

# THE RELIGIOUS COMMUNITIES REGULATIONS 2020

The House of Bishops makes the following Regulations under Canon DA 1.

## PART 1

### Preliminary

#### **Citation, commencement and interpretation**

1. These Regulations may be cited as the Religious Communities Regulations 2020.
2. They come into force on 26th November 2020.
3. In these Regulations—
  - “the Canon” means Canon DA 1 of the Canons of the Church of England;
  - “constitution” means the written constitution of a community required by regulation 11;
  - “child” and “vulnerable adult” have the same meaning as in the Canon;
  - “religious community” has the same meaning as in the Canon;
  - “visitor” means the person entitled to exercise visitatorial powers in respect of a community (irrespective of how that person may be described by the constitution) and “visitation” is to be construed accordingly.
4. Where a community is established in more than one country, a reference in these Regulations to its constitution is a reference to the constitution as it applies in England.
5. Any question as to whether a Church is in communion with the Church of England is to be determined, for the purposes of these Regulations, by the Archbishops of Canterbury and York acting jointly.

#### **General duty**

6. A person exercising functions under these Regulations must have regard to—
  - (a) the character and purpose of religious life, and in particular the provision made by paragraph 1 of Canon DA 1, and
  - (b) the character of the particular community.

#### **Conditions for declaration by House of Bishops**

7. These regulations—
  - (a) specify, for the purposes of paragraph 4 of the Canon, conditions a community must meet in order to be declared by the House of Bishops, under paragraph 2(1)(c) of the Canon, to be a religious community in the Church of England; and
  - (b) make provision for related procedural matters.

8. When making a declaration under paragraph 2(1)(c) of the Canon in respect of a community, the House of Bishops must designate the community as a recognised community or as an acknowledged community.
9. A community must meet the conditions specified in Part 2 in order to be declared a religious community in the Church of England and designated as an acknowledged community.
10. A community must meet the conditions specified in Part 2 and in Part 3 in order to be declared a religious community in the Church of England and designated as a recognised community.

## PART 2

### Conditions for recognised and acknowledged communities

#### **Governance**

11. The community must have a written constitution (by whatever name that document is known by the community).
12. The constitution may be contained in more than one document provided that the documents which together comprise the constitution are readily identifiable as such.
13. The constitution must—
  - (a) make provision for the membership and governance of the community;
  - (b) provide for the appointment as visitor of a person who—
    - (i) is in episcopal orders and holds ecclesiastical office in the Church of England or in another Church which is in communion with the Church of England; and
    - (ii) is not a member of the community or otherwise involved in its regular life;
  - (c) make provision for a visitation to be carried out by the visitor not less frequently than every five years;
  - (d) empower the visitor to carry out a visitation at any time on the visitor's own initiative;
  - (e) make provision for the closure and dissolution of the community, including for the application of any property of the community in the event that it is closed (but see paragraph 15);
  - (f) provide that before a decision is taken to amend the constitution so far as it provides for any of the matters required by these Regulations, the proposed amendment must be notified to the House of Bishops and that regard must be had to advice given by the House of Bishops in relation to the proposal.

### **Financial affairs and property**

14. The constitution must (unless paragraph 15 applies) make provision for—
  - (a) the conduct of the financial affairs of the community;
  - (b) the ownership and management of the property of the community.
15. Where the property held for the purposes of the community is held by a separately constituted body—
  - (b) paragraph 14 does not apply; and
  - (c) paragraph 13(e), so far as it relates to the application of the property of the community in the event that it is closed, does not apply.

### **Safeguarding**

16. The constitution must—
  - (a) impose on members and officers of the community (including the visitor) requirements that are equivalent to those imposed on a relevant person by or under the Safeguarding and Clergy Discipline Measure 2016;
  - (b) make provision as to the persons or bodies who have particular responsibility in relation to the safeguarding of children or vulnerable adults;
  - (c) make provision for the visitor's functions in relation to the safeguarding of children and vulnerable adults.

### **Admission etc.**

17. The constitution must make provision for—
  - (a) the admission of persons to, and their dismissal from, the community;
  - (b) the taking of vows or the making of promises that are to be taken or made by members of the community;
  - (c) the release of members of the community from vows or promises;
  - (d) the resolution of disputes between a member and the community or between its members.

### **Numbers**

18. The House of Bishops must be satisfied that the community has sufficient numbers to sustain community life.
19. The House of Bishops may except from paragraph 18 a community which, immediately before the coming into force of these regulations, was registered with the Secretary of the House of Bishops Advisory Council for Religious Communities as a recognised or acknowledged religious community.
20. An exception under paragraph 19 must be for a period specified by the House of Bishops; but that period may be renewed or extended by the House from time to time.

## PART 3

### Additional conditions for recognised communities

#### **Nature of community**

21. The community must be a community whose members make vows or promises—
  - (i) of stability, conversion of life and obedience,
  - (ii) of poverty, chastity and obedience; or
  - (iii) which the House of Bishops considers to be of a substantially similar nature.

