

Essential Legal and Professional Information for Clergy in the Church of England (Diocese of Lichfield)

These pages contain links to web resources where you can find essential legal information which will help you undertake your ministry and role.

If you are in doubt about any matter please do not hesitate to contact your Archdeacon or the Diocesan Registrar – the contact details are on the Diocesan website.

Lichfield Diocesan Website: Registry Guidance and Notes

<https://www.lichfield.anglican.org/registry/>

This page has advice on legal matters relating to marriage, baptisms, churchyards including unsafe memorials), pastoral schemes, patronage etc.

If in doubt check here first as these pages are always being added to and updated.

In the links to books below, CHP = Church House Publishing. Where possible an online link to the same information is also provided as a hyperlink. If this does not work simply copy and paste into your browser search window.

Canon Law

The Code of Canon Law covers matters to do with the roles and responsibilities of ministers, worship, churches, ecumenical relationships and many other aspects of church life.

Canon Law of the Church of England CHP London

[Canons of the Church of England revised 2017](#)

David Parrott 2011 *Your Church and the Law* Canterbury Press Norwich

This is a really useful book which covers all kinds of legal aspects to church life and applies them to questions which are often asked.

Holding Office under Common Tenure

If you hold your office under Common Tenure (most parochial clergy) the essential conditions will be set out your Statement of Particulars. Queries should be addressed to the HR adviser in the Diocese (Contact the Diocesan Office). The full Measure and Regulations are to be found through these links.

Ecclesiastical Offices (Terms of Service) Measure 2009

[Terms of Service Measure](#)

Ecclesiastical Offices (Terms of Service) Regulations 2009 (composite)

[Terms of Service Regulations](#)

The procedures for clergy discipline apply to all clergy. The procedures for capability and grievance apply primarily to clergy on Common Tenure but there is no reason why the processes contained in the relevant codes of practice should not be used as good practice in all cases where this is agreed upon.

<https://www.churchofengland.org/more/clergy-resources/national-clergy-hr/clergy-terms-and-conditions-service>

Clergy Discipline Measure 2003 (as amended 2013 and 2016)
[CDM as published 2017](#)

Clergy Discipline Measure 2003 Code of Practice
[Code of Practice pdf](#)

Clergy Discipline Rules 2005
[CDM Rules as amended 2017](#)

Capability Procedure Code of Practice
[Capability Code of Practice pdf](#)

Grievance Procedure Code of Practice
[Grievance Procedure pdf](#)

Guidelines for Professional Conduct

The introduction to the Guidelines says:

The Guidelines are not intended to be a complete compendium covering every aspect of our life and ministry but contain pointers to wider knowledge of other subjects, spiritual, pastoral and legal with which we ought to engage.

[Guidelines for Professional Conduct pdf download](#)

Safeguarding

The Diocese of Lichfield has a robust safeguarding policy and process which all ministers and parishes must comply with. Contacts for safeguarding

<https://www.lichfield.anglican.org/safeguarding/>

Resources

https://www.lichfield.anglican.org/safeguarding_resources/

For current national guidance

[National Safeguarding Policy and Practices](#)

PCCs and Synods

The overall aims and purpose of PCCs is set out in the PCC Powers Measure 1956 (as amended) which can be found here:

[PCC Powers Measure](#)

The Church Representation Rules deal with the membership, process of election and procedures for meetings for PCCs, Deanery, Diocesan and General Synods. Appendix 11 contains further important information about PCCs. It is essential that notices of meetings, agendas and election are carried out in a lawful manner.

Church Representation Rules 2017 CHP London

[Church Representation Rules online](#)

The Guide to the Churchwardens Measure is a useful summary of the role and duties of churchwardens and addresses issue such as the number of wardens and how and for how long they are to be elected.

[Churchwardens Measure 2001](#)
[Churchwardens Measure Guide](#)

The Charity Commission offer guidance about all that is involved in running a charity and being a charitable trustee – which includes all PCCs and many other church trusts.

<https://www.gov.uk/running-charity>

Church House Publishing 2017 *PCC Accountability: The Charities Act 2011 and the PCC 5th edition* CHP London

Fees

This page sets out the statutory fees that may be charged by PCCs. Neither the incumbent nor the PCC have the power to require fees over and above those that are set. Any “extras” that may be charged eg. for an organist, must be genuinely optional. Reasonable expenses for travel to a crematorium or cemetery may be included.

This page also contains further links to tables of fees and FAQs

[Wedding, Funeral and Baptism Fees](#)

[A Guide to Church of England Fees](#)

Church Buildings, Church yards etc

Church buildings (with rare exceptions) come under the Faculty Rules for any works from minor repairs to significant changes and additions. Most work should be undertaken in consultation with the individual church’s architect who will carry out the quinquennial inspection. This inspection is a statutory requirement. The Diocesan Advisory Committee (DAC) makes recommendations to the Chancellor of the Diocese who issues the faculty which gives permission for work to be done. This is a complex area and the first point of contact should be the DAC Secretary who can advise on process and also give information about quinquennial architects and advisers in various aspects of church buildings, organs, bells etc. The Diocesan Website contains contact details under DAC as well as links to the faculty rules and advice notes from the Chancellor or Registry.

<https://www.lichfield.anglican.org/dac/>

The Faculty Jurisdiction Rules 2015 came into force on 1st January 2016

<http://www.churchcare.co.uk/churches/faculty-rules-2015>

www.churchcare.co.uk is the website of the Church Buildings Council and has extensive advice, access to documents, guides and legal measures.

Churchyards also come under Faculty Jurisdiction and in addition to the faculty rules there are Chancellors Regulations for each diocese which cover the nature and form of monuments and memorials and the kinds of approval that an incumbent may give.

Outside the regulations a faculty must be sought from the Chancellor.

<https://www.lichfield.anglican.org/documents/churchyard-regulations/>

Church Buildings Council 2012 *The Churchyards Handbook* CHP London

Charles Mynors 2016 *Changing Churches – a Practical Guide to the Faculty System*
Bloomsbury, London

Insurance

Ecclesiastical Insurance provide a wide range of advice related to church buildings and activities. You will find information about good practice and practical risk assessment.

The advice embraces activities and matters inside the church and also outside such as foodbanks and outings. Many of the initial links signpost to more detailed advice notes.
<http://www.ecclesiastical.com/churchmatters/index.aspx>

Marriage

This is an essential booklet which can be obtained by contacting the Registry.
Anglican Marriage in England and Wales The Faculty Office of the Archbishop of Canterbury 2010
Marriage Measure 2008 – guidance from the House of Bishops
<https://churchsupporthub.org/download/house-bishops-guidance-marriage-measure/>