



# Proviso to Canon 113 of the Code of 1603

(see Canon B 29, here)

Provided always, that if any man confess his secret and hidden sins to the minister, for the unburdening of his conscience, and to receive spiritual consolation and ease of mind from him; we do not in any way bind the said minister by this our Constitution, but do straitly charge and admonish him, that he do not at any time reveal and make known to any person whatsoever any crime or offence so committed to his trust and secrecy (except they be such crimes as by the laws of this realm his own life may be called into question for concealing the same), under pain of irregularity.

## Approved and Commended forms of service under Canons B 2, B 4 and B 5

### Authorized Services

#### *Alternative to The Book of Common Prayer*

Approved by the General Synod pursuant to Canon B 2 (see Canon B 2 pages 14-16)

As at 1 January 2012

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

1. A Service of the Word

2. Schedule of permitted variations to *The Book of Common Prayer* Orders for Morning and Evening Prayer where these occur in *Common Worship*

3. Prayers for Various Occasions

4. The Litany

5. Authorized Forms of Confession and Absolution

6. Creeds and Authorized Affirmations of Faith

7. The Lord's Prayer

8. The Order for the Celebration of Holy Communion also called The Eucharist and The Lord's Supper

9. Collects and Post Communions

10. Rules for Regulating Authorized Forms of Service

11. The Lectionary

12. Opening Canticles at Morning and Evening Prayer; Gospel Canticles; Other Canticles; A Song of Praise (Epiphany); Te Deum Laudamus

**Published in *Common Worship: Christian Initiation***

13. Holy Baptism

14. Emergency Baptism

15. Holy Baptism and Confirmation
16. Seasonal Provisions and Supplementary Texts
17. Affirmation of Baptismal Faith
18. Reception into the Communion of the Church of England

**Published in *Common Worship: Pastoral Services***

19. Wholeness and Healing
20. The Marriage Service with prayers and other resources
21. Thanksgiving for the Gift of a Child
22. The Funeral Service with prayers and other resources
23. Series One Solemnization of Matrimony
24. Series One Burial Services

**Published in *Common Worship: Ordination Services***

25. Ordination Services

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

26. **The Calendar**

**Published separately**

27. Public Worship with Communion by Extension (*NB explicit permission must be obtained from the bishop for the use of this rite.*)

28. Weekday Lectionary

29. An Order of Marriage for Christians from Different Churches

30. Additional Weekday Lectionary

31. Additional Eucharistic Prayers

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

**Form of service approved by the Archbishops of Canterbury and York without time limit for use in their respective Provinces**

A Service for Remembrance Sunday (included in *Common Worship: Times and Seasons* - see below)

**Commended services and resources**

**(Material commended by the House of Bishops as being suitable for use by ministers in exercise of their discretion under Canon B 5)**

**(see Canon B 5, [here](#))**

**As at 1 January 2012**

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

1. Introduction to Morning and Evening Prayer on Sunday

2. Introduction to Holy Baptism

3. Short Prefaces for the Sundays before Lent and after Trinity

4. Additional Canticles

**Published in the President's Edition of *Common Worship***

5. Additional Blessings

**Published in *Common Worship: Christian Initiation***

6. Rites Supporting Disciples on the Way of Christ

7. Admission of the Baptized to Communion

8. Celebration after an Initiation Service outside the Parish

9. Thanksgiving for Holy Baptism

10. A Corporale Service of Penitence

11. The Reconciliation of a Penitent

**Published in *Common Worship: Pastoral Services***

12. An Order for Prayer and Dedication after a Civil Marriage

13. Thanksgiving for Marriage

14. Ministry at the Time of Death

15. Receiving the Coffin at Church before the Funeral

16. Funeral of a Child: Outline Orders and Resources

17. At Home after the Funeral

18. Memorial Services: Outline Orders and Sample Service

19. Prayers for Use with the Dying and at Funeral and Memorial Services

20. Canticles for Marriages, Funerals and Memorial Services

**Published separately**

21. Material contained in *New Patterns for Worship*

22. Material contained in *Common Worship: Times and Seasons*

23. Material contained in *Common Worship: Times and Seasons - President's Edition for Holy Communion*

24. Material contained in *Common Worship: Festivals*

25. *Common Worship: The Admission and Licensing of Readers*

26. Material contained in: *Common Worship: Holy Week and Easter*

**Services which comply with the provisions of a Service of the Word (see Authorized Services, no. 1)**

**As at 1 January 2012**

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

1. An Order for Morning Prayer on Sunday

2. An Order for Evening Prayer on Sunday



3. An Order for Night Prayer (Compline)

4. An Order for Night Prayer (Compline) in Traditional Language

**Published separately**

5. Sample services contained in *New Patterns for Worship*

6. Services contained in *Common Worship: Daily Prayer*

**Versions of the Bible and of the Psalms**

In the case of the forms of service contained in *The Book of Common Prayer*, if a portion of scripture is 'set out and appointed to be read, said or sung' (i.e. if the text of the lection itself is reproduced, as for example the Epistle and Gospel at the Holy Communion) the Authorized Version of the Bible and the Psalter in *The Book of Common Prayer* are to be used. However, by virtue of the Prayer Book (Versions of the Bible) Measure 1965, it is also permitted (with the agreement of the parochial church council) to use the following:

Revised Version

Jerusalem Bible

Revised Standard Version New English Bible

Good News Bible (Today's English Version)

The Revised Psalter

The Liturgical Psalter (*The Psalms: A New Translation for Worship*)

If *The Book of Common Prayer* simply prescribes a portion of scripture to be used, but does not set it out (e.g. in the tables of lessons), any version of the Bible which has not been prohibited by lawful authority may be used.

So far as Common Worship services are concerned, while the lectionary is based on the New Revised Standard Version, any version of the Bible which has not been prohibited by lawful authority may again be used.

Currently, no version of the Bible has been prohibited by lawful authority.

## **Administration of Holy Communion Regulations 2015**

**(see Canon B 12, here)**

In exercise of the power conferred on it by paragraph 3 of Canon B12, the General Synod makes the following Regulations on this day, 12 July 2015.

### **Citation and commencement**

1. (1) These Regulations may be cited as the Administration of Holy Communion Regulations 2015.

