

The Diocese of Exeter
Bishop's Guidelines for the Ordained Ministry
Section 2A – Ordained Ministers who do not hold the
Bishop of Exeter's Licence or Permission to Officiate

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 delegated 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 (3).¹

2. A minister who does not have the Bishop's delegated 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 a minister who would normally minister in a different Diocese is visiting this Diocese, or where a retired minister wishes to minister only irregularly.

3. These general guidelines are intended to clarify what a minister who does not have such authorisation 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.² It permits a minister to exercise ministry on an irregular basis³ at the specific invitation of the incumbent⁴ without seeking

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 2).

² It should be noted that the general exception provided by Canon C 8 (2) does not apply to ministers ordained overseas unless they have received the Archbishop's permission to minister under Canon C 8 (5).

³ Currently no more than seven days within a three month period. These provisions are currently under review.

⁴ 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.

the bishop's permission. The incumbent must be satisfied that the minister is "of good life and standing and otherwise qualified under this Canon."

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, and failure to make the appropriate enquiries would be a breach of the Canons and could be the subject of disciplinary proceedings.

6. As a minimum, the incumbent is expected to do whichever of the following applies:

- a. If the minister resides in the diocese, they should contact the Diocesan Bishop's Office to enquire whether there are any concerns about the good life and standing of the invited minister and to ensure that the invited minister holds a recent CRB or current DBS certificate and that no safeguarding concerns are raised by it.
- b. If the invited minister already holds a Bishop's authorisation in another diocese (i.e. they are a Freehold Incumbent, they hold a licence or have Permission to Officiate) they should contact the Diocesan Bishop's office of that diocese to make the same enquiries as in a.

7. If an incumbent is unable to satisfy himself that the invited minister holds a recent CRB certificate or DBS certificate and the invitation is for a one-off occasion, the incumbent should seek the advice of the Bishop.⁵

8. If, after following 6 and 7 above, an incumbent is still unsure about the good life and standing of a minister, they should always seek the advice of the Bishop.

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 mentioned in paragraphs 4 - 8 does not apply.

Holy Communion

9. Consecrating and administrating at Holy Communion is a priestly function – Canon B 12 (1). A minister without the Bishop's authorisation may not preside at Holy Communion.

10. 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). 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.

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 and 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 give the necessary permission provided that the minister works under observation. The incumbent should always consult the bishop in such circumstances.

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 sometimes confused with administrating or presiding at Holy Communion (see paragraph 9).

11. A minister without the Bishop's authorisation to minister may, however, distribute in a lay capacity if they have been specifically authorised to do so by the Bishop under Canon B 12 (3).

Marriage

12. 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 conduct marriage services. A marriage service conducted by a minister ordained outside the British Isles and who does not hold the Archbishop's Permission to Officiate under the Overseas and Other Clergy Measure is likely to be ruled to be invalid.

Funerals

13. 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.

14. A lay person is legally entitled to conduct a funeral.⁸ However, they are only entitled to read the Church of England service if they have been authorised to do so by the incumbent of the parish in which the burial ground is situated.⁹ A minister without authorisation to minister may therefore conduct a funeral in a burial ground in a lay capacity with the permission of the incumbent of the parish. The incumbent should make the same enquiries as set out in paragraphs 4 - 8 above.

15. 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. In cases where a minister without the Bishop's authorisation wishes to conduct a funeral service at a crematorium or a cemetery in a lay capacity, he or she shall not read the Church of England service, wear clerical robes, use the title "Reverend" or "Father" or in any way suggest that he or she is acting as a representative of the Church of England. An ordained minister who fails to comply with this direction may be subject to discipline under the Clergy Discipline Measure 2003.

Baptisms

16. 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.

17. 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

18. Officiating at morning or evening prayer is not a specifically clerical function. A minister without the Bishop's authorisation to minister may officiate at the daily offices as a

⁷ Canons B 38, D 1, E 4, E 7.

⁸ Section 6 of the Burial Laws Amendment Act 1880

⁹ See *Legal Opinions concerning the Church of England* (8th Ed. 2007) p.251

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

lay person, but the minister must be careful not to give the impression that he or she is officiating as a priest by robing, wearing a clerical collar or using the title "Reverend" or "Father."

Preaching

19. Preaching is not a specifically clerical function, but it is a function regulated by the Canons. Canon B 18 requires anyone preaching on a regular basis to be a minister or licenced lay person duly authorised under the Canons. A minister without the Bishop's authorisation should not, therefore, preach on a regular basis.

20. On an occasional basis Canon B 18 allows for someone to preach on a particular occasion at the invitation of the incumbent and with the permission of the Bishop. Applications for a minister without the Bishop's authorisation to preach on a particular occasion will be considered on a case-by-case basis.

Robes and clerical clothing

21. 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 direction in paragraph 15 above (funeral services at a crematorium or cemetery) should be noted and followed.

Titles

22. 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 direction in paragraph 15 above (funeral services at a crematorium or cemetery) should again be noted.

Societies

23. 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, all ministers are advised to make their position clear to such organisations in order to avoid misunderstandings.

The use of other gifts in the local church

24. It must be emphasised that ministers without the Bishop's 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. Where appropriate these skills should be used to the full.