

GENERAL SYNOD OF THE CHURCH OF ENGLAND
AMENDING CANON NO. 43 (MISCELLANEOUS PROVISIONS)
EXPLANATORY NOTE

Introductory

1. Amending Canon No. 43 makes miscellaneous provisions to the Canons of the Church of England. It complements the Church of England (Miscellaneous Provisions) Measure, passed by the General Synod at the July 2023 group of sessions and awaiting its Parliamentary stages.

Demise of the Crown

2. *Paragraphs 1 to 5* amend the Canons in consequence of the recent demise of the Crown. The amendments are to Canons A 1 and A 6 (the government of the Church of England), Canon A 7 (the Royal Supremacy), Canon B 19 (the Bidding Prayer), Canon C 13 (the Oath of Allegiance) and Canon C 17 (archbishops).

Miscellaneous amendments

Services in parish churches

3. *Paragraph 6* removes an anomaly that arose from amendments made by Amending Canon No. 39. That Amending Canon changed the requirement to hold certain services each Sunday and on other specified days in a church in every *parish* to a requirement to hold those services in a church in every *benefice*. However, the amendments removed a backstop that would prevent a church from ceasing to be used for public worship altogether when a decision is taken on where services should take place. If a church is to cease to be used for public worship altogether, the policy is that it be closed for worship under the Mission and Pastoral Measure 2011.
4. *Paragraph 6* accordingly amends Canon B 11 (morning and evening prayer) and Canon B 14 (Holy Communion) to reinstate the backstop preventing a decision from leaving a church ceasing to be used for public worship altogether.

Marriage

5. *Paragraph 7* amends Canons B 31 and B 32 (impediments to marriage and to solemnization of Holy Matrimony) in consequence of the change to the law made by the Marriage and Civil Partnership (Minimum Age) Act 2022. That Act raised the minimum age at which a person may lawfully marry from 16 to 18 and came into force on 27th February 2023.
6. *Paragraph 8* amends Canon B 34 (legal preliminaries to marriage) and Canon B 36 (services after civil marriage) in consequence of recent amendments to the Marriage Act 1949 to replace a superintendent registrar's certificate with a marriage schedule.

Lay residentiary canons

7. *Paragraph 9* amends Canon C 21 (qualifications for appointment as a residentiary canon) in consequence of section 7 of the current Church of England (Miscellaneous Provisions) Measure (referred to in paragraph 1 of this note). Section 7 of that Measure inserts the following new section 14A in the Cathedrals Measure 2021—

“14A Lay residentiary canons

- (1) A person who has been admitted to the office of reader or as a lay worker for at least six years and is licensed to exercise office or serve as such is capable of being appointed as a residentiary canon of a cathedral but only if, and in so far as, the constitution so provides.
 - (2) A reference in this or any other Measure to a lay residentiary canon of a cathedral is a reference to a reader or lay worker appointed under provision included in the constitution by virtue of this section.
 - (3) This section and any provision included in the constitution by virtue of it have effect in spite of —
 - (a) section 10 of the Act of Uniformity 1662 (which provides that only an episcopally ordained priest can be admitted to an ecclesiastical promotion or dignity), and
 - (b) section 27 of the Ecclesiastical Commissioners Act 1840 (which requires a person to have been in holy orders for at least six years to be capable of appointment to a residentiary canonry).”
8. The amendment to Canon C 21 reflects the condition in subsection (1) of that new section 14A that only a person who has been admitted as a reader or lay worker for at least six years and is licensed to serve as such is eligible for appointment as a lay residentiary canon.

Rural deans

9. *Paragraph 10* amends Canon F 17 (requirements for record-keeping of church property) and Canon F 18 (survey of churches) to enable a person other than the rural dean to act as the deputy of the archdeacon under those Canons. In many places, the office of rural dean is known as that of “area dean”. Under section 12(4) of the Church of England (Miscellaneous Provisions) Measure 2000, the diocesan bishop may make a declaration that that is to be the case. Accordingly, a reference in legislation to a rural dean is to be read as including a reference to an area dean.
10. There may be cases where the rural dean is not available to act as deputy to the archdeacon, causing a delay to when the inspection of records or church buildings can take place. The amendments in *paragraph 10* would enable somebody else to be appointed as deputy to archdeacon for those purposes.

Ecclesiastical courts

11. *Paragraph 11* provides that the qualifications for appointment as a deputy diocesan or provincial registrar are the same as those for appointment as registrar, including the requirement to be a communicant.