(2) These Regulations come into force on 1 October 2015.

### **Parishes**

2. (1) The bishop of a diocese may, on an application by the incumbent or priest-in-charge of a parish in the diocese, authorize the person specified in the application to distribute the Holy Sacrament in that parish.

(2) The bishop may designate a suffragan or assistant bishop or an archdeacon to exercise the power under this regulation on the bishop's behalf.

3. (1) The bishop of a diocese may give a general authority to the incumbent or priest-in-charge of a parish in the diocese under which the incumbent or priest-in-charge may authorize persons to distribute the Holy Sacrament in that parish.

(2) An authority under this regulation may be given so as to apply generally in relation to each parish in the diocese or only in relation to the parish or parishes specified in the authority.

4. (1) A person may not be authorized under regulation 2, or under an authority given under regulation 3, unless the person entitled to give the authorization is satisfied that the person is a regular communicant of the Church of England.

(2) The reference in paragraph (1) to a person who is a regular communicant includes a reference to a child who is neither confirmed nor ready and desirous of being confirmed but is admitted to Holy Communion in accordance with the Admission of Baptized Children to Holy Communion Regulations 2006.

(3) A person may not be authorized under regulation 2, or under an authority given under regulation 3, unless the person entitled to give the authorization has obtained the consent of the parochial church council; but this requirement does not apply if the authorization is required only for the purpose specified in paragraph (4).

(4) A pupil of a church school may not be so authorized to distribute the Holy Sacrament at services in the school unless the person entitled to give the authorization has obtained the consent of the head teacher of the school.

(5) In paragraph (4) -

'church school' has the meaning given in section 10(1) of the Diocesan Boards of Education Measure 1991, and

'head teacher' includes an acting head teacher.

(6) A reference in this regulation to the person entitled to give an authorization is -

(a) in a case within regulation 2, a reference to the bishop or (where the bishop has designated a person under paragraph (2) of that regulation) the designated person;

(b) in a case within regulation 3, a reference to the incumbent or priest-in-charge to whom authority under that regulation is given or (where regulation 8 applies) the rural dean.

5. (1) An authorization given under regulation 2 may specify the circumstances in which or conditions subject to which the person being authorized may act in reliance on the authorization.

(2) An authority given under regulation 3 may specify the circumstances in which or conditions subject to which a person being authorized under the authority may act in reliance on the authorization.

6. An authorization given under regulation 2, or under an authority given under regulation 3, may provide either that it has effect generally or that it has effect only for the purposes of public worship.

7. The incumbent or priest-in-charge of a parish must keep under review the authorizations given in the parish under regulation 2 or under an authority given under regulation 3.

8. In a case where the cure is vacant and no priest-in-charge is appointed -

(a) the rural dean may make an application under regulation 2,

(b) an authority under regulation 3 may be given to the rural dean, and

(c) the duty under regulation 7 is to be carried out by the rural dean.

### **Guild churches**

9. (1) The bishop of a diocese may, on an application by the vicar of a guild church in the diocese, authorize the person specified in the application to distribute the Holy Sacrament in that guild church.

(2) The bishop may designate a suffragan or assistant bishop or an archdeacon to exercise the power under this regulation on the bishop's behalf.

10. The bishop of a diocese may give a general authority to the vicar of a guild church in the diocese under which the vicar may authorize persons to distribute the Holy Sacrament in that guild church.

11. Regulations 4 to 7 apply to authorization under regulation 9 as they apply to authorization under regulation 2, and they apply to an authority given under regulation 10 as they apply to an authority given under regulation 3; and for that purpose -

(a) a reference to the incumbent or priest-in-charge of a parish is to be read as a reference to the vicar of the guild church (and a reference to the parish is to be read accordingly),

(b) a reference to the parochial church council is to be read as a reference to the guild church council, and

(c) regulation 4(4) and (5), and the words in regulation 4(3) from 'but this requirement' to the end, are to be ignored.

### **Cathedrals**

12. (1) The dean of a cathedral may authorize persons to distribute the Holy Sacrament in the cathedral.

(2) An authorization given under this regulation may specify the circumstances in which or conditions subject to which the person being authorized may act in reliance on the authorization.

13. Regulations 4(1) to (3), 6 and 7 apply to authorization under regulation 12 as they apply to authorization under an authority given under regulation 3; and for that purpose -

(a) a reference to the person entitled to give the authorization or to the incumbent or priest-in-charge of a parish is to be read as a reference to the dean of the cathedral (and a reference to the parish is to be read accordingly),

(b) a reference to the parochial church council is to be read as a reference to the cathedral chapter, and

(c) the words in regulation 4(3) from 'but this requirement' to the end are to be ignored.

#### **Revocation**

14. The Regulations on the administration of Holy Communion made by the Church Assembly in November 1969 are revoked.

## **Admission of baptized children to Holy Communion Regulations 2006**

**(see Canon B 15A paragraph 1(a), [here](#))**

### **Regulations made by the General Synod on 8 February 2006 and which came into force on 15 June 2006**

The General Synod hereby makes the following Regulations under paragraph 1(c) of Canon B 15A:

1. These Regulations may be cited as the Admission of Baptized Children to Holy Communion Regulations 2006 and shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint.

2. Children who have been baptized 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 B 15A may be admitted to Holy Communion provided that the conditions set out in these Regulations are satisfied.

3. 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).

4. 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.

5. 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.

6. 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.

7. 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.

8. 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 baptized 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.

9. 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.

10. 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.

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

(a) 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;

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

12. 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.

13. In these Regulations:

(a) 'incumbent', in relation to a parish, includes:

(i) in a case where the benefice concerned is vacant (and paragraph 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; and

(b) references to paragraph numbers are to the relevant paragraph or paragraphs in these Regulations.

## **Advice to clergy concerning marriage and the divorced**

**(see Canon B 30, here)**

### **Marriage in church after divorce**

In July 2002, the General Synod resolved:

'That this Synod

a) Affirm in accordance with the doctrine of the Church of England as set out in Canon B 30, that marriage should always be undertaken as a "solemn, public and life-long covenant between a man and a woman";

b) Recognize -

i) That some marriages regrettably do fail and that the Church's care for couples in that situation should be of paramount importance; and

ii) That there are exceptional circumstances in which a divorced person may be married in church during the lifetime of a former spouse;

c) Recognize that the decision as to whether or not to solemnize such a marriage in church after divorce rests with the minister (or officiating cleric if the minister is prepared to allow his/her church or chapel to be used for the marriage) and;

d) Invite the House of Bishops to issue the advice contained in Annex 1 of GS1449.'

