revoke an agreement made under paragraph 8 or given under paragraph 9; but the bishop may not do so unless the bishop has consulted persons of such description as the Code may specify.
- (3) An agreement made under paragraph 8 or given under paragraph 9 must be in such form as the Code may specify.
- (4) The powers of a bishop under paragraphs 8 to 11 may be exercised only in respect of a local ecumenical co-operative scheme in which every other Church participating in the scheme is a designated Church.

General

13. (1) This paragraph applies for the purposes of this Canon.
- (2) “Designated Church” means a Church to which the Church of England (Ecumenical Relations) Measure 1988 for the time being applies.
- (3) “Incumbent”, in relation to a parish, means—
- (a) where the benefice is vacant and no suspension period (within the meaning of the Mission and Pastoral Measure 2011) applies to the benefice, the rural dean;
 - (b) where a suspension period applies to the benefice, the priest-in-charge;
 - (c) 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 Mission and Pastoral Measure 2011 by a licence from the bishop, that vicar.
- (4) “Place of worship” means a building licensed for public worship or part of a building so licensed.
- (5) “Minister”, in relation to a Church participating in a local ecumenical co-operative scheme, means a person ordained to the ministry of the word and sacraments.
- (6) “Code of Practice” means the Code of Practice for the time being issued under section 5B of the Church of England (Ecumenical Relations) Measure 1988.”

Ordination of deacons and priests

5. In Canon C 5 (titles of those to be ordained), for paragraph 1 (requirement to exhibit certificate of provision of office) substitute—

- “1. A bishop may admit a person into holy orders only if, subject to paragraphs 2 and 3, the bishop is satisfied that the person is provided with an office to be held under Common Tenure in the bishop’s diocese.”

Ministers exercising ministry

6. (1) Canon C 8 (ministers exercising ministry) is amended as follows.
- (2) In paragraph 2 (requirement for authority to officiate), in paragraph (a)—
 - (a) after “to minister within their church or chapel” insert “—
 - (i) except in a case within paragraph (ii),”,
 - (b) after “the bishop or other Ordinary,” insert “or
 - (ii) in the case of a minister who is instituted to a benefice in that diocese or admitted to serve within that diocese by licence under the hand and seal of the bishop and who is not subject to a direction under paragraph 4A, for an indefinite period and without reference to the bishop or other Ordinary,” and
 - (c) the words from “and a minister so allowed” to the end become full-out words beneath the new paragraphs (i) and (ii).
- (3) After paragraph 4 insert—
 - “4A. In the case of a minister who is instituted to a benefice or admitted to serve within a diocese by licence under the hand and seal of the bishop of the diocese, the bishop may direct that the minister may officiate only in the benefice or (as the case may be) the place to which the licence applies.”

Deans

7. (1) Canon C 21 (deans etc.) is amended as follows.
- (2) For paragraph 1 substitute—
 - “1. No person shall be capable of receiving the appointment of dean unless the person is in priest’s orders at the time of the appointment.”
- (3) In paragraph 1A, omit “and who has been ordained for a period exceeding six years”.
- (4) In each of the following provisions, omit the wording specified—
 - (a) in Canon A 6, the word “provosts,”;
 - (b) in Canon B 2, in paragraph 2B(3)(b), the words “or provost as the case may be”;
 - (c) in Canon B 13, in paragraph 2, the words “or provost”;
 - (d) in Canon B 42, in paragraph 4(3)(b), the words “or provost as the case may be”;
 - (e) in Canon C 8, in paragraph 2(a), the words “or provost”;

- (f) in Canon C 15, in paragraph 2, the words “or provost” in each place they appear;
- (g) in Canon C 21, in the title, the words “or provosts,” and in each of paragraphs 2, 3 and 4, the words “, or provost,”.

Archdeacons

- 8. In Canon C 22 (archdeacons), for paragraph 1 substitute—
 - “1. No person shall be capable of receiving the appointment of archdeacon unless the person is in priest’s orders at the time of the appointment.”

Lay workers, etc.

- 9. In Canon E 8 (admission and licensing of lay workers), in paragraph 6 (requirement to keep register of lay workers), omit “book”.
- 10. In each of the following, for “an extra-parochial place” substitute “an extra-parochial minister”—
 - (a) in Canon D 1 (deaconesses), in paragraph 4,
 - (b) in Canon E 4 (readers), in paragraph 2A, and
 - (c) in Canon E 7 (lay workers), in paragraph 5.