

## COVID-19 Restarting public worship: some legal questions and answers

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30 <sup>th</sup> June 2020	1	The House of Bishops Recovery Group

*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](#).*

Since 26<sup>th</sup> March, Government legislation has required all places of worship to be kept closed except for a small number of specified uses that do not include public worship. On the 4<sup>th</sup> July this legislation will be repealed and the normal requirements of Canon law will come back into force.<sup>1</sup>

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.<sup>2</sup>

The minister and/or churchwardens should not feel under pressure to open a church for public worship if it would, in the light of government guidance, be unsafe to do so. Where that means that it is not possible to meet the requirement to hold services in at least one church in the benefice, they will need to follow one of the two procedures set out below.

This annex sets out the legal position under the Canons of the Church of England. While this is law and must be respected as such, it is recognised that the procedures will take time for ministers and PCCs to implement and a reasonable delay will be expected.

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

### **Q. What if there are particular problems that mean a church is not ready for public worship?**

A. If there are particular local circumstances which mean that it is not reasonably possible to comply with the Government guidance for the safe conduct of public worship in any of the churches in the benefices from the 4<sup>th</sup> July, there are two potential solutions.

1. *Where the problem is likely to last for no more than a few weeks*

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<sup>1</sup> Because the Canons give way to statute law, the canonical requirements for holding public worship have effectively been in abeyance. It is understood that the Government legislation requiring the closure of places of worship will be repealed with effect from 4<sup>th</sup> July. Once that happens, the canonical requirements in relation to the holding of public worship will come back into operation.

<sup>2</sup> 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.

If it is likely to be only a matter of a few weeks before at least one church in a benefice may be able to hold the normally required public services then the matter can be dealt with by the minister and each of the PCCs without the need to consult the bishop. 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.<sup>3</sup>

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:

Sunday 5<sup>th</sup> July 2020

Sunday 12<sup>th</sup> July 2020 *etc.*

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. *Where the period will be longer than a few weeks*

If it will not be possible for at least one church in a benefice to hold the normally required public services for an extended period of time, the minister and PCC of each parish in the benefice should make a joint request to the bishop for dispensation.<sup>4</sup> 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*].

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.

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<sup>3</sup> 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).

<sup>4</sup> Paragraph 1(b) of Canon B 14A

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.

**Q. What if the incumbent/priest in charge is shielding or otherwise vulnerable and cannot officiate?**

A. If the rector, vicar or priest in charge of the benefice is unable to undertake the normally required public services because they are sick, shielding or otherwise vulnerable they must use all reasonable endeavours to find a replacement person to take the services. This also applies to baptisms, weddings and funerals.

In the case of sickness, a common tenure office holder can, where appropriate, comply with the duty to use all reasonable endeavours by notifying a responsible person or authority of his or her absence from work.<sup>5</sup> But where the minister with cure of souls is simply shielding and not actually sick, he or she should do all he or she reasonably can to ensure that a suitable person is deputed to officiate at the required services.

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<sup>5</sup> See regulation 27(3), Ecclesiastical Offices (Terms of Service) Regulations 2009