The following advice to clergy is that referred to in paragraph (d) of the General Synod resolution and was issued by the House of Bishops following the Synod's decision in November 2002 to rescind the earlier marriage resolutions of the Canterbury and York Convocations (which had exhorted clergy not to use the marriage service in the case of anyone who had a former partner still living).

### **Advice to the clergy**

1.1 Marriage is created by God to be a lifelong relationship between a man and woman. The church expects all couples seeking marriage to intend to live together 'for better for worse ... till death us do part'. It is not, then, a light matter to solemnize a marriage in which one partner has a previous partner still living. It is important that the decision you take as to whether to solemnize such a marriage should be on the basis of clear principles that are consistent with the church's teaching.

This advice has been issued by the House of Bishops to assist you as a member of the clergy, since it remains your decision under the Civil Law



relating to marriage whether such a couple may be married in church. (It is also intended for use by the bishop and/or his adviser when cases of difficulty are referred to him for advice.)

## **2. Principles**

### *The Responsibility of the Parish Clergy*<sup>1</sup>

2.1 The responsibility for deciding whether or not to conduct a further marriage rests with you both for pastoral and legal reasons. Experience suggests, however, that clergy may welcome some support in making this decision and the following advice is accordingly intended to assist you in this difficult and sensitive task.

2.2 Under the Matrimonial Causes Act 1965 you are not compelled to officiate at such further marriages, nor to make your church available for them<sup>2</sup>. If you are unwilling to officiate at further marriages or to make your church available for such services, you should make this clear to enquiring couples at an early stage.

2.3 If, as a 'minister' of a church, you are unwilling to conduct such a wedding yourself you may invite a colleague to do so; but other clergy in the area cannot be required to conduct further marriages against their conscience. The decision as to whether or not to conduct the marriage will become theirs alone; and the issues discussed below will accordingly be as relevant to their decision as to your own.

## **3. Issues and questions you may wish to consider in the light of the Church's doctrine of marriage**

3.1 It is your responsibility to form your own judgement as to whether to proceed with the proposed further marriage, in the light of the Church's teaching on marriage<sup>3</sup> and of the General Synod's Resolution of July 2002 set out above. You may find it helpful to that end, in the course of your interview with the couple, to satisfy yourself in relation to the following questions, which are intended to draw out issues relevant to the Church's teaching:

### **(a) Do the applicants have a clear understanding of the meaning and purpose of marriage?**

Do the couple understand that divorce is a breach of God's will for marriage?

Have they a determination for the new marriage to be a life-long faithful partnership?

**(b) Do the applicants have a mature view of the circumstances of the breakdown of the previous marriage and are they ready to enter wholeheartedly and responsibly into a new relationship?**

Does the divorced person appear to be relatively free of self-deception and self-justification about the past?

Did the divorced person take the first marriage seriously and has he/she learnt from mistakes?

Is the other party aware of the possible cause(s) of the breakdown of their future partner's previous marriage?

Is there an attitude of repentance, forgiveness and generosity of spirit so that the applicants are free to build a new relationship?

**(c) Has there been sufficient healing of the personal and social wounds of marriage breakdown?**

Has there been enough time and distance for the parties concerned to recover emotional stability and good judgement?

Are there any extant court proceedings relating to the former marriage?

Are responsibilities to the children of any previous marriage being recognized and honoured?

**(d) Would the effects of the proposed marriage on individuals, the wider community and the Church be such as to undermine the credibility of the Church's witness to marriage?**

Would the new marriage be likely to be a cause of hostile public comment or scandal?

**(e) Would permitting the new marriage be tantamount to consecrating an old infidelity?**

While it would be unreasonable to expect that the couple should not even have known each other during the former marriage(s), was the relationship between the applicants - so far as you can tell from the information made available to you - *a direct cause* of the breakdown of the former marriage?

**(f) Has either of the parties been divorced more than once?**

□ In the case of multiple divorces, the sheer complexity of relationships that may have developed will inevitably make any assessment by you more difficult. However, the Church witnesses to lifelong marriage, and should not find itself being a party to 'serial monogamy', hence neither of the parties should *normally* have been married and divorced more than once.

**(g) Do the applicants display a readiness to explore the significance of the Christian faith for their lives so that their further marriage is not an isolated contact with the Church?**

□ Given that the provision of careful marriage preparation should be the norm for *all* couples seeking marriage in church, do the applicants possess an understanding of the need of God's grace in relationships and show a willingness to be open to Christian teaching?

**4. Recommended Procedures**

*Dialogue with the Parish*

4.1 As further marriage is likely to be a matter of concern within the parish, you will no doubt wish to inform your Parochial Church Council (PCC) of the general principles by which you intend to exercise your discretion. As part of the process of informing your own judgement in how to proceed in this sensitive area, you may wish to seek the PCC's views on your proposed approach. But, if so, it is important for the PCC to understand that it has no power to direct you in this matter, and should not seek to do so.

*Relationships with fellow clergy*

4.2 It will be helpful if there are occasional discussions at Deanery Chapter meetings on the issues raised, so that clergy are aware of the views of their colleagues, recognize each other's position, and respect the position of those parishes where such marriages are not allowed.

*Local Ecumenical Partnerships*

4.3 Special consideration will need to be given to consultation with ecumenical partners in parishes where a Local Ecumenical Partnership is in operation.

*Documentation*

4.4 The House of Bishops provides a leaflet on Marriage in Church after Divorce for all enquirers<sup>4</sup>. It includes both an explanatory statement and an application form to be completed by the couple together with any other relevant material about the process to be followed.

### *Interviews*

4.5 If the couple's request is to be taken further, the background of their case needs to be explored very carefully. When you come to consider the circumstances of the couple, the cause for the breakdown of the previous marriage may not be clear, so you will wish to handle each case with a great deal of sensitivity. It is recommended that this is done by at least two confidential interviews, using the application form as background material. It is desirable that the couple should understand the purpose of the interviews and that attending the interviews cannot imply an agreement to conduct a marriage. It is also desirable that both partners should attend the interviews, having been made aware in advance of the searching and personal nature of the issues to be discussed.

