A message from the Archdeacons

Dear Churchwarden

Thank you for taking on this important role. You may have heard us say that the Church depends on people like you, and we are grateful!

We recognise that there may be extra dimensions to being a churchwarden that you didn’t know about, that is why we have prepared this booklet to help you fulfil your duties.

We’d also recommend buying Practical Church Management by James Behrens as a further reference. Please be in touch with us whenever you need.

“Each of you should use whatever gifts you have received to serve others, as faithful stewards of God’s grace.”

1 Peter 4:10
I. INTRODUCTION

The office of Churchwarden is one of the most ancient in this country. As both a Bishop’s Officer and a respected and influential member of the local congregation, the Churchwarden shares with the Bishop, Archdeacon and Incumbent, in the care of the benefice or parish.

Terms of office

Following their election, churchwardens must be legally admitted to office each year before the end of August otherwise the office falls vacant again. Normally this admittance is conducted by the Archdeacon at a special service known as a Visitation. If there are circumstances which make it impossible for a churchwarden to attend one of the Visitations, the churchwarden may attend the New Churchwardens Evening in July.

Churchwardens must have an enhanced DBS check.

A churchwarden wishing to step down from office should inform the parish priest but must tender his or her resignation to the Bishop by giving two months’ notice in writing. A replacement churchwarden can be elected at a meeting of parishioners which has been advertised for at least two Sundays prior to the meeting. Churchwardens hold office for one year at a time up to a maximum normally of six years. Some churches have their own special customs about this.

The law

A churchwarden’s duties are set out in full in Canon Law but are summarised below:

- They form a link between the Bishop and the parish
- They represent the laity and co-operate with the Incumbent (i.e. rector, vicar or priest-in-charge)
- They encourage the parishioners in their faith and promote unity and peace among them
- They are responsible for maintaining order and decency in the church and churchyard especially during worship
- They are the legal owners of the church’s property – i.e. the plate, ornaments and other moveable goods – and are responsible for keeping an inventory of it
- They carry out a range of duties which may be specific to the customs of the local church.

Safeguarding

Churchwardens must, in co-operation with the incumbent, the PCC and the Parish Safeguarding Officer:
Ensure, in the period of an incumbency vacancy, that the incumbent's safeguarding roles are fulfilled, in co-operation with the PCC and Parish Safeguarding Officer.
Pay attention to the specific needs of children and adults who may be vulnerable when undertaking routine Health and Safety inspections and Risks Assessments
Ensure that risk assessments are carried out before new activities are undertaken (regular and one-off)
Receive complaints and grievances, and ensure that the parish has procedures for responding to them.
Ensure that the guidelines for activities with children and adults who may be vulnerable are followed in all parish activities
Ensure that safeguarding requirements are included in all booking arrangements with organisations and individuals
Answer questions regarding safeguarding as they arise in the Archdeacon’s Visitations, and address specific advice which may be given
Attend all relevant safeguarding training required for the role

Taken from the House of Bishop’s Guidance, Key roles and responsibilities of church office holders and bodies practice guidance, December 2017 page 61

Safeguarding Training

Churchwardens need to complete the Safeguarding training courses C0, C1, C2.
They are advised to also attend the Safer Recruiting course and the Responding to Domestic Abuse course. Check the diocesan website https://www.bristol.anglican.org/aboutus/safeguarding/safeguardingtraining/ for details of these and sign up by following the links.

The role of Churchwarden will differ from parish to parish but these are some of the typical tasks a churchwarden might be expected to fulfill:

Prayer and worship

Care and pray for the clergy
Make sure there is bread and wine available for Holy Communion
Check visiting priests have permission to officiate and pay fees
Take responsibility for keeping order during services –
   e.g. welcoming, seating visitors
Lead services of Morning or Evening Prayer or Services of the Word, or arrange cover, in the absence of the parish priest
**Administration and governance**

Become a member of the PCC and its standing committee  
Be responsible for taking offerings and recording the amounts received  
Discharge the office of Treasurer if the PCC fails to appoint one  
Act as trustee of any parochial charities that may exist  
Report to the Bishop any matter that affects the parish.  
Take on a significant role during a vacancy (or ‘interregnum’)

Attend safeguarding training and co-operate with the church leadership team to manage any safeguarding cases that may arise, in line with Church of England policy  
Prepare for and meet with the Archdeacon or Area Dean for the Triennial Inspection

**Buildings and maintenance**

Arrange to inspect the fabric of the church every year and make a report about the state of the building to the PCC and to the annual parochial church meeting  
Ensure the PCC commissions a Quinquennial (five yearly) Inspection Report of the church and acts upon its recommendations  
Make sure the church obtains a faculty whenever necessary  
Keep the church Inventory and Log Book up to date

**Sources of support**

The key to a successful period of office as Churchwarden is regular meeting and communication with the Incumbent and other members of the leadership team to discuss and plan together for the life of the parish.

