

25.01.19

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To: All Diocesan Secretaries

Stephen Slack

*Head of the Legal Office, Chief Legal Adviser to the Archbishops' Council and the General Synod and Official Solicitor to the Church Commissioners*

15<sup>th</sup> March 2019

Dear Diocesan Secretary

**General Synod  
Promulgation of Amending Canon No. 38**

I enclose a copy of Amending Canon No. 38, which was enacted at the February group of sessions. I also enclose a copy of the Instrument of Enactment.

The Amending Canon should be proclaimed at the next meeting of the Diocesan Synod. There is no need for the Canon or the Instrument of Enactment to be read out. Instead, the following form of words is suggested for use by the Chair:

*"I give notice that, at its February 2019 group of sessions, held in London, the General Synod resolved that the Amending Canon No. 38 be made, promulgated and executed.*

*Amending Canon No.38 replaces the former Canon B 43 (relations with other Churches) and Canon B 44 (local ecumenical projects) with a new Canon B 43 to be entitled "Of ecumenical relations."*

Copies of this letter and its enclosures go to your Diocesan Bishop and your Diocesan Registrar.

Yours sincerely

**S Slack**



**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 fifteen and in the sixty-fourth year of the Reign of Our Sovereign Lady Queen Elizabeth the Second by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen Head of the Commonwealth Defender of the Faith being a Canon entitled "Amending Canon No. 38" which received Her Majesty's Royal Assent and Licence on the eleventh day of February Two thousand and nineteen

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. 38" And in testimony of such Our Consent We have hereunto subscribed our names as hereafter follows:

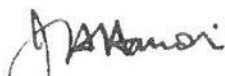
Dated this twenty-first day of February in the Year of Our Lord two thousand and nineteen and in the sixty-eighth year of the reign of Our Sovereign Lady Queen Elizabeth the Second

*+ Paul Carter:*

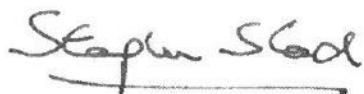
**President**



**Prolocutor**



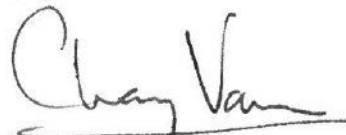
**Chair, House of Laity**



**Registrar**

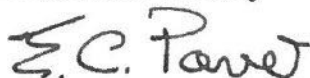
*+ Stephen Ebor:*

**President**



**Prolocutor**

**Vice-Chair, House of Laity**





## AMENDING CANON No. 38

(Of relations with other Churches, Of local ecumenical projects)

1. For Canon B 43 (relations with other Churches) and Canon B 44 (local ecumenical projects), substitute the following—

### **“B 43 Of ecumenical relations**

*Invitations to members of other Churches etc. to take part in services*

1. (1) A person who is a minister or lay member of a designated Church, and who is baptised, may be invited to perform any relevant duty in a parish church or other place of worship in a parish or in a cathedral church.
- (2) Each of the following is a “relevant duty”—
  - (a) saying or singing Morning or Evening Prayer or the Litany or officiating at a Service of the Word,
  - (b) reading the Holy Scriptures;
  - (c) preaching at a service;
  - (d) leading the Intercessions at the Holy Communion or leading prayers;
  - (e) assisting at Baptism or the Solemnization of Matrimony or conducting a Funeral Service;
  - (f) assisting in the distribution of the holy sacrament of the Lord’s Supper to the people at the Holy Communion.
- (3) A person who is a minister or lay member of a designated Church, but who is not baptised, may be invited to perform any relevant duty under sub-paragraph (2)(b) or (d) (including in connection with a service of ordination or confirmation) in a parish church or other place of worship in a parish or in a cathedral church.
- (4) A person who is a minister or lay member of a Church which subscribes to the Holy Trinity but which is not otherwise a designated Church may be invited to perform any relevant duty under sub-paragraph (2)(b) or (d) (including in connection with a service of ordination or confirmation) in a parish church or other place of worship in a parish or in a cathedral church.
- (5) A person who is a member of the Salvation Army may be invited to preach at any service (including a service of ordination or confirmation) in a parish church or other place of worship in a parish or in a cathedral church.
- (6) An invitation under this paragraph to perform a duty otherwise than in connection with a service of ordination or confirmation may be given only by the incumbent of the parish or the Chapter of the cathedral concerned.
- (7) An invitation under this paragraph to perform a duty in connection with a service of ordination or confirmation may be given only by the bishop of the diocese in which the parish or the cathedral church concerned is situated.