4.6 The interviews cannot have a standard form but the questions which are set out in Section 3 above may be of assistance in enabling you to decide whether the proposed further marriage would be consistent with the Church's teaching on marriage.

### *Reference to the Bishop*

4.7 Although the decision whether to conduct a further marriage rests with you, you may wish to seek the advice of your Diocesan Bishop<sup>5</sup>. In these instances you should send the Bishop the couple's application form with a statement that you have drawn up based on the interviews including any provisional conclusions that you have reached. You will need to bear in mind that the couple will be entitled to see what you have written (under the Data Protection Act).

### *The Decision*

4.8 In deciding your response to the application (see 2.1 above), you need to ensure the maximum degree of consistency in your approach (as applicants are entitled to have their cases dealt with by you consistently) as well as bearing in mind the consequences of setting a precedent which it will be hard not to follow.

4.9 It will be best if you convey your decision to the couple in person. If you are declining to conduct the marriage, you may feel it appropriate to convey your reasons in writing and to copy this letter to the bishop if you have consulted him.

4.10 In cases where you agree to the couple's request, you will need to explain the need for marriage preparation (as for any marriage).

## **5. Services of Prayer and Dedication**

5.1 There may be some cases when a marriage in church is deemed inappropriate, yet you will wish to offer the couple the possibility of

beginning their life after a civil marriage in the context of Christian worship. Here a Service of Prayer and Dedication after a Civil Marriage could be appropriate, although it is not intended to be used as a substitute for the marriage service. However, the reasons for considering a further marriage inappropriate may also apply to this option.

5.2 In 1985 the House of Bishops approved and commended for use Services of Prayer and Dedication after Civil Marriage. The vows taken in a civil marriage are just as binding as those taken in church but the Service gives the couple an opportunity to express their commitment before God. The Church witnesses publicly to the permanence of their marriage, while also expressing in a more personal way the love and forgiveness of God.

5.3 You must of course be satisfied before conducting the Service that the civil marriage has been contracted.

## **6. Legal Formalities<sup>6</sup>**

### *Divorce Documents*

6.1 Clergy conducting the marriage must see and check the relevant divorce documents before arranging the marriage preliminaries. Particular note should be taken that a decree absolute has been obtained, not merely a decree nisi. The advice of the Diocesan Registrar and/or the civil registrars should be sought if there are any doubts about the document(s) presented.

6.2 The Church recognizes a declaration of nullity made by the civil courts in the United Kingdom; that is, a declaration that there is no valid marriage in existence. A cleric has the same obligation to marry a parishioner whose marriage has been annulled in this way as would exist if the parishioner had never gone through a form of marriage. If in doubt, seek advice from the Registrar.

6.3 Marriage preliminaries are the responsibility of the priest and couple concerned. They follow the pattern applicable in all other marriages, and if there is any doubt the priest should contact the Diocesan Registrar or the Archdeacon.

### *Data Protection*

6.4 The Data Protection Act 1998 introduced a category of 'sensitive personal data', which includes information about a person's religious beliefs, sexual life (including marital status), physical and mental health and criminal record. With limited exceptions, the Act does not permit sensitive personal data to be collected or used without the explicit consent of the person concerned.

6.5 You may wish to record sensitive personal data which is relevant to your decision whether or not to conduct the marriage in your notes, recommendation or correspondence about an application. If you do, and such data relates to the couple making the application, you should obtain their consent by asking them to sign the appropriate section of the application form. This explains how personal data about the couple

will be used and with whom it will be shared.

6.6 You may need to record sensitive personal data about a third party - for example, a former spouse or the children of a former marriage. It may not always be possible to obtain explicit consent from these people. In such cases, the Information Commissioner has confirmed that you should be able to take advantage of a statutory exception which permits such data to be processed without explicit consent, where such processing is necessary in the context of confidential counselling and advice.

6.7 Whether or not personal data is sensitive personal data, it must only be processed in accordance with the data protection principles. They require, amongst other things, that

- personal data is kept secure; and
- personal data should be kept no longer than necessary. Where you agree to conduct a marriage, we suggest that the relevant documents, interview notes etc should be destroyed as soon as possible after the marriage takes place. Where you decline to conduct a marriage, it may be appropriate to retain the data in case a further application is made by the couple to you or to another priest in the diocese. How long the data should be kept in each case is a matter of judgement. We suggest that you agree a policy with your bishop and ensure that his records and yours are destroyed at the same time.

6.8 You should remember that the couple are entitled to see personal data that you hold about them and so you should write your notes, your recommendation and your correspondence with the bishop in a way that can readily be shared with the couple.

## 7. Statistics

7.1 So that accurate records can be kept of how this procedure works out, a quarterly return should be made to the diocesan bishop indicating the number of further marriages conducted and the number of applications refused.

### **Notes:**

1. This advice also applies to non-parochial clergy who have pastoral charge.
2. S.8.2 of the Matrimonial Causes Act 1965 states, 'No clergyman of the Church of England or the Church in Wales shall be compelled (a) to solemnise the marriage of any person whose former marriage has been dissolved and whose former spouse is still living; or (b) to permit the

marriage of such a person to be solemnised in the church or chapel of which he is the minister.'

3. See Canon B30 (set out in footnote 1) and the House of Bishops' Teaching Document Marriage, CHP 1999.

4. Copies of this leaflet are available from Church House Bookshop or via the link to the bookshop from the CofE website -

[www.churchofengland.org](http://www.churchofengland.org). It can also be downloaded via [www.churchofengland.org/media/1162432/leafletforenquirers.pdf](http://www.churchofengland.org/media/1162432/leafletforenquirers.pdf).

5. See para. 6.4 in the Report Marriage in Church after Divorce (GS 1361). It should be noted that bishops cannot give permission for couples to be married in church and that applicants should not approach the bishop direct.

6. Subject to changes in the light of the General Synod's consideration of proposed changes to Marriage Law in the Report The Challenge to Change [GS 1448].

