



DIOCESE OF BATH & WELLS

Changing Lives, Changing Churches for Changing Communities

Clergy who are visiting, who minister only occasionally, or on a one-off occasion.

Guidelines from the Bishop

Introduction

1. As a general rule, *“a minister duly ordained priest or deacon... may officiate in any place only after receiving authority from the bishop of the diocese...”* - Canon C 8 (2). A minister has the bishop’s authority only if he or she:
 - a. has been instituted by the bishop to a benefice;
 - b. has received the bishop’s licence; or,
 - c. has the bishop’s written permission to officiate (PTO).

- Canon C 8 (2 (a)-(d)).¹
2. A minister who does not have the bishop’s authority has nonetheless been ordained and is in holy orders. On occasions it may seem convenient or pastorally appropriate for a minister without the bishop’s authority to exercise ministry on an irregular or one-off basis, for example if the minister has a long-standing association with a particular family and is asked to conduct a funeral or a wedding for them; or if a minister who would normally minister in a different Diocese is visiting this Diocese; or if a retired minister wishes to minister only irregularly.
3. These general guidelines from the Bishop are intended to clarify what a minister who does not have his authority may or may not do in this Diocese.

The General Exception:

One-off and irregular ministry

4. Canon C 8 (2) (a) provides an important exception to the general rule that a minister may not minister without the bishop’s authorisation. It permits a minister to exercise ministry on an irregular basis² at the specific invitation of the incumbent³ without seeking the bishop’s permission. The incumbent must be satisfied that the minister is *“of good life and standing and otherwise qualified under this Canon.”*

¹ Canon C 8 sets out various exceptions to this general rule, for example for members of a cathedral chapter, for ministers with a provincial preacher’s licence, and for ministry on an irregular basis (see paragraph Off).

² Currently no more than seven days within a three month period. These provisions are currently under review.

³ Canon C 8 (2) uses the phrase “minister having cure of souls of a church or chapel or the sequestrator when the cure is vacant or the dean or provost and the canons residentiary of any cathedral or collegiate church.” The simpler (but not strictly accurate) term “incumbent” is used instead throughout this document.

5. While this assessment is for the incumbent to make, the Canon emphasises that the incumbent must have “*actual personal knowledge*” or “*good and sufficient evidence*” that the invited minister is of good life and standing. This is not a test to be taken lightly. Those who minister in a church, even occasionally, are perceived to be in a position of respect and trust. Sadly but inevitably, this respect and trust is used by some to perpetrate abuse. It is important that this safeguarding risk is managed by properly checking and vetting all those who minister, even occasionally.

Failure to make the appropriate enquiries to ensure that someone is of good life and standing is therefore a significant breach of the Canons and could be the subject of disciplinary proceedings.

6. The Bishop directs that he would expect an incumbent applying the “*good life and standing*” test either:
 - a. to be satisfied that the invited minister holds the authorisation of a Bishop in another Diocese (whether by institution, licence or PTO) and has been the subject of safeguarding checks in that Diocese; or,
 - b. to be satisfied that the invited minister holds a current, clean DBS certificate⁴ (formerly CRB certificate), **and** to have contacted the Bishop’s Office to enquire whether there are any concerns about the good life and standing of the invited minister.

To fulfil (a), it is good practice to ask the Bishops’ Office (usually through the Senior Chaplain) to make enquiries of the Bishop of the other diocese concerned.

7. If an incumbent is unable to satisfy himself that the invited minister holds a recent DBS certificate and the invitation is for a one-off occasion, the incumbent should seek the advice of the bishop.⁵
8. If an incumbent is unsure about the good life and standing of a minister, they should seek the advice of the bishop.
9. It should be noted that the general exception provided by Canon C 8 (2) does not apply to:
 - ministers ordained overseas; or
 - ministers ordained in a church the orders of which are recognised by the Church of England (including Anglican Communion churches), unless they have received the Archbishop’s permission to minister under Canon C 8 (5).

⁴ A DBS check should have been conducted within the last three years.

⁵ It is not unusual for a minister who has not regularly exercised ministry for some time to be approached, for good pastoral reasons, to conduct an occasional office. Often in such circumstances the minister does not hold a recent safeguarding certificate and has not received recent safeguarding training. It would be unreasonable to expect them to undergo a DBS check for a single occasion. Where the occasion is truly one-off and unlikely to be repeated, the safeguarding risks may be minimal and it may be possible to allow the invited minister to exercise ministry in this limited way. In such circumstances the incumbent should always consult the bishop, who will consult the Safeguarding Adviser.

Specific situations:

What follows is advice about what a minister without the bishop's authorisation can and cannot do in specific situations, assuming that the general exception described in paragraphs 4 - 9 does not apply.

Holy Communion

10. Consecrating and administering at Holy Communion is a priestly function – Canon B 12 (1). A minister without the bishop's authorisation may not consecrate and administer at Holy Communion.

11. No one may distribute⁶ the holy sacrament unless he has been ordained (priest or deacon), or has been specially authorised to do so by the bishop – Canon B 12 (3). This is given through the 'Chalice and Paten' procedure to named people on a list on request from the incumbent and PCC.