#### **Rule**

22. The Community must have a Rule.
23. The Rule or the constitution must make provision as to the persons to whom the Rule applies and how, if it all, it may be changed.
24. “Rule” means a document which provides, or a set of documents which taken together provide, for the ordering of the life of a community and in accordance with which the members share in a common life and live together (though not necessarily all in one place);

#### **Chapter**

25. The constitution must make provision for—
  - (a) the role of a chapter in the government of the community;
  - (b) the membership of the chapter and the rights its members have to participate in its decisions.

#### **Role of visitor**

26. The constitution must provide for the resolution of disputes (including the hearing of appeals) by the visitor.
27. Every member of the community must be entitled to raise directly with the visitor any matter the member considers should be brought to the visitor’s attention.

#### **Profession etc.**

28. The constitution must make provision for the profession of vows within the community, including the formulae of profession and any stages of commitment to the life and practice of the community a member will undertake.

#### **Transfer**

29. The constitution must make provision for the transfer of a member of the community to or from another religious community.

## **Separation etc.**

30. The constitution must make provision for the separation of a member from the community and for a member's dispensation from vows (which may include a member's secularisation).

## **PART 4**

### **Procedure**

#### *Application for declaration*

### **Provisions of documents and other information**

31. A religious community which seeks a declaration by the House of Bishops that it is a religious community in the Church of England must provide the following to the House of Bishops—
- (a) a written request for a declaration under paragraph 2(1)(c) of the Canon stating whether, if a declaration is made, the community wishes to be designated as a recognised community or an acknowledged community;
  - (b) a brief written statement as to—
    - (i) how the community meets the requirements of paragraph 2(1)(a) and (b) of the Canon;
    - (ii) the date on which the community was founded;
    - (iii) whether immediately before the coming into force of these regulations it was registered with the Secretary of the House of Bishops Advisory Council for Religious Communities as a recognised or acknowledged religious community and, if so, on what date it was so registered;
    - (iv) the number of members it has (and, if applicable, whether it is seeking an exception under paragraph 19);
  - (c) a copy of its constitution;
  - (d) where paragraph 15 (property held by separately constituted body) applies, a copy of the provisions governing the body referred to in that paragraph;
  - (e) a copy of its Rule;
  - (f) any other document or information the House of Bishops may request in connection with the request for a declaration.

### **Decision to make declaration**

32. If the House of Bishops decides to make a declaration under paragraph 2(1)(c) of the Canon in respect of a community it must—
- (a) send the community a written notice which declares the community to be a religious community in the Church of England;

- (b) require the secretary to the House of Bishops, or the secretary of a committee exercising the functions of the House under these regulations, to file a copy of the written notice;
- (c) add the community to the list of religious communities compiled, maintained and published by the House of Bishops under paragraph 6 of the Canon.

### **Decision not to make a declaration**

33. If the House of Bishops decides not to make a declaration under paragraph 2(1)(c) of the Canon in respect of a community it must–
- (a) send the community a written notice stating that it has decided not to make such a declaration;
  - (b) include in the written notice a summary of the reasons for its decision.

### *Revocation of declaration*

### **Notification of grounds for revocation**

34. If the House of Bishops considers that there may, under paragraph 5 of the Canon (revocation for grave cause), be grounds for revoking a declaration made under paragraph 2(1)(c) it must–
- (a) notify the community concerned of those grounds; and
  - (b) afford the community a reasonable opportunity to make written representations, specifying the time by which any representations must be received by the House of Bishops.

### **Proceedings following consideration of representations**

35. Having considered any representations made by the community within the time allowed, the House of Bishops may decide–
- (a) to revoke the declaration made in respect of the community under paragraph 2(1)(c) of the Canon;
  - (b) not to revoke the declaration;
  - (c) that it requires further information in order to decide whether or not to revoke the declaration.

### **Further information and oral representations**

36. If the House of Bishops decides that it requires further information in order to decide whether or not to revoke the declaration it may–
- (a) seek further information in writing from the community concerned or from any other person it considers likely to be in possession of relevant information;
  - (b) invite the community to make oral representations.

### **Proceedings upon consideration of further information or oral representations**

37. Having further considered the matter, including any further information or any oral representations, the House of Bishops must proceed to a decision under paragraph 35(a) or (b).

### **Notice of decision**

38. Written notice of a decision under paragraph 35(a) or (b) must be sent to the community concerned and to such other persons as the House of Bishops may direct.

### **Removal from list of religious communities**

39. If a decision is made under paragraph 35(a) (revocation of declaration), the House of Bishops must remove the community concerned from the list compiled, maintained and published by it under paragraph 6 of the Canon.

These Regulations were made by the House of Bishops on [23rd November 2020] and were approved by the General Synod on [25th November 2020].

*Signature*  
Registrar