Interpretation

12. *Paragraph 12* amends Canon I on interpretation so as to provide that the rules for the interpretation of Canons also apply to the interpretation of instruments made under a Canon (for example, the regulations made under Canon B 12 on Holy Communion or under Canon C 30 on safeguarding).

Updating statutory and other references

13. *Paragraph 13* amends Canon B 2 (approval of forms of service) and Canon B 42 (language of divine service) so as to replace references to the Cathedrals Measure 1999 with references to the Cathedrals Measure 2021 and to remove references to the Cathedrals Measure 1963.
14. *Paragraphs 14 and 16* amend Canon C 22 (archdeacons) and Canon F 18 (survey of churches) so as to replace references to the Inspection of Churches Measure 1955 with a reference to the consolidated provisions in the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.
15. *Paragraph 15* amends Canon E 6 (readers) and Canon E 8 (lay workers) in consequence of Amending Canon No. 42 (safeguarding) so as to replace references to diocesan safeguarding advisors with references to diocesan safeguarding officers.
16. *Paragraph 17* amends Canon G 4 (registrars) so as to update the reference to solicitors and barristers currently qualified in England and Wales.

Legal Office
Church House, Westminster
July 2023

GENERAL SYNOD OF THE CHURCH OF ENGLAND
AMENDING CANON NO. 43 (MISCELLANEOUS PROVISIONS)

PART 1

THE DEMISE OF THE CROWN

The Church of England

1. In each of Canons A1 and A6 (the Church of England and its government), for “the Queen’s Majesty” substitute “the King’s Majesty”.
2. In Canon A7 (the Royal Supremacy), for “the Queen’s excellent Majesty” substitute “the King’s excellent Majesty”.

The Bidding Prayer

3. (1) In Canon B19, the Bidding Prayer is amended as follows.
 - (2) In the second paragraph—
 - (a) for “the Queen’s most excellent Majesty our Sovereign Lady Elizabeth” substitute “the King’s most excellent Majesty our Sovereign Lord Charles”,
 - (b) for “her other realms and territories, Queen” substitute “his other realms and territories, King”, and
 - (c) for “Philip Duke of Edinburgh, the Prince of Wales” substitute “Queen Camilla, William Prince of Wales, the Princess of Wales”.
 - (3) In the third paragraph—
 - (a) for “Queen’s” substitute “King’s”, and
 - (b) for “her people” substitute “his people”.
 - (4) In the sixth paragraph, for “Queen” substitute “King”.

The Oath of Allegiance

4. In Canon C13, in the Oath of Allegiance set out in each of paragraphs 1 and 3, for “Her Majesty Queen Elizabeth II, her heirs and successors” substitute “His Majesty King Charles III, his heirs and successors”.

Archbishops

5. In Canon C17 (archbishops), in paragraph 7, for “the Queen’s Majesty” substitute “the King’s Majesty”.

PART 2

MISCELLANEOUS AMENDMENTS

Services in parish churches

6. (1) In Canon B 11 (morning and evening prayer), after paragraph 2 insert—

“2A. In making a decision as to how to give effect to paragraph 1 or 2, the person or persons doing so shall ensure that no church ceases altogether to be used for public worship.”

(2) In Canon B 14 (Holy Communion), after paragraph 1 insert—

“1A. In making a decision as to how to give effect to paragraph 1, the person or persons doing so shall ensure that no church ceases altogether to be used for public worship.”

Marriage

7. (1) In Canon B 31 (impediments to marriage), in paragraph (1), for “16” in each place it appears substitute “18”.

(2) In Canon B 32 (impediments to solemnization of matrimony)—

- (a) omit “(not being a widow or widower)”, and
- (b) omit from “otherwise” to the end.

(3) The amendments made by this paragraph do not affect the validity of a marriage made before 27th February 2023 (the date of the commencement of section 1 of the Marriage and Civil Partnership (Minimum Age) Act 2022).

8. (1) In Canon B 34 (preliminary requirements for solemnization of matrimony), in paragraph 1, for sub-paragraph (d) substitute—

“(d) on the authority of a marriage schedule issued under Part 3 of the Marriage Act 1949.”

(2) In Canon B 36 (service after civil marriage), in paragraph 2, for “licence or certificate authorizing a marriage” substitute “licence authorizing a marriage nor any marriage schedule under Part 3 of the Marriage Act 1949”.

