

CANON B 43, PARAGRAPH 3

1. The Legal Advisory Commission has been asked by the Council for Christian Unity for advice on the scope of Canon B 43, paragraph 3, in relation to the celebration of marriages by Anglican clerics in Non-Conformist chapels. Apparently Anglican clergy are being asked more frequently to celebrate such marriages using the relevant Non-Conformist rites with the Non-Conformist ministers (or those authorised to take Non-Conformist marriages) taking no actual part in the service but only registering the marriage at its conclusion. A related question arises when an Anglican deaconess, lay worker or reader is invited to take part in a Non-Conformist wedding service.

2. An Anglican cleric may only use forms of service which are authorised or allowed by Canon: see Canon C 15, paragraph 1, Declaration of Assent, and Canon B 1, paragraph 2. A similar restriction lies upon Anglican deaconesses, lay workers and readers: see, respectively, Canon D 2, paragraph 5, Canon E 8, paragraph 4, and Canon E 5, paragraph 4, each together with Canon B 1, paragraph 2. The relevant provisions in relation to ecumenical services are to be found in Canon B 43 (Of relations with other Churches) and Canon B 44 (Of local ecumenical projects). The Churches to which these provisions apply are listed in *The Canons of the Church of England* (Church House Publishing, 7th edition, 2012) at page 205. Services may not be taken in other Churches or in other circumstances.

3. Canon B 43, paragraph 3, reads:

“Notwithstanding any provision of any Canon, a priest or deacon of the Church of England who receives from the 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.”

A similar provision is made for deaconesses, lay workers and readers by Canon B 43, paragraph 6 (omitting reference to ordination or consecration).

4. May the priest or deacon take the whole of the service in question or may he or she only take part in some of the service? In Canon B 43, paragraph 1 (which is concerned with ministers and lay persons of other Churches performing duties during Anglican services), a distinction is drawn, for example, between saying or singing Morning or Evening Prayer (*scilicet* the whole service) and assisting at baptisms or in the distribution of the holy sacrament of the Lord’s Supper. However, such wording is not repeated in Canon B 43, paragraphs 3 or 6 and the *Ecumenical Relations Canons B 43 and B 44: Code of Practice* (1998 Edition) does not assist in interpreting the relevant provisions.
5. In their normal meaning the words ‘take part in’ convey the concept of sharing, assisting or co-operating with someone¹. On this basis the subsequent provisions of

¹ Chambers Dictionary, *sub verba* ‘take part in’: “To share or to assist in.”
Oxford English Dictionary, *sub verbum* ‘part’ (meaning 23): “23.take part. a. To share, partake of or in (cf. sense 7); b.A.V.23.b To participate in (some action), to assist, co-operate (cf. 8).
 1382 Wyclif Hebr. ii. 14 Therefore for children comuneden to fleisch and blood, and he also took part of the same. a 1533 Ld. Berners Huon lxxxi. 245 Such as regarded her were constraigned to take parte of her sorow. 1596 Spenser F.Q. iv. ix. 24 Each one taking part in others aide. 1875 Jowett Plato (ed. 2) IV. 19 Philebus· takes no further part in the discussion.”

Canon B 43, paragraph 3(a), do no more than describe the nature of the duties which the Anglican cleric may perform when taking part in a service of a church to which the Canon applies. They do not enlarge the meaning of the preceding words so as to permit the Anglican cleric to act alone. This also seems to be implicit in the words “in the course of that service perform any duty assigned to him”.

6. An Anglican cleric is not, therefore, permitted by Canon B 43, paragraph 3, to take the whole of a Non-Conformist marriage service even if the Non-Conformist minister (or a person authorised to take a Non-Conformist marriage) is present. Indeed, the wording of the paragraph suggests that a significant part of the service must be taken other than by the Anglican cleric.
7. The role of an Anglican deaconess, lay worker or reader is restricted to taking such part as he or she might take within an Anglican marriage service.