

GENERAL SYNOD

DRAFT AMENDING CANON No. 36

Explanatory Memorandum

1. Draft Amending Canon No. 36 makes amendments to Canon B 8 (Of the vesture of ordained and authorized ministers during the time of divine service) and Canon B 38 (Of the burial of the dead).
2. The General Synod called for this legislation to be introduced when it passed two private members' motions, one – in relation to Canon B 38 – in February 2015 and the other – in relation to Canon B 8 – in July 2014.
3. The amendments proposed to be made to Canon B 8 were consulted on by the House of Bishops earlier this year. (See GS Misc 1133.) Of the 78 responses received, 59 were in favour of amending Canon B 8 to make the forms of vesture specified in that Canon optional rather than mandatory.
4. The Amendments to Canon B 38 would mean that the usual burial service could be used in the case of those who have taken their own life while of sound mind or who die without having been baptized.

Paragraph 1

5. Paragraph 1 amends Canon B 8 (Of the vesture of ordained and authorized ministers during the time of divine service).
6. It amends paragraph 2 of the Canon to make it clear that that paragraph is concerned with the situation where the minister proposes to change the form of vesture that is used in a church or chapel from one of the forms of vesture specified in the Canon to another specified form. It is not concerned with the situation where the minister is proposing not to wear any of those forms of vesture; that situation is provided for in the amendments that follow.
7. Paragraph 3 of the Canon is amended so that the minister need not wear a surplice or alb with scarf or stole at the Holy Communion if the minister considers, after consulting the parochial church council, that adopting some other form of dress would benefit the mission of the Church in the parish.
8. Paragraph 4 of the Canon, which is concerned with the vesture of the minister at Morning and Evening Prayer on Sundays, already permits some flexibility. The existing requirement is that the minister shall *normally* wear a surplice or alb with scarf or stole at those services; the minister might therefore properly adopt another form of dress occasionally. The amendment to paragraph 4 would mean that the minister could adopt some other form of dress at Morning and Evening Prayer on a general basis if the minister considers, after consulting the parochial church council, that adopting another form of dress would benefit the mission of the Church in the parish.
9. Paragraph 5 of the Canon, which is concerned with vesture at the occasional offices, is amended so that the minister may adopt a form of dress other than a surplice or alb with scarf or stole as may be agreed with the persons concerned.
10. A new paragraph is inserted after paragraph 5. It imposes a requirement that where a minister adopts a form of dress other than vesture of a form specified in the Canon, the form

of address adopted must be seemly. And it must not be indicative of a departure from the doctrine of the Church of England.

Paragraph 2

11. Paragraph 2 amends Canon B 38 (Of the burial of the dead).
12. Paragraph 2 of the Canon is amended to remove the current exception which prevents the normal burial service (i.e. the Order for the Burial of the Dead in the Book of Common Prayer or the Funeral Service in *Common Worship*) being used in the case of a person who committed suicide while of sound mind, or a person who died without being baptised. The position will, accordingly, become one where the normal burial service can be used in such cases.
13. That position is made subject to a specific exception to provide for the case where the minister cannot in good conscience use the normal burial service. Where that is the case, the minister must notify the bishop and must use a form of service prescribed or approved by the bishop. That service must not be contrary to, or indicative of any departure from, the doctrine of the Church of England in any essential matter.
14. The reference in the Canon to those who have been declared excommunicate is omitted altogether. There is no longer any legal machinery for declaring a person excommunicate.

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June 2016