There is an annual diocesan Churchwardens’ Quiet Day and two Forums for Churchwardens, as well as other specific training events and gatherings – all of which can be a valuable opportunity to meet with other wardens and share experiences. Check the diocesan website for details of these and sign up by following the links.

If your incumbent leaves, we will assist you in the vacancy process.

The Archdeacon is the “first port of call” outside the parish for a Churchwarden who needs support or advice of any kind. Please do not hesitate to be in touch via Rachel Stewart, PA to the Archdeacons, based at the Diocesan Office if you need help.  
Rachel.Stewart@bristoldiocese.org
For further reference

The following is a useful handbook and guide to church law:

Practical Church Management: a guide for every parish - James Behrens (updated 2014)

a shorter and lighter read:

Rotas, Rules and Rectors - Matthew Clements 2018

Both books have a good index.

2. CHURCHWARDENS’ DUTIES

These are set out in Canon E1 paragraphs 4 and 5. Under those paragraphs, once churchwardens take up their office, they:-

- are the officers of the bishop (not the incumbent or PCC) (E1.4);
- must be the foremost in representing the laity and co-operating with the incumbent (E1.4);
- must use their best endeavours by example and precept to encourage the parishioners in the practice of true religion and to promote unity and peace among them (E1.4);
- must discharge their duties assigned to them by law and custom (E1.4). (Examples of this are their duties in relation to the offerings or collections in the church, and the duties imposed on them by sections 49 to 50 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 in relation to the church building and the land and articles belonging to it);
- must maintain order and decency in the church and churchyard, especially during the time of divine service (E1.4); and
- hold the title to the movable goods of the church, must keep an inventory of those goods and keep it up to date, and must hand over the goods to their successors, who must check the inventory (E1.5).

The Ecclesiastical Jurisdiction and Care of Churches Measure 2018 requires that in every parish it shall be the duty of the churchwardens to:

Compile and maintain a full terrier of all lands appertaining to the church and a full inventory of all articles appertaining to the church

Insert in a log book a full note of all alterations, additions and repairs to, and other events affecting, the church and the lands and articles appertaining thereto and of the location of any other documents relating to such alterations, repairs and events which are not kept with the log book.

It shall also be the duty:

At least once in every year to inspect or arrange an inspection to be made of the fabric of the church and all articles appertaining to the church.
To deliver to the PCC an annual fabric report
The Churchwardens Measure 2001 provides that
In addition:
if a person chosen as churchwarden is an actual communicant and has his or her name on the church electoral roll of the parish, that person will automatically become a member of the PCC until he or she either ceases to satisfy those qualifications or ceases to be a churchwarden (CRR M15 (1) (e) and (4)

*if the PCC fails to appoint a treasurer*, the churchwarden or churchwardens who are members of the PCC will be responsible for discharging the office of treasurer CRR M20 (3). Churchwardens may also be trustees of other parochial charities by virtue of their office; and

during a vacancy in the benefice, the churchwardens will be the sequestrators together with the area dean and anyone else whom the Bishop appoints (Church of England (Miscellaneous Provisions) Measure 1992 s.1(1)). (In the case of a team ministry, the team vicars and certain other members of the team take the place of the area dean as automatic sequestrators except so far as the Bishop directs that any of them are not to be included.)

3. **CHURCH AND CHURCHYARD**

The incumbent of the benefice (the rector or the vicar) owns the church and churchyard but the churchwardens have joint right with him or her to possession of it. It is the duty of the PCC to maintain and insure it. A faculty may be necessary before work is done.