- (8) An invitation under this paragraph to perform a duty may be given only if—
- (a) the invitee is authorised to perform a similar duty in his or her own Church,
  - (b) the incumbent, Chapter or bishop giving the invitation, having made such enquiries as are appropriate in all the circumstances, is satisfied that the invitee is of good standing, and
  - (c) in the case of an invitation to assist at Baptism or the Solemnization of Matrimony, the persons concerned have requested that the invitation be given or in the case of an invitation to conduct a Funeral Service, the persons concerned have given their consent.
2. (1) Where a bishop's mission order authorises a minister to exercise ministry in a place in which divine service, or in which any divine service, may be performed, a person of the description given in paragraph 1(1) may be invited to perform in that place any relevant duty within the meaning of paragraph 1(2).
- (2) An invitation under this paragraph may be given only by the leader or leaders of the mission initiative endorsed by the bishop's mission order.

*Invitations to members of other Churches to take part in joint worship etc.*

3. (1) Members of a designated Church may be invited—
- (a) to take part in joint worship with the Church of England in a parish church or cathedral church, or
  - (b) to use a parish church or cathedral church for worship in accordance with the forms of the service and practice of the designated Church.
- (2) An invitation under this paragraph may be given only by the incumbent of the parish or the Chapter of the cathedral concerned.
4. (1) Where a bishop's mission order authorises the performance of divine service by virtue of subsection (13) of section 80 of the Mission and Pastoral Measure 2011, members of a designated Church may be invited—
- (a) to take part in joint worship with the Church of England in a church, building or other place mentioned in that subsection, or
  - (b) to use a building of a kind mentioned in that subsection.
- (2) Where a bishop's mission order authorises the performance of any divine service by virtue of subsection (14) of that section, members of a designated Church may be invited to take part in joint worship with the Church of England in a church, building or other place mentioned in that subsection.
- (3) An invitation under this paragraph may be given only by the leader or leaders of the mission initiative endorsed by the bishop's mission order.

*Invitations from other Churches to take part in services*

5. (1) A relevant office-holder who accepts an invitation from a person authorised by a designated Church to take part in a service may perform in the course of that service any duty assigned to the office-holder if it is the same as or similar to a duty which the office-holder is authorised to perform in the Church of England.
  - (2) Each of the following office-holders in the Church of England is a relevant office-holder—
    - (a) a bishop;
    - (b) a priest or deacon;
    - (c) a deaconess, lay worker or reader.
  - (3) A bishop or priest who is authorised under this paragraph to take part in the ordination or consecration of a minister of a designated Church may, despite that authorisation, not do anything which is a sign of the conferring of holy orders unless the designated Church is an episcopal Church with which the Church of England has established intercommunion.
  
6. (1) Where there is a bishop's mission order, a relevant office-holder who accepts an invitation from a person authorised by a designated Church to take part in a service may perform in the course of that service any duty assigned to the office-holder if it is the same as or similar to a duty which the office-holder is authorised to perform in the Church of England.
  - (2) Each of the following office-holders in the Church of England is a relevant office-holder—
    - (a) a minister who is authorised by the bishop's mission order to exercise ministry in a place in which the minister does not hold office;
    - (b) a deaconess, lay worker or reader who is authorised by the bishop's mission order to perform duties.

*Invitations under paragraphs 1 to 6*

7. (1) An invitation may not be given or accepted under paragraphs 1 to 6 unless—
  - (a) the approval of persons of such description as the Code of Practice may specify has been obtained, and
  - (b) such other conditions as the Code may specify in relation to the giving or acceptance of the invitation have been met.
- (2) An approval required under sub-paragraph (1)—
  - (a) may not be given unless such conditions as the Code may specify have been met;
  - (b) must provide for such matters as the Code may specify;
  - (c) may be given generally or subject to such conditions as the approval may specify;

- (d) may be given for an indefinite period, for such period as the approval may specify or for specified periods only;
  - (e) may be renewed or revoked.
- (3) An approval required under sub-paragraph (1) must be in such form, and must be given in such manner, as the Code may specify.
- (4) In a case within paragraph 5 or 6 of an invitation to preside at the Holy Communion, the approval of a person of a description specified under sub-paragraph (1) may not be given unless that person is satisfied that—
- (a) there are special circumstances which justify acceptance of the invitation, and
  - (b) the rite and the elements to be used are not contrary to, or indicative of a departure from, the doctrine of the Church of England in any essential matter.
- (5) Where, in a case within paragraph 5, the approval of a person of a description specified under sub-paragraph (1) is withheld, the office-holder concerned may appeal to the bishop of the diocese in which the service is to take place.
- (6) If, on an appeal under paragraph (5), the bishop decides, after considering the views of the office-holder and the person who withheld the approval, that the approval has been unreasonably withheld, the bishop—
- (a) may authorise the office-holder to take part in the service, and
  - (b) if the bishop does so, must inform the person whose approval was withheld of the reasons for the decision.