**(on behalf of the House of Bishops)**

\* **DAVID EBOR**

**November 2002**

## **Solemnization of marriage by deacons**

**(see Canon B 35, here)**

### **Guidelines issued jointly by the Archbishops of Canterbury and York**

1. The minister officiating at a marriage service in the Church of England should normally be a bishop or a priest<sup>(1)</sup>.
2. A deacon may officiate at a marriage only if the consent of the incumbent and/or minister is first given<sup>(2)</sup>.
3. The authorized services should be used without variation whether the officiating minister is bishop, priest or deacon.

4. When a priest is present he may delegate to a deacon parts of the service including:

(i) the blessing of the ring(s);

(ii) the pronouncement of the blessing(s) on the couple.

The priest should pronounce the blessing of the congregation at the end of the service.

**Notes:**

1. Where the incumbent or minister has colleagues who are in holy orders (priests as well as deacons) the decision as to who should solemnize the marriage of a particular couple belongs to the incumbent or minister. Consideration should be given to the wishes of the couple and there should be discussion at the parish staff meeting or other consultation between colleagues. In considering who should be the officiating minister, pastoral considerations are important. A significant factor may be that the person who is to solemnize the marriage should also have prepared the couple for the wedding; in the case of a newly ordained deacon (man or woman) it needs to be noted that training to undertake marriage preparation is at present primarily a post-ordination task and colleges and courses do not require students to develop skills in this area before ordination. In the first year following ordination as deacon therefore, a deacon should rarely, if ever, solemnize a marriage and should only do so for exceptional reasons.

2. Reference to the incumbent and minister mean the incumbent of the parish to which the deacon is licensed and minister means minister or priest-in-charge of the church in which the service is to take place.

\* **George Cantuar**

\* **John Ebor**

**July 1992**



## **Churches designated pursuant to the Church of England (Ecumenical Relations) Measure 1988**

**(see Canon B 43, [here](#))**

The following Churches have been designated by the Archbishops of Canterbury and York as Churches to which the 1988 Measure applies with effect from the date stated.

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 Orthodox Church (Diocese of Sourozh)

7 June 2000

The Independent Methodist Churches

6 July 2001

The United Protestant Churches of Alsace and Lorraine (formerly the Church of the Augsburg Confession of Alsace and Lorraine and the Church of the Augsburg Confession of Alsace and Lorraine)

The United Protestant Church of France (formerly the Evangelical-Lutheran Church of France and the Reformed Church of France)

The Reformed Church of Alsace and Lorraine

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

9 July 2016

The Apostolic Pastoral Congress

21 March 2022

The Antiochian Orthodox Christian Archdiocese of the British Isles and Ireland

### **Clergy (Ordination) Measure 1990**

### **Directions made jointly by the Archbishops of Canterbury and York pursuant to the power contained in Canon C 4 paragraph 5**

**(see Canon C 4, paragraph 5, here)**

1. These directions are made in pursuance of Canon C4.5 of the Canons of the Church of England.
2. Any person whose admission into the order of deacon or priest would be prohibited by Canon C4.4 and who is desirous of entering such order ('the candidate') may request the bishop of the diocese in which he or she shall then be resident or within which he or she shall be a habitual worshipper ('the diocesan bishop') to make to the archbishop of the province ('the archbishop') the application which is mentioned in Canon C4.5 for the removal of such impediment.
3. Any such request shall be made on the form set out in Appendix I to these Directions and shall give the names of two referees who are willing to be interviewed. At least one of such referees should be acquainted with the circumstances surrounding the breakdown of the first (or any other relevant previous) marriage of the candidate or that of his or her spouse (as the case may be) and at least one should have known the candidate and his or her present spouse for a substantial period of their marriage.

4. Upon receipt of the application form, the diocesan bishop shall either himself carry out the enquiry provided for in the following paragraphs of these Directions or appoint some other person or persons ('the bishop's representative(s)' which may as necessary include a person in some other diocese than the diocese of the diocesan bishop) to do so on his behalf.

5. The diocesan bishop or, where appointed, the bishop's representative(s) shall

(a) interview the candidate and his or her spouse;

(b) interview the two referees;

(c) make appropriate enquiries of the former spouse unless it shall be impracticable to do so; and

(d) discuss the application with the incumbent or priest in charge of the parish where the candidate usually worships.

6. After consultation with the candidate, the diocesan bishop or the bishop's representative may interview such other person(s) as the diocesan bishop or his representative may think fit.

7. The bishop's representative (if appointed) shall submit a written report to the diocesan bishop in accordance with the form set out in Appendix II to these Directions setting out his recommendations concerning the bishop's response to the application.

8. On receipt of the report from his representative, or if no representative shall have been appointed, on completion of his own enquiries, the diocesan bishop shall arrange an interview with the candidate and his or her spouse. This interview shall be conducted by the diocesan bishop personally unless the archbishop, on application by the diocesan bishop, has consented that such interviews may be undertaken by a suffragan or area bishop of the diocese during a period not exceeding the period of office of the particular diocesan bishop who seeks such consent from the archbishop. Upon completion of such interview, or upon receiving a written report of such interview from the suffragan or area bishop

concerned (as the case may be) the diocesan bishop shall decide whether or not to make application to the archbishop for a faculty. The diocesan bishop shall inform the candidate of his decision in writing.

9. If the diocesan bishop decides to apply for the archbishop's faculty, he shall make application in accordance with the form set out in Appendix III to these Directions and shall sign the application form himself. The diocesan bishop shall refer in the application specifically to the possibility of any scandal.

10. The archbishop shall consider and determine the application and may make such further enquiry as he thinks fit. If the archbishop decides to grant the application, he shall issue his Faculty to the diocesan bishop in the form set out in Appendix IV and the diocesan bishop shall then inform the candidate accordingly.

11. Where the archbishop is the diocesan bishop of the candidate he shall consider the report from his representative (where appointed) and, following the interview with the candidate and his or her spouse (which in the Dioceses of Canterbury and York may be conducted either by the archbishop personally or by a suffragan bishop of the relevant diocese), shall inform the candidate whether he proposes to grant a faculty pursuant to the Canon.

12. During a vacancy in the see of the diocesan bishop or of the archbishop no person shall have power to deal with new requests or to submit applications to the archbishop, but without prejudice to the continuation during the vacancy in the see of any enquiries or interviews being undertaken by a bishop's representative duly appointed before the occurrence of such vacancy.