Lay residentiary canons

9. In Canon C 21 (deans and residentiary canons), in paragraph 1, at the end insert “; but this is subject to section 14A of the Cathedrals Measure 2021 (which enables the constitution of the Chapter of a cathedral to provide that a person who has been admitted to the office of reader or as a lay worker for at least six years and is licensed to exercise office or serve as such may be appointed as a residentiary canon of that cathedral)”.

Rural deans

10. (1) In Canon F 17 (keeping a record of property of churches), in paragraph 2, after “rural dean” insert “or some other deputy”.

(2) In Canon F 18 (survey of churches), after “rural dean” insert “or some other deputy”.

Ecclesiastical Courts

11. In Canon G 4 (registrars), after paragraph 2 insert—

“2A. The qualifications for appointment as the deputy of such a registrar under section 29(1) or 31(1) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 are the same as those for the appointment of such a registrar under paragraph 2; and the registrar making the appointment must be satisfied that the appointee is a communicant.”

Interpretation

12. In Canon I (interpretation of the Canons), after paragraph 2 insert—

“3. A reference to a Canon includes a reference to an instrument made under a Canon.”

PART 3**UPDATING STATUTORY AND OTHER REFERENCES****Section B (divine service and the administration of the sacraments)**

13. (1) In Canon B 2 (approval of forms of service), in paragraph 2B—

- (a) in sub-paragraph (2), for “Part 1 of the Cathedrals Measure 1999” substitute “the Cathedrals Measure 2021”, and
- (b) omit sub-paragraph (3).

(2) In Canon B 42 (language of divine service), in paragraph 4—

- (a) in sub-paragraph (2), for “Part 1 of the Cathedrals Measure 1999” substitute “the Cathedrals Measure 2021”, and
- (b) omit sub-paragraph (3).

Section C (ministers, their ordination, functions and charge)

14. In Canon C 22 (archdeacons), in paragraph 5, for “the Inspection of Churches Measure 1955” substitute “sections 45 to 47 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

Section E (the lay officers of the Church)

15. In each of the following provisions, for “advisor” substitute “officer”—

- (a) in Canon E 6 (licensing of readers), paragraphs 6(6)(a) and 7(5)(a) and (10)(g), and
- (b) in Canon E 8 (admission and licensing of lay workers), paragraphs 8(6)(a) and 9(5)(a) and (10)(g).

Section F (things appertaining to churches)

16. In Canon F 18 (survey of churches), for “the Inspection of Churches Measure 1955” substitute “sections 45 to 47 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

Section G (the ecclesiastical courts)

17. In Canon G 4 (registrars), in paragraph 2, for “have a general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990” substitute “be a solicitor of the Senior Courts of England and Wales or a barrister in England and Wales”.

GENERAL SYNOD OF THE CHURCH OF ENGLAND

CONSTITUTIONS AND CANONS ECCLESIASTICAL, maturely treated upon by the Archbishops, Bishops, Clergy and Laity of the General Synod of the Church of England in their Synod begun at Westminster in the Year of Our Lord Two thousand and twenty-one and in the seventieth year of the Reign of Our Late Sovereign Lady Queen Elizabeth the Second of Blessed and Glorious Memory and continued in being upon the Accession of Our Sovereign Lord King Charles the Third by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of His Other Realms and Territories King Head of the Commonwealth Defender of the Faith being a Canon entitled “Amending Canon No. 43 (Miscellaneous Provisions)” which received His Majesty’s Royal Assent and Licence on the fifteenth day of February Two thousand and twenty-four

WE, being the Presidents, the Prolocutor of the Convocation of Canterbury, the Prolocutor of the Convocation of York and the Chair and Vice-Chair of the House of Laity of the said Synod do hereby declare and testify Our Consent to the said Canon entitled “Amending Canon No. 43 (Miscellaneous Provisions)” And in testimony of such Our Consent We have hereunto subscribed our names as hereafter follows:

DATED this twenty-third day of February in the Year of Our Lord two thousand and twenty-four and in the second year of the reign of Our Sovereign Lord King Charles the Third

+Justin Cantuar:

PRESIDENT

Stephen Ebor:

PRESIDENT

Luke Miller

PROLOCUTOR

Kate Wharton

PROLOCUTOR

James Harrison

CHAIR, HOUSE OF LAITY

Alison Coulter

VICE-CHAIR, HOUSE OF LAITY

REGISTRAR