

5COVID-19 Suspending public worship: some legal questions and answers

Issue Date	Version	Issued by
5 th January 2021	3	The House of Bishops Recovery Group
Updates from Version 2: The document has been revised to help churches that feel unable to open in the current circumstances of the third national lockdown.		

The Recovery Group has been set up to support the Church of England as government guidance changes through the COVID-19 pandemic. This document has been prepared with information available by the issue date. It will be kept under review and updated as the situation develops, with each update issued as a new version. The current version will always be available to download from the Church of England website via the [Coronavirus FAQs page](#).

Under the national lockdown announced by the Prime Minister on 4th January 2021 churches and other places of worship can remain open for communal worship and for private prayer, provided that those responsible for the building having carried out a statutory risk assessment and take all reasonable measures to limit the risk of transmission of coronavirus. People can leave their homes to attend a place of worship.

There may nevertheless be good reasons why some churches should not be open for private prayer or communal worship. That could, for example, be because, having carried out a risk assessment, you do not consider that you will be able to fully implement the measures that are necessary to limit the risk of coronavirus spreading. Or it might be because those who would otherwise open and close the church and look after it while open do not feel safe enough to undertake those duties.

While many people find it helpful to go into churches for private prayer or simply to be silent, and many churches are being kept open outside service times for this purpose, there is no legal obligation on ministers and parochial church councils (PCCs) to keep churches open in this way. It is ultimately a decision for the minister who should so far as practical consult the PCC before deciding what to do.

Whether the church is open or closed should be communicated clearly on your website and to your parish (not just the congregation), and where a church is open for private prayer and/or for communal worship, the risk assessment should be made available. Recognising that inevitably, not everyone will be happy with what the minister and the PCC have decided.

There are legal requirements for holding public worship. The normal requirement is that Morning Prayer, Evening Prayer and a celebration of Holy Communion are held in at least one church in each benefice on all Sundays and on certain feast days and holy days. Where benefices are held in plurality the requirement is to hold each of the services in at least one church in at least one of the benefices.¹

These requirements can be dispensed with in the following ways:

¹ See Canons B 11 and B 14, as recently amended by Amending Canon No. 39 which relaxed the former requirement that these services had to be held in every parish church.

1. If you think that no church in the benefice should be used for the above services on one or more specific days or for a specific number of weeks, the minister and PCC (or PCCs where there is more than one parish in the benefice) can jointly decide to dispense with holding the services on those days without reference to the bishop. For example, this could be for a period of national lockdown where the risk is considered greater than at other times. But note, neither the minister alone nor the PCC(s) alone can decide to dispense with holding these services: it is a joint decision and the services can be dispensed with only if both the minister and PCC(s) agree to do so.

The minister and the PCC(s) should set out the arrangements in a formal a resolution. This can be done by email using the Church Representation Rules.²

It is recommended that the resolution(s) of the PCC(s) take(s) the following form:

“The [rector] [vicar] [priest in charge] and the parochial church council of [*name of parish*] acting jointly authorise dispensing with the reading of Morning and Evening Prayer as required by Canon B 11 and the celebration of the Holy Communion as required by Canon B 14 on the following occasions:

[insert dates]

The reason for the dispensation is that in the light of the Government’s guidance on preventing the spread of Coronavirus, there is no church in the benefice which can be used safely for public worship on those occasions.”

If some services can go ahead but others cannot, the resolution may be edited accordingly. For example, where Morning and Evening prayer will be possible and Holy Communion will not the reference to Morning and Evening prayer should be removed. Where Holy Communion may be possible on certain Sundays but not on others it can be edited in respect of this as well.

2. If you think that no church in the benefice should be used for the above services for an indefinite, unspecified period, the minister and the PCC(s) will need to make a joint request to the bishop for a dispensation.³ Neither the minister alone nor the PCC(s) alone can make the request: it must be a joint request. And the bishop cannot grant the dispensation unless the joint request is made.

It is recommended that the resolution(s) of the PCC(s) take(s) the following form:

“The [rector] [vicar] [priest in charge] and the parochial church council of [*name of parish*] acting jointly request that the bishop authorise dispensing with the reading of Morning and Evening Prayer as required by Canon B 11 and the celebration of the Holy Communion as required by Canon B 14 on a regular basis [until *date*].

² The minister and the parochial church council of each parish in the benefice may jointly agree to dispense with the canonical requirements for public worship under paragraph 1(a) of Canon B 14A. The PCC(s) can be asked to deal with the matter under the correspondence procedure provided for in rule M29 of the Church Representation Rules (for which email can be used).

³ Paragraph 1(b) of Canon B 14A

The reason for requesting the dispensation is that in the light of the Government's guidance on preventing the spread of Coronavirus, there is no church in the benefice which can safely be used for public worship and there is no reasonable prospect of any church in the benefice being made safe for that purpose [until at least *date*] because

Again, the PCC(s) can be asked to deal with the matter under the correspondence procedure provided by the Church Representation Rules and the wording of the resolution can be changed to reflect what service patterns may be possible during this time.

There is no hard and fast rule as to whether a dispensation is needed on "an occasional basis" under paragraph 1(a) of Canon B 14A or on "a regular basis" under paragraph 1(b). Ministers and PCCs will need to exercise a degree of judgement. In cases of serious doubt, the archdeacon should be consulted.

If a benefice is vacant and no priest in charge has been appointed, the sequestrators (usually the rural dean and churchwardens) have responsibility for ensuring the performance of public worship. The sequestrators should therefore act jointly with the PCC in dispensing with public worship on an occasional basis or making a request to the bishop for dispensation on a regular basis.

Other services

The requirements for dispensing with holding services set out above are concerned only with Morning and Evening Prayer and Holy Communion, not with the occasional offices

Funerals are currently permitted in churches, churchyards and cemeteries with a maximum of 30 people attending (see our funeral guidance [here](#) for more details). Linked services, such as the burial of ashes, are also permitted with up to 6 people in attendance. Weddings in church are currently permitted with a maximum of 6 people attending (though Government advice is that weddings should currently take place only in exceptional circumstances). All of these activities require a risk assessment of the church or churchyard to be carried out and all reasonable measures to be put in place to limit the risk of coronavirus transmission.

If you do not consider that it would be safe to conduct a wedding or a funeral in a church building, you should discuss this with those involved and ask them to consider the possibility of other options. In the case of a funeral these would include the funeral taking place at a crematorium, or at the graveside. There is no legal right to a funeral service in the church itself (as opposed to at a crematorium or at the graveside) and it is ultimately a decision for the minister whether that should happen. A wedding couple might be prepared to defer their wedding until lockdown restrictions are relaxed but parishioners and those with a qualifying connection have a legal right to marry in their parish church and cannot be put off indefinitely if they still wish to marry despite the current restrictions. If you do not feel safe officiating at a service yourself, you can delegate your duties to other clergy who are willing and able to officiate.

If you have any concerns about how you should proceed do speak to your local Archdeacon.

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