There should be a scale plan for every churchyard or burial ground which is open for burials and on that plan should be marked the position of all burials. With each church, there should be burial register and in that register can be added the plot number from the plan. It is important to know where burials have taken place as there can be mix ups where a headstone is erected on the wrong grave. This is especially so if there is a long delay between the burial and the erection of the headstone.

It is possible for a person to reserve a particular burial space but only by obtaining a faculty.

4. **CONTENTS OF THE CHURCH**

The churchwardens and incumbent are custodians of the contents of the church i.e. the furniture, plate and books. It is the duty of the PCC to preserve and to insure them. Note that a faculty is required to dispose of them: *Canon F13(3).*

5. **CHURCHYARDS**

Diocesan Churchyard Regulations were issued by the Chancellor in 2017. Copies should be displayed in the church porch. A brief resumé which can be given to the bereaved family at the time of the funeral so that they are aware of what sort of monument they will be permitted was distributed with the new rules. The Rules cover the size of monuments and permitted materials. Anything different would require a faculty. Permission for memorials and the wording on memorials rests with the incumbent as long as they are within the regulations. In a vacancy this passes to the Archdeacon to approve.
**Churchyard plans.**  The position in a churchyard where any given burial is to take place is, as a matter of law, for the incumbent to decide. He or she is entitled at his or her discretion to prescribe any position, including one where there has been a former burial. The only exception is where a specific plot has been reserved by faculty. It is vital that an accurate plan is prepared and kept up to date. An incumbent has a legal responsibility if anything goes wrong and he or she may be sued and end up paying compensation out of his or her own pocket.

When churchyards are full it is possible to apply to the Ministry of Justice for an Order in Council closing it for further burials. Once closed, maintenance responsibilities can be passed to the local authorities.

Please be aware that the burial of a body in a churchyard closed by Order in Council is a criminal offence.

**Trees in churchyards** are the responsibility of the PCC in an open churchyard and responsibilities for trees in closed churchyards is passed to the local authority when the churchyard is closed. Responsibility extends to the planting of trees as well as to every aspect of the maintenance of trees and ultimately to their felling. CWs should be aware that the law in respect of closed churchyards is unclear and that local authorities may resist liability to maintain trees.

**Unstable monuments** in Churchyards are recognised as a potential source of danger to visitors, especially the elderly and young children. It has become imperative that monuments are periodically tested for safety and remedial action is taken when they are found to be unsafe. Any action taken has to be authorised by faculty.

The Chancellor has issued a faculty empowering the Archdeacon to authorise the routine inspection and making safe of monuments in Churchyards maintained by PCCs. Parishes wishing to carry out safety checks under the general faculty should first obtain directions from the Archdeacon about the method of testing. Notice must be given 14 days in advance of testing to the British Lichen Society in case there are any rare lichens or mosses in the Churchyard which might be affected.

Where a monument is found to be dangerous the options usually available are:-

(i) cordoning off the affected area;

(ii) placing a warning sign on the monument (perhaps combined with a post or other support to prop it up);

(iii) laying flat an upright stone.

Local circumstances will indicate which remedy is the most appropriate. Where, however, laying flat is contemplated the Church architect should be consulted first to ensure that he/she is in agreement. In addition, a written or photographic record must be made of every stone laid flat. This will provide important evidence of what has been done.

Where there is a closed churchyard responsibility for health and safety rests with the local authority.
6. FACULTIES AND THE DIOCESAN ADVISORY COMMITTEE

The Diocesan Advisory Committee (DAC) is a statutory body which was reformed by the 1991 Care of Churches and Ecclesiastical Jurisdiction Measure. Its primary function is to act as an advisory body on matters affecting places of worship relating to:

- the grant of faculties
- the architecture, archaeology, art and history of places of worship
- the use, care, planning, design and redundancy of places of worship
- the use and contents of such places
- the use and care of churchyards and burial grounds

The Chancellor of the Diocese (Mr Justin Gau) is required (in most cases) to seek the advice of the DAC before making a final decision about the issue of a faculty.

Emma Bakewell is the DAC Secretary and the main contact for matters relating to the granting of faculties. An email or telephone call to her may save you time (and frustration)! She can be contacted at Emma.Bakewell@Bristoldiocese.org or by ringing the diocesan office on 0117 906 0100.