13. The Directions made by the Archbishops of Canterbury and York on 13 September 1991 are hereby revoked.

Given under our hands and Archiepiscopal Seals this ninth day of May 2002.

(signed) \* **George Cantuar:**

(signed) \* **David Ebor:**

**Note:** *The Appendices referred to in these Directions have not been reproduced in this volume.*

## **Churches in communion with the Church of England**

**(see Canon C 8, pages 90-92)**

1. Various pieces of legislation make reference to 'Churches in communion with the Church of England'.

2. This term may be taken to include the following Churches:

(a) All member Churches and extra-provincial dioceses of the Anglican Communion, including united Churches which incorporate former Anglican Churches:

### *Member Churches*

Anglican Church in Aotearoa, New Zealand and Polynesia

Anglican Church of Australia

Episcopal Anglican Church of Brazil

Anglican Church of Burundi

Anglican Church of Canada

Church of the Province of Central Africa

Anglican Church of the Central America Region

Anglican Church of Chile

Anglican Church of the Congo

Hong Kong Sheng Kung Hui

Church of the province of the Indian Ocean

Church of Ireland

Anglican Communion in Japan

Episcopal Church in Jerusalem and the Middle East

Anglican Church of Kenya

Anglican Church of Korea

Anglican Church of Melanesia

Anglican Church of Mexico

Church of the province of Myanmar (Burma)

Church of Nigeria (Anglican Communion)

Anglican Church of Papua New Guinea

Episcopal Church in the Philippines

Anglican Church of Rwanda

Scottish Episcopal Church

Church of the Province of South East Asia

Anglican Church of Southern Africa

Anglican Church of South America



Province of the Episcopal Church of South Sudan

Province of the Episcopal Church of Sudan

Anglican Church of Tanzania

Church of the Province of Uganda

The Episcopal Church

Church in Wales

Church of the Province of West Africa

Church in the Province of the West Indies

*Extra-Provincial Dioceses*

Anglican Church of Bermuda

Anglican Church in Ceylon (Sri Lanka)

Episcopal Church of Cuba

Lusitanian Church of Portugal

Reformed Episcopal Church of Spain

Falkland Islands Jurisdiction

The Anglican Church in Venezuela

Episcopal Church of Puerto Rico

*United Churches incorporating Former Anglican Dioceses*

Church of Bangladesh

Church of North India

Church of South India

Church of Pakistan

(b) The Old Catholic Churches of the Union of Utrecht:

Old Catholic Church in the Netherlands

Catholic Diocese of the Old Catholics in Germany

Christian Catholic Church of Switzerland

Old Catholic Church of Austria

Old Catholic Church of the Czech Republic

Polish National Catholic Church (USA)

Polish Catholic Church (Poland)

Old Catholic Church of Croatia

(c) Philippine Independent Church

(d) Mar Thoma Syrian Church of Malabar

(e) Nordic and Baltic Lutheran Churches which have approved the Porvoo Declaration. To date, these are:

Evangelical-Lutheran Church of Finland

Evangelical-Lutheran Church of Iceland

Church of Norway

Church of Sweden

Estonian Evangelical-Lutheran Church

Evangelical-Lutheran Church of Lithuania

Evangelical-Lutheran Church of Denmark

Latvian Evangelical Lutheran Church Abroad

Lutheran Church in Great Britain

3. The advice contained in this note is given in good faith, but does not constitute a definitive ruling. Rule 54(5) of the Church Representation Rules provides that 'if any question arises whether a Church is in communion with the Church of England, it shall be conclusively determined for the purposes of these rules by the Archbishops of Canterbury and York'. Section 6(2) of the Overseas and Other Clergy (Ministry and Ordination) Measure 1967 makes similar provision for the purposes of that Measure.

## **The Declaration on the Ministry of Bishops and Priests (Resolution of Disputes Procedure) Regulations 2014**

### **Regulations made by the House of Bishops under Canon C 29**

1. The House of Bishops makes these Regulations under Canon C 29.

### **Appointment of Independent Reviewer**

2. The archbishops must appoint a person to act as Independent Reviewer for the purposes of these Regulations. The appointment must be made with the concurrence of the Chairs of the Houses of Clergy and Laity of the General Synod.

3. The archbishops may also appoint one or more persons to act as Deputy Independent Reviewers for the purposes of these Regulations, with the concurrence of the Chairs of the Houses of Clergy and Laity of the General Synod. If any Deputy Independent Reviewer is appointed, he or she will perform such of the Independent Reviewer's functions as the Independent Reviewer may from time to time determine. Any Deputy Independent Reviewer will also undertake the functions of the Independent Reviewer in the event that he or she is unable to do so for any reason.

4. The Independent Reviewer, and any Deputy Independent Reviewer, shall hold office for such period as the archbishops may determine, with the concurrence of the Chairs of the Houses of Clergy and Laity of the General Synod.

5. The Independent Reviewer, and any Deputy Independent Reviewer, may be removed from office by the archbishops, with the concurrence of the Chairs of the Houses of Clergy and Laity of the General Synod, only on grounds of incapacity, misconduct or other good cause.

6. Subject to Regulation 5, the terms on which the Independent Reviewer, and any Deputy Independent Reviewer, will hold office shall be determined by the archbishops.

#### **Exercise of the Independent Reviewer's functions**

7. In exercising his or her functions, the Independent Reviewer must:

(a) act impartially and fairly; and

(b) have regard to the 'five guiding principles' referred to in paragraph 5 of the House of Bishops' Declaration.

#### **Scope of the grievance procedure**

8. A grievance may be brought in relation to any office holder in respect of:

(a) any action taken by the office holder under paragraphs 16 to 29 inclusive or 33 of the House of Bishops' Declaration; and

(b) any failure on the part of the office holder to act in accordance with paragraphs 16 to 29 inclusive or 33 of the House of Bishops' Declaration.

### **Bringing a grievance**

9. Before bringing a grievance a PCC must give the office holder in respect of whom it wishes to bring a grievance a reasonable opportunity to address the grievance.

10. A PCC may bring a grievance by giving written notice of its desire to do so to the Independent Reviewer.

11. The bringing of a grievance must be authorized by a resolution of the PCC 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.