*Local Ecumenical Co-operative schemes*

8. (1) This paragraph applies where a local ecumenical co-operative scheme is or is to be established—
- (a) for the whole or part of one or more parishes (other than the parish of a cathedral church),
  - (b) for an area in which a cathedral church is situated (which includes, in the case of a cathedral church which is a parish church, the parish of that church),
  - (c) for an institution in respect of which a clerk in holy orders is licensed under section 2 of the Extra-Parochial Ministry Measure 1967, or
  - (d) in connection with a bishop's mission order.
- (2) The bishop of the diocese or, in a case within sub-paragraph (1)(d), the bishop or bishops making the order may enter into an agreement with the appropriate authority of each Church participating in the scheme in relation to the participation of the Church of England in the scheme.
- (3) Where the area of a local ecumenical co-operative scheme is extended to include the whole or part of a parish which was not previously included in the scheme



(other than the parish of a cathedral church), the Church of England may not participate in the scheme in relation to that parish or part unless the bishop of the diocese has entered into an agreement to that effect.

(4) An agreement under this paragraph has effect for such period as the agreement specifies, unless it is extended on one or more occasions in reliance on sub-paragraph (5) or revoked by either party in accordance with the agreement.

(5) The duration of an agreement under this paragraph may from time to time be extended by an agreement entered into between the bishop of the diocese and the appropriate authority of each participating Church for such period as the agreement specifies.

9. Where a local ecumenical co-operative scheme is amended to include a Church or an additional congregation of a Church participating in the scheme, the Church of England may not continue to participate in the scheme unless—
  - (a) the bishop of the diocese has given agreement to the amendment, or
  - (b) if the area of the scheme comprises areas in different dioceses, the bishop of each diocese has given agreement to the amendment.
10. (1) Where a bishop has entered into an agreement under paragraph 8 or given agreement under paragraph 9, the bishop by an instrument in writing—
  - (a) may exercise any of the powers that the bishop has under paragraphs 1 to 6 of this Canon or under Canon B 14A or Canon B 40, and
  - (b) may make provision as to any of the following five matters.
  - (2) The first matter is the exercise of ministry—
    - (a) in a case within paragraph 8(1)(a), in the whole or part of the parish or parishes concerned by office-holders who are beneficed in or licensed to the parish or one or more of them;
    - (b) in a case within paragraph 8(1)(b), in the area concerned by office-holders who minister in or are licensed to the cathedral church;
    - (c) in a case within paragraph 8(1)(c), in the institution concerned by office-holders who are licensed in respect of that institution;
    - (d) in a case within paragraph 8(1)(d), in the area to which the mission initiative endorsed by the bishop's mission order applies by office-holders who are licensed in connection with the order.
  - (3) The second matter is the authorisation of a minister of another Church participating in the scheme with the goodwill of the persons concerned to baptise in accordance with a rite authorised by that or another participating Church—
    - (a) in a case within paragraph 8(1)(a), (b) or (c), in a place of worship of the Church of England in the area concerned;
    - (b) in a case within paragraph 8(1)(d), in a place where divine service is authorised to be performed by the bishop's mission order.

(4) The third matter is the authorisation of a priest of the Church of England to preside at a service of Holy Communion in accordance with a rite authorised by another Church participating in the scheme—

- (a) in a case within paragraph 8(1)(a), (b) or (c), in a place of worship of the Church of England in the area concerned;
- (b) in a case within paragraph 8(1)(d), in a place where divine service is authorised to be performed by the bishop's mission order.

(5) The fourth matter is the holding of joint services (including baptism and confirmation) with another Church participating in the scheme—

- (a) in a case within paragraph 8(1)(a), (b) or (c), in the area concerned;
- (b) in a case within paragraph 8(1)(d), in a place where divine service is authorised by the bishop's mission order to be performed.

(6) The fifth matter is the authorisation of the holding of services of Holy Communion presided over by a minister of another Church participating in the scheme—

- (a) in a case within paragraph 8(1)(a), (b) or (c), in a place of worship of the Church of England in the area concerned;
- (b) in a case within paragraph 8(1)(d), in a place where divine service is authorised to be performed by the bishop's mission order.