The Faculty Jurisdiction Rules 2015 regulate the faculty jurisdiction. Anyone who intends to apply for a faculty is first expected to seek the advice of the DAC). The Chancellor is under a statutory duty to seek the advice of the Committee before deciding most types of faculty application. There continues to be a requirement for consultation to take place with Historic England and the amenity societies in certain cases, in particular where proposals involve the alteration of a listed building to such extent as would be likely to affect its character as a building of special architectural or historic interest.

If the parish is considering the sale of treasures it is essential to gain early advice from the DAC and amenity societies. The parish will be required to make a strong case for the sale. If it is contested a Court of Arches Appeal could prove costly.

The 2015 Rules introduced nationally applicable lists of minor works (list A) that can be implemented without a faculty and routine works (list B) that will need Archdeacon's approval. All other works will require a full faculty application. In Bristol Diocese, a fee is payable for a faculty petition (currently £302). There are no fees for works under list A or B. [https://facultyonline.churchofengland.org/applications](https://facultyonline.churchofengland.org/applications)

There is a procedure for authorisation of urgent works. In any case where the Chancellor is satisfied that a matter is an emergency that involves interests of safety or health, or the preservation of a church or part of it, and is of sufficient urgency to justify the grant of a faculty without obtaining the advice of the DAC, the Chancellor may order the issue of a faculty immediately. In practice the Chancellor tends to grant emergency faculties where the roof is leaking or where a heating boiler has broken down. He often asks that a DAC assessor comments on the proposals before the faculty is issued. The Registry should be contacted in the first instance.

Church Architects/Surveyors. The person who is appointed to undertake the Quinquennial Inspection Report must have the necessary qualifications and experience and advice should be taken from the DAC. The DAC Secretary will provide guidance on the appointment of a new architect/surveyor. Churches can use other architects / surveyors for works undertaken during...
the quinquennium although the DAC does encourage the same person to be used all the time so that the PCC develops a sort of family doctor relationship. However it might be appropriate sometimes to use a different architect for instance for a major design scheme for an extension/re-ordering because not all conservation architects have a flair for design.

Parishes should talk to their Archdeacon about the appointment of a new person before seeking DAC approval.

7. **HANDLING COMPLAINTS**

We hope that complaints will not arise in your parish and want to encourage any issues that arise to be resolved as quickly as possible between those involved. Most complaints are resolved fully and quickly by conversation between the parties involved.

However, in any organisation complaints may arise which are more significant. When a complaint arises it is important is that it is taken seriously, dealt with properly and in a timely manner, and if at all possible, those involved be reconciled.

Depending on the nature of complaint there are different courses of action to take.

If it is a matter which may involve a **safeguarding** issue, please contact your Parish Safeguarding Adviser or our Diocesan Safeguarding Adviser, Adam Bond (adam.bond@bristoldiocese.org 0117 906 0100) In emergency phone 999 and speak to the police.

If it involves a complaint against a member of the **clergy**, please contact the Archdeacon who will investigate and will take any necessary steps. In many cases he will use the six-step Following up Complaints process which is on the Diocesan Website.

If it involves someone who is employed by the **PCC**, please contact the Archdeacon for advice. The Diocesan HR department will also be able to help and advise about how to proceed.

Finally, if the complaint is between **church members**, you may want to address it at parish level. You may want to adapt the six-step ‘Following up Complaints’ process.

If you are in any doubt about how to handle any complaint, do please discuss the situation in confidence with your Incumbent, Area Dean, the Diocesan HR department or your Archdeacon.
8. EXAMPLES OF SECULAR LEGISLATION AFFECTING CHURCHES

The Disability Discrimination Legislation. The original legislation came into effect in October 2004 and parishes should have undertaken an access audit of their churches and made any necessary changes. Papers about the audit are available from the Registry. There tends to be an assumption that disability relates solely to people who have difficulty walking. The legislation however covers people with hearing problems (so hearing loops), sight (lighting, large print books), continence (toilets) etc. On the matter of toilets, there is no requirement to install toilets but if they are installed then at least one must be suitable for wheelchair access.

The current advice is that parishes should take reasonable steps to comply with the requirements of the legislation. The DAC recommends that PCCs should discuss access audits at their APCMs and minute such discussion together with reference to matters which will be dealt with when possible e.g. installation of loop systems.