12. A PCC may normally bring a grievance only if it does so within three months of the action or omission in question.

13. In exceptional circumstances, and if he or she is satisfied that there is good reason to do so, the Independent Reviewer may allow a PCC to bring a grievance where the action or omission in question took place more than three months previously.

14. The notice given by the PCC of its desire to bring a grievance must specify:

- (a) the office holder in respect of whom the grievance is brought;
- (b) the nature of the act or omission in question; and
- (c) the nature of the PCC's grievance in relation to that act or omission.

15. The PCC must send a copy of its notice to:

- (a) the diocesan bishop; and
- (b) if different) the office holder in respect of whom the grievance is brought.

#### **Consideration of grievances by the Independent Reviewer**

16. The Independent Reviewer may decline to deal with a grievance if, in his or her opinion:

- (a) it does not fall within Regulation 8;
- (b) it is vexatious or malicious; or
- (c) there has been undue delay in bringing it.

17. If the Independent Reviewer declines to deal with a grievance, he or she must provide the parties and the diocesan bishop (if he or she is not one of the parties) with a written explanation of the reasons for that decision.

18. Once the Independent Reviewer has accepted a grievance he or she must carry out a review to decide whether the grievance is justified, partly justified or unjustified.

19. Subject to Regulation 21, the Independent Reviewer must either complete his or her review within two months of receiving the written notice from the PCC or, if he or she is unable to do so, must give the parties reasons for his or her inability to do so and complete the review as soon as possible thereafter.

20. The process for a review will be as follows:

(a) The Independent Reviewer must decide what further information (if any) he or she needs in order to be able to conduct the review. Subject to the requirements of the general law, the Independent Reviewer may require the parties, within such reasonable period as he or she may specify, to:

(i) provide such information, documents or other materials; and

(ii) answer such questions as he or she thinks fit.

(b) Subject to the requirements of the general law, the Independent Reviewer may disclose to all the parties any information, documents or other materials which have been disclosed by any of them.

(c) The Independent Reviewer may at any time give the parties the opportunity to comment on representations received.

(d) The Independent Reviewer may hold an oral hearing.

(e) The Independent Reviewer may appoint one or more experts to advise him or her.

21. The Independent Reviewer may at any time seek to achieve a settlement of the grievance which is acceptable to the parties, by some means other than the completion of the review (whether through a process of mediation conducted by some other person or persons or otherwise).

### **Independent Reviewer's decision on a review**

22. On the conclusion of his or her review the Independent Reviewer will issue a decision. The decision must be in writing and give the reasons for it.

23. Before issuing a decision, the Independent Reviewer may send a draft of it to the parties for the purpose of enabling them to identify any errors of fact or making representations as to the practicality of any recommendation the Independent Reviewer proposes to make.

24. If the Independent Reviewer considers that the grievance is justified or partly justified, he or she may include in the decision recommendations for addressing the grievance.

25. The Independent Reviewer must send a copy of his or her decision to each of the parties and to the diocesan bishop (if he or she is not one of them).

26. The Independent Reviewer must publish his or her decision on a review (including any recommendations he or she has made) unless he or she considers that there are good reasons for not doing so. Decisions may be published in an anonymized form if the Independent Reviewer considers that to be in the interests of the parties or any other person.

### **Raising of concerns about the operation of the House of Bishops' Declaration**

27. Any person may raise a concern, in writing, with the Independent Reviewer in relation to any aspect of the operation of the House of Bishops' Declaration. Any such concern may relate to more than one act or omission under the House of Bishops' Declaration and to more than one parish or diocese.



## **Undertaking of inquiries**

28. Following the raising of one or more concerns under Regulation 27, the Independent Reviewer may undertake an inquiry into the subject matter of such concern or concerns.

29. When conducting an inquiry under Regulation 28, the Independent Reviewer may:

(a) require any office holder, subject to the requirements of the general law and within such reasonable period as he or she may specify, to:

(i) provide such information, documents or other materials; and

(ii) answer such questions as the Independent Reviewer thinks fit; and

(b) appoint one or more experts to advise him or her.

## **Independent Reviewer's annual report**

30. Following the end of each calendar year the Independent Reviewer must provide an annual report to the archbishops on the exercise of his or her functions during that year.

31. The annual report must contain information about:

(a) grievances with which the Independent Reviewer has declined to deal;

(b) grievances in respect of which the Independent Reviewer has carried out reviews;

- (c) decisions (including recommendations) made by him or her following such reviews;
- (d) the extent to which any recommendations made by him or her have been acted upon;
- (e) concerns received by the Independent Reviewer about the operation of the House of Bishops' Declaration; and
- (f) inquiries undertaken by the Independent Reviewer as a result of the expression of such concerns.

32. The annual report must be published, in such manner as the archbishops, with the concurrence of the Chairs of the Houses of Clergy and Laity of the General Synod, may determine.

### **Interpretation**

33. In these Regulations:

- (a) 'the archbishops' means the Archbishops of Canterbury and York;
- (b) 'the diocesan bishop' means the bishop of the relevant diocese;
- (c) 'the House of Bishops' Declaration' means the House of Bishops Declaration on the Ministry of Bishops and Priests made by the House of Bishops on 19 May 2014, as from time to time amended;
- (d) 'the Independent Reviewer' means the person appointed by the Archbishops of Canterbury and York under Regulation 2 to act as the Independent Reviewer;
- (e) 'office holder' means any archbishop, bishop, archdeacon, rural dean or minister having the cure of souls;
- (f) 'PCC' means:
- (i) the parochial church council of a parish (other than a parish of which a cathedral is the parish church);

(ii) the guild church council of a guild church; and

(iii) the governing body for any non-parochial place; and

(g) 'the parties' means

(i) the PCC bringing the grievance and

(ii) any office holder in respect of whom it is brought.

34. Functions conferred upon the archbishops under these Regulations must be performed by them jointly, save that:

(a) in the event of one of the archbishops being incapacitated through illness; or

(b) during a vacancy in one of the sees

the functions may be performed by the other of the archbishops.

These Regulations were made by the House on 17 November 2014.