12. To distribute the holy sacrament on the basis that a minister is ordained would be to exercise ordained ministry. Therefore a minister without the bishop's authorisation cannot distribute communion as an ordained minister unless the general exception described in paragraphs 4 – 9 above applies.

13. A minister without the bishop's authorisation to minister may, however, distribute if they have been specifically authorised to do so by the bishop under Canon B 12 (3), as a lay person could do.

Weddings

14. Conducting a marriage service is a priestly and legal function. While the Marriage Act 1949 simply requires the minister to be in holy orders, Canon C 8 (2) requires the minister to have the bishop's authorisation in order to exercise ministry. A minister without the bishop's authorisation may not, therefore, conduct marriage services, unless the general exception described in paragraphs 4 – 9 above applies.

Funerals

15. The Canons envisage that the Church of England burial service will only be read by a minister or by a licensed lay person.⁷ Therefore a minister without authorisation to minister should not conduct a funeral unless the general exception described in paragraphs 4 – 9 above applies.

16. Furthermore, in the case of a funeral in a crematorium or cemetery the consent of the incumbent of the parish in which the person died or was resident or was on the electoral role is necessary. The same is true whether the minister conducting the funeral holds PTO or the general exception described in paragraphs 4 – 9 above applies.

17. While a lay person is legally entitled to conduct a funeral,⁸ an ordained minister cannot readily set aside their ordained status in order to conduct a funeral as a lay

⁶ Distributing means serving the host and chalice to the congregation, or delivering the elements to the sick or infirm in another place. It is not to be confused with administering Holy Communion (see paragraph 10).

⁷ Canons B 38, D 1, E 4, E 7.

⁸ Section 6 of the Burial Laws Amendment Act 1880

person.⁹ Because they are an ordained minister of the Church of England, an ordained minister may only conduct a Church of England funeral, whether in a church or in a crematorium, and must be authorised to do so. They cannot conduct any other kind of funeral.

18. At a crematorium or a cemetery, Canon B 38 (7) requires a funeral service to be performed only in accordance with directions given by the bishop. The Bishop directs that no ordained minister shall conduct a funeral service in a crematorium or cemetery unless she or he:
- a. has the bishop's authorisation (see paragraph 1), or falls within the general exception described above (see paragraphs 4 – 9); and in either case he or she,
 - b. has the consent of the relevant incumbent mentioned in paragraph 16 above.
- A minister who fails to comply with this direction may be subject to discipline under the Clergy Discipline Measure 2003.

Baptisms

19. Baptism is ordinarily to be administered by a minister in the exercise of her or his ministry – Canons B 21-24. Therefore a minister without the bishop's authorisation to minister should not ordinarily baptise, unless the general exception described in paragraphs 4 – 9 above applies.

20. It has long been established that baptism by a lay person may be necessary in emergencies and is irregular but effectual.¹⁰ The same applies to baptism by a minister without the bishop's authorisation.

Officiating at the daily offices

21. Officiating at morning or evening prayer is not a specifically clerical function. A minister without the bishop's authorisation to minister may therefore officiate at the daily offices, but the Bishop would expect the minister to be careful not to give the impression that he or she is officiating as a priest by robing, wearing a clerical collar or using "Reverend," "Father" or any other title indicating ordained status.

Preaching

22. Preaching is not a specifically clerical function, but it is a function regulated by the Canons. Canon B 18 requires anyone preaching to be a minister or licensed lay person duly authorised under the Canons.

23. Canon B 18 also allows for anyone to preach on a particular occasion at the invitation of the incumbent and with the permission of the bishop given either in relation to the particular occasion or in accordance with diocesan directions. The Bishop directs that the incumbent may permit any person (including a minister who is not authorised to minister) to preach on no more than one occasion in six months at the incumbent's discretion. The bishop will consider written applications from the incumbent for any person to preach on a more regular basis. The bishop would ordinarily require anyone preaching on a more regular basis to undergo safeguarding checks and may impose other requirements, including training and/or assessment.

⁹ With the exception of a minister who relinquishes their orders under sections 3 and 4 of the Clerical Disabilities Act 1870, who reverts for all practical purposes to the status of a lay person. The relinquishing of orders is effectively permanent, although it may, exceptionally, be reversed.

¹⁰ See the case of *Kemp v Wickes* (1809)

Robes and clerical clothing

24. There is no requirement for an ordained person to have the bishop's authorisation to wear robes or other clerical clothing (for example, the clerical collar), although the Bishop would highlight his directions in paragraphs 18 and 21 above (funeral services at a crematorium or cemetery and officiating at the daily offices).

Titles

25. There is no requirement for an ordained person to have the bishop's authorisation to use clerical titles such as "Reverend" or "Father," although the Bishop would highlight his directions in paragraphs 18 and 21 above (funeral services at a crematorium or cemetery and officiating at the daily offices).

Societies

26. Whether a minister may be admitted to (or continue to be a member of) voluntary priestly associations if he does not have the bishop's permission to minister is a matter for each society or association, although the Bishop would advise all ministers to make their position clear to such organisations in order to avoid misunderstandings.

The use of other gifts in the local church

27. The Bishop would like to emphasise that ministers without his authorisation have a range of gifts, skills and talents in many areas (technical, financial or administrative) which are not regulated by the Canons and do not require his authorisation. He would encourage ministers and local churches to use these fully.

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