(7) In sub-paragraph (2), "office-holder" means a clerk in holy orders, deaconess, lay worker or reader.

11. (1) An instrument under paragraph 10 may not make provision to authorise a rite to be used in a service mentioned in sub-paragraph (4), (5) or (6) of that paragraph unless the bishop is satisfied that the rite and the elements to be used are not contrary to, or indicative of a departure from, the doctrine of the Church of England in any essential matter.

(2) Where an instrument under paragraph 10 makes provision for the holding of a service under sub-paragraph (6) of that paragraph —

- (a) notice must, so far as practicable, be given on the preceding Sunday with an indication of the rite to be used and the Church to which the minister who is to preside belongs;
- (b) the service is not to be held out or taken as being a celebration of the Holy Communion according to the use of the Church of England, even if the form of service used follows a form authorised under Canon B1 or a substantially similar form;
- (c) no portion of the bread and wine consecrated at the service may be carried out in accordance with Canon B 37.2 except at the express wish of the sick communicant concerned;
- (d) carrying out a portion of bread and wine in reliance on paragraph (c) must be done during or immediately after the service or as soon as practicable on the same day.

(3) When acting under paragraph 10 or under an instrument under that paragraph, a bishop must ensure that public worship according to the rites of the Church of England is maintained with reasonable frequency.

(4) When acting under Canon B 14A, by virtue of paragraph 10(1)(a), in relation to the celebration of the Holy Communion, the bishop must (in addition to complying with the requirements of that Canon) have regard to—

- (a) the duty imposed by Canon B 15.1 (duty of confirmed to receive Holy Communion regularly), and
- (b) the extent and frequency of the celebration of the Holy Communion according to the rites of the Church of England in neighbouring areas.

(5) An instrument under paragraph 10 may be amended or revoked by a subsequent instrument made in the same manner.

(6) A bishop may not make, amend or revoke an instrument under paragraph 10 unless the bishop has consulted persons of such description as the Code of Practice may specify.

(7) This paragraph, so far as relating to cathedral churches, does not affect the requirements of Canon B 10 or Canon B 13.

(8) Sub-paragraphs (3) and (4) do not apply in a case within paragraph 8(1)(d).

12. (1) A bishop may not enter into an agreement under paragraph 8 or give agreement under paragraph 9 unless the bishop—

- (a) has consulted persons of such description as the Code of Practice may specify, and
- (b) has obtained the approval of persons of such description as the Code may specify and the approval of—
  - (i) in a case within paragraph 8(1)(a), the parochial church council and incumbent of the parish concerned or, if the scheme is to be established for the whole or part of more than one parish, of each parish concerned;
  - (ii) in a case within paragraph 8(1)(b), the chapter of the cathedral concerned.

(2) A bishop may at any time revoke an agreement made under paragraph 8 or given under paragraph 9; but the bishop may not do so unless the bishop—

- (a) has given notice, of such period and in such manner as the Code may specify, of the proposed revocation, and
- (b) has consulted persons of such description as the Code may specify.

(3) An agreement made under paragraph 8 or given under paragraph 9 must be in such form as the Code may specify.

(4) The powers of a bishop under paragraphs 8 to 11 may be exercised only in respect of a local ecumenical co-operative scheme in which every other Church participating in the scheme is a designated Church.

*General*

13. (1) This paragraph applies for the purposes of this Canon.
- (2) “Designated Church” means a Church to which the Church of England (Ecumenical Relations) Measure 1988 for the time being applies.
- (3) “Appropriate authority” has the meaning given in section 6 of that Measure.
- (4) “Incumbent”, in relation to a parish—
  - (a) in a case where the benefice is vacant and no suspension period (within the meaning of the Mission and Pastoral Measure 2011) applies to the benefice, means the rural dean;
  - (b) in a case where a suspension period applies to the benefice, means the priest-in-charge;
  - (c) in a case where a special cure of souls in respect of the parish has been assigned to a vicar in a team ministry by a scheme under the Mission and Pastoral Measure 2011 by a licence from the bishop, means that vicar.
- (5) “Place of worship” means a building licensed for public worship or part of a building so licensed.
- (6) “Minister”, in relation to a Church participating in a local ecumenical co-operative scheme, means a person ordained to the ministry of the word and sacraments.
- (7) “Code of Practice” means the Code of Practice for the time being issued under section 5B of the Church of England (Ecumenical Relations) Measure 1988.”