## **Rules approved by the Archbishops of Canterbury and York for the conduct of appeals against the revocation of a licence as provided for under Canons D3, E6 or E8**

**1.** The overriding objective of these rules is to enable appeal proceedings against the revocation of a licence under the aforesaid Canons to be dealt with justly in a way that is fair to all relevant interested persons and proportionate to the nature and seriousness of the issues raised. The rules are so far as is reasonably practicable, to be applied in accordance with the following principles:

(a) The appellant and the respondent bishop shall be treated on an equal footing procedurally.

(b) Undue delay is to be avoided.

(c) Undue expense is to be avoided.

**2.** Wherever possible, parties should provide email addresses for correspondence. The preference is for correspondence to be by email and for documents to be served as attachments to emails, with all parties and the provincial registrar being copied in.

**3.** Directions hearings and other interim hearings may be held virtually (e.g. by Teams/Zoom) at the discretion of the archbishop or their commissary, or of the assessor (see para 12 below). Final hearings will usually be held in person, but in appropriate circumstances the assessor may direct that a final hearing will be held virtually or that the appeal will be determined on written representations.

**4.** Parties may be represented by a solicitor, barrister or trade union representative.

**5.** The appellant shall file a notice of appeal with the relevant archbishop (using the form annexed to these rules) within 28 days of receiving the notice of revocation; the appellant shall serve a copy of the notice of appeal on the diocesan bishop who revoked the licence and a copy on the provincial registrar.

**6.** The form provides for the appellant to set out their case identifying the facts and contentions they rely on (with a word limit of 3000 words). A copy of the relevant licence and a copy of the letter of revocation shall be filed with the notice of appeal. No other documents shall be filed until it is ordered at the directions hearing referred to in paragraph 13 that they be filed.

**7.** The provincial registrar within 14 days of receiving the notice of appeal will issue any directions the registrar considers necessary which shall include:

(i) Any directions necessary in relation to clarification of the appellant's case within a time limit of 14 days.

(ii) The bishop to provide their answer setting out the facts and contentions on which they rely (with a word limit of 3000 words and within 28 days of receiving the appellant's notice of appeal, or clarification if such has been provided).

(iii) The appellant to have liberty to lodge a reply to the bishop's answer (with a word limit of 1500 words and within 14 days after receipt of the answer).

**8.** All documents are to be filed with the provincial registrar and served on the opposite party.

**9.** Either party may apply to the provincial registrar for a variation of these directions.

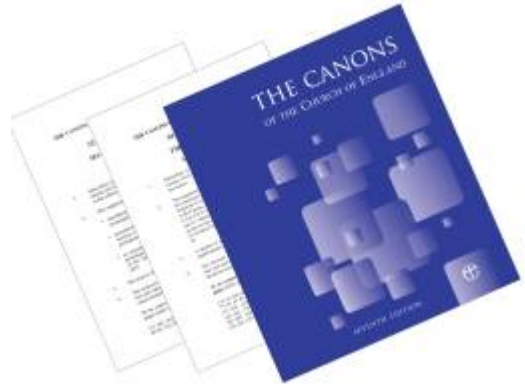
**10.** The provincial registrar on application, or otherwise, may extend the time limits in paragraphs 7 if there is good reason to do so. \_\_\_\_\_

- 11.** The archbishop shall decide whether they will hear the case personally or appoint a commissary bishop (which may be a diocesan or a suffragan bishop, although not from the diocese concerned) to hear the case in their place.
- 12.** The archbishop or commissary will be advised on all matters of law and such other matters as to which they may seek assistance by the vicar-general of the province, acting as an assessor. If the vicar-general states that they are unable or that it would be inappropriate for them to act as assessor, the archbishop shall appoint some other fit and proper person for that purpose.
- 13.** There shall be a directions hearing before the assessor when directions will be given for the hearing of the appeal. These will include directions as to the exchange of documents, the preparation of an agreed, paginated bundle by the parties and, where appropriate, the filing of skeleton arguments.
- 14.** Those directions will include:
- (i) Whether, as will usually be the case, the appeal will be by way of review only (ie “was the bishop’s decision wrong?”) or whether exceptionally the extent to which it will hear evidence and decide any relevant facts;
  - (ii) The date, time and place for the hearing of the appeal with a time estimate.
- 15.** At the hearing of the appeal, if it is by way of review only, the appellant will be heard first, followed by the respondent bishop and the appellant will reply.
- 16.** If evidence is to be heard in the appeal then the appellant will open their case, call any evidence, including themselves; the respondent bishop will then call any evidence and make their closing submissions and the appellant will have a right of reply.
- 17.** Any evidence of witnesses will have been preceded by the exchange of witness statements verified by statements of truth, which will stand as the evidence in chief of the witnesses and be subject of cross examination and re-examination which will be oral and on oath. The rules of evidence applicable to civil proceedings in the High Court will apply.
- 18.** Upon the conclusion of the hearing, if the archbishop has appointed a commissary, the commissary will make a written report to the archbishop, within 21 days of the conclusion of the hearing, setting out the relevant findings and giving reasons for recommending whether the appeal should be allowed or dismissed, and whether the archbishop should confirm, vary or cancel the revocation.
- 19.** Within 21 days of the conclusion of an appeal hearing before the archbishop personally or within 21 days of receiving the commissary’s report, the archbishop will give a decision in writing setting out the reasons for that decision. Both parties will be provided with a copy of any

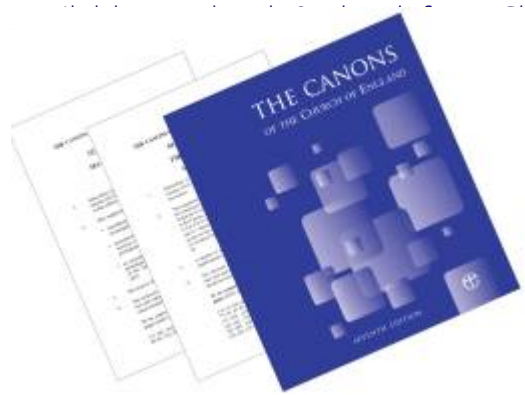
commissary's report along with the archbishop's decision.

**20.** The commissary and/or the archbishop may extend the above time limits of 21 days if there is good reason to do so.

**21.** The commissary may appeal against the archbishop's decision.



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