Health and Safety. Each PCC should have an adopted Health and Safety policy which should be reviewed regularly and, as a minimum, every five years. The Health and Safety Executive advise that it is good practice for volunteers to be provided the same level of health and safety training and protection as if they were employees. This means that churches should follow exactly the same regulations to ensure the health and safety of volunteers and other persons using the church as if they were employers.

Ecclesiastical Insurance have issued a specimen Health and Safety policy for use by churches which is available from their website. This policy includes such matters as a risk assessment checklist and accident report forms. The Registry has a copy which can be emailed to parishes if required.

Safeguarding. The PCC and the Incumbent are responsible for ensuring that a safeguarding policy is in place that meets the safeguarding policies of the House of Bishops and the Diocese. The Parish Safeguarding Officer should be involved in the Safer Recruitment process including arranging for individuals to apply for Disclosure and Barring Service (DBS) checks where appropriate.

Control of Asbestos at Work Regulations were effective from May 2004 and place a duty on persons having control of non-domestic premises to make a suitable and sufficient assessment as to whether asbestos is or is liable to be present in the premises. These regulations apply to churches and church buildings.

The Work at Height Regulations 2005 were effective from 6 April 2005. Schedule 6 which relates to the use of ladders is the schedule which is of most relevance to churches. More information is available from the Registry if required.

Food and Drink. Premises should be registered under the Food Premises (Registration) Regulations 1991 if they are used for the sale or supply of food on 5 of more days within a period of five weeks. Once registered the local environmental health officers will inspect. Even if you are not registered, the basic hygiene principles in the Food Safety (General Food Hygiene) Regulations 1995 apply. If alcohol is to be sold at a church function, the PCC should obtain a temporary events notice from the local authority. This includes a raffle, a stall with wine for sale.
and if wine is included with a supper for which tickets are sold.

**Fire Safety**  The Regulatory Reform (Fire Safety) Order 2005 (RRO) came into effect on 1 October 2006. The RRO applies to places of worship. A Responsible Person has to conduct a comprehensive risk assessment in order to:
- Identify any possible dangers and risks including sources of ignition.
- Identify people who may be at risk, especially those working alone or in isolated areas, children or parents with babies, the elderly or infirm and people with disabilities.
- Evaluate the level of risk, and remove or reduce any fire hazards where possible.
- Protect people by providing fire precautions such as fire extinguishers, emergency escape routes and exits.
- Record any major findings and the action taken, prepare an emergency plan, inform and instruct relevant people such as stewards and provide any necessary training.
- Review the fire risk assessment regularly and make changes where necessary.

Where 5 or more persons are employed a formal record of any significant findings and remedial measures which have or may need to be taken must be made. However irrespective of the number of employees, or even if you have none, it is recommended that you make a record of your risk assessment and record the measures you have put in place.

The Responsible Person will be the person with overall management control of the church. The Responsible Person must appoint one or more Competent Persons to carry out the fire risk assessment, although this may be one and the same person.

A person is regarded as competent where they have sufficient training and experience or knowledge and other qualities to enable them to properly assist in undertaking the preventive and protective measures.

The above list is not exhaustive e.g. Control of Pollution (Oil Storage) Regulations, Gas Safety (Installation and Use) Regulations etc.

**9. LEGISLATION AFFECTING CLERGY**

**Common Tenure**

Under the provisions of the Ecclesiastical Offices (Terms of Service) Measure 2009 and its associated Regulations many Clergy in the Church of England now hold their ecclesiastical office under common tenure. Common tenure is part of a framework of terms of service that bring security, clarity and the opportunity for people to work together to encourage and support the Clergy's ministry. Clergy holding freehold offices by and large can opt out of the new system.

The common tenure framework includes ministerial development review guidance, capability procedure and a grievance procedure.

The **Clergy Discipline Measure 2003** came into effect in January 2006. If a complaint is made to the Bishop it must be immediately processed in accordance with the Measure. This will involve putting in place arrangements for appropriate pastoral care for the complainant, the respondent, their family and their congregation.
If the complaint is made to an Archdeacon, in some cases he/she may consider it appropriate to attempt to resolve the problem pastorally. If he/she cannot resolve the problem the complainant may need to be told to make a formal complaint under the Measure to the Bishop. Alternatively the Archdeacon may wish to make the complaint himself/herself.

Complaints must be in writing and contain the prescribed information.

No anonymous complaints will be considered.

If a complaint concerns a child or vulnerable person the Registrar will advise as to whether the matter should be referred to the Police and whether the Diocesan Safeguarding Advisor must be informed.

If a complaint concerns other criminal conduct the Registrar will advise as to whether the matter should be referred to the police.

Except in rare cases involving children, confidential communications with the Bishop or the Bishop’s Chaplain are not possible when a complaint is being dealt with under the Measure.

10. MARRIAGE LAW

The Church of England Marriage Measure 2008 came into effect on 1 October 2009. People will be able to marry in a church if they are resident in the parish or on the electoral roll or have a Qualifying Connection with a parish. Someone has a qualifying connection if that person:

Was baptised in the parish (this does not apply where the baptism formed part of a combined service of baptism or confirmation); or
Had his or her confirmation entered in a church register book of a church or chapel in the parish; or
Has at any time had his or her usual place of residence in the parish for at least 6 months; or
Has at any time habitually attended public worship in the parish for at least 6 months;
Or a Parent of that person has at any time during that person’s lifetime:
Had his or her usual place of residence in the parish for at least 6 months; or
Habitually attended public worship in the parish for at least 6 months;
Or a Parent or Grandparent of that person was married in the parish.

Hours for the solemnization of marriages in the Church of England

The section 4 of the Marriage Act 1949 originally restricted the hours when marriages may be solemnized to between 8.00 am and 6.00 pm. This has been repealed for civil marriages.

The repeal of section 4 of the Marriage Act 1949 will not, however, change the hours between which a marriage may lawfully be solemnized in the Church of England. That is because Canon B 35.3 of the Canons of the Church of England provides, “A marriage may not be solemnized at any unseasonable hours but only between the hours of eight in the forenoon and six in the afternoon.” The restriction contained in the Canon remains in force. The Canons are legally binding on the clergy.
Parishes without a parish church

The law has now been clarified to make it clear that a person who is entitled to be married in a parish because of a qualifying connection but that parish has no parish church or does not have regular services, then the couple may marry in a parish church immediately adjoining the parish, (section 43 of the Mission and Pastoral Measure 2011).

United benefices and pluralities

Again, the law has been clarified to make it clear that those marrying in a united benefice or in a benefice held in plurality may marry in any of the churches in the benefice or benefices providing the bishop has issued a direction under section 23 of the Marriage Act 1949, if they are relying on a qualifying connection with one of the parishes concerned, (section 1(1) of the Church of England Marriage (Amendment) Measure 2012).

Parishes ceasing to exist or changed in extent

This clarifies the position where a person has a qualifying connection with parish A and the parish church with which he or she had that qualifying connection subsequently becomes the parish church of another parish (parish B) the connection is with parish B, (section 1(3) and (4) of the Church of England Marriage (Amendment) Measure 2013).

Banns

Previously banns used to be published at morning service, but if there was no morning service they could be published at an evening service. Banns are now to be published at the principal service, and also at any other service that day. The principal service at which the minister believes the greatest number of habitual worshippers attend, whether this is morning or evening service. If banns are published at two services on a given Sunday, both these publications are deemed to be the “same time of asking” (section 2(2) of the Church of England Marriage (Amendment) Measure 2012).

Marriage of Non-EEA nationals

Before 2 March 2015, non-EEA citizens were able to marry in Church of England churches providing they had obtained a common licence. Since 2 March 2015 they may only marry in an Anglican church if they can produce a Superintendent Registrar’s Certificate or an Archbishop’s Special Licence.

Common Licences

The Registrar can give authority for marriages in certain circumstances. contact the Registry for information.

Further Reading

The booklet ‘Anglican Marriage in England and Wales: a Guide to the Law for the Clergy’ is a comprehensive statement of the law of Anglican marriage. It is available to buy in hard copy from the Faculty Office and is also sometimes called The Yellow Book.
II. USEFUL CONTACTS

Diocese of Bristol, Hillside House 0117 906 0100

Rachel Stewart, PA to the Archdeacons
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Emma Bakewell, DAC Secretary
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The Venerable Christopher Bryan, Archdeacon of Malmesbury
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The Venerable Neil Warwick, Archdeacon of Bristol
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Harris & Harris (LEGAL ADVISORS)

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