



To: All Diocesan Secretaries

The Reverend Alexander
McGregor

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

2nd December 2020

Dear Diocesan Secretary

**General Synod
Promulgation of Amending Canons Nos. 40 and 41**

I enclose copies of Amending Canons Nos. 40 and 41, which were enacted at the February group of sessions. I also enclose a copy of the Instrument of Enactment.

The Amending Canons should be proclaimed at the next meeting of the Diocesan Synod. There is no need for the Canons 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 November 2020 group of sessions, held remotely, the General Synod resolved that Amending Canons Nos. 40 and 41 be made, promulgated and executed.

Amending Canon No. 40 makes provision relating to religious communities and Amending Canon No. 41 makes miscellaneous amendments to the Canons.”

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

Yours sincerely

A S McGregor

The Legal Office of the National Institutions of the Church of England
Church House, Great Smith Street, London SW1P 3AZ
Direct Line: +44(0)20 7898 1748 Switchboard: +44(0)20 7898 1000
E-mail: alexander.mcgregor@churchofengland.org DX: 148403 Westminster 5

GENERAL SYNOD OF THE CHURCH OF ENGLAND**AMENDING CANON NO. 40**

(Of religious communities, Of the titles of such as are to be ordained deacons or priests, Of ministers exercising their ministry, Of the licensing of ministers under seal, Of the General Synod and the Convocations, Of the representation of the Clergy in the Lower House of the Convocations)

Religious Communities

1. After Section D of the Canons, insert—

“Section DA**Religious Communities****DA 1 Of religious communities**

1. The Church of England affirms that, since the time of the early Church, there have been Christian people who, in response to God’s call, have committed their whole lives to God in the religious life, a radical commitment, shaped by the evangelical counsels, marked by consecrated celibacy, poverty and obedience, and fulfilled as a member of a community where the religious life is lived in common or as a solitary; and that at various times, other Christian people have responded to the same call, fulfilling their baptismal promises through particular forms of public commitment and of accountability in obedience to Christ as members of other communities and societies.

2. (1) A religious community in the Church of England is a community of persons—
 - (a) which has a particular vocation in the service of the Gospel,
 - (b) whose members seek to frame and fashion their lives in accordance with a rule or other pattern of life that is particular to members of that community, and
 - (c) which is declared by the House of Bishops to be a religious community in the Church of England.

- (2) A reference in this Canon, or in any of the other Canons, to a religious community is a reference to a religious community in the Church of England.

3. A religious community may include among its members persons who are not members of the Church of England.

4. (1) The House of Bishops may not make a declaration under paragraph 2(1)(c) in the case of a community unless it is satisfied that the community meets such conditions as the House shall specify in regulations.

- (2) The regulations may, in particular, specify conditions relating to—

- (a) governance;

- (b) financial affairs;
- (c) safeguarding children and vulnerable adults;
- (d) the making of vows or promises;
- (e) the minimum number of members required for a community to be eligible for a declaration under paragraph 2(1)(c).

(3) The conditions which may be specified in the regulations under sub-paragraph (2)(a) include conditions as to the procedure which a community must follow in order to amend its constitution or other governing document.

(4) In paragraph (2)(c)—

“child” means a person aged under 18, and
“vulnerable adult” has the same meaning as in the Safeguarding and Clergy Discipline Measure 2016.

5. The House of Bishops may, for some grave cause, revoke a declaration made under paragraph 2(1)(c).

6. The House of Bishops shall compile, maintain and publish a list of religious communities.

7. The House of Bishops may by regulations make further provision about religious communities.

8. (1) The House of Bishops may by regulations amend or revoke regulations made under this Canon.

(2) Regulations under this Canon may make different provision for different purposes (including, in particular, different provision according to whether a community was established before or after the commencement of this Canon).

(3) Regulations under this Canon may confer a discretion.

(4) Regulations under this Canon shall be laid before the General Synod and shall not come into operation unless and until they have been approved by the Synod.

(5) Where the Business Committee of the General Synod determines that regulations under this Canon do not need to be debated by the Synod then, unless notice is given by a member of the Synod in accordance with its Standing Orders that the member wishes the regulations to be debated, the regulations shall for the purposes of paragraph (4) be deemed to have been approved by the Synod.

9. (1) The House of Bishops may issue guidance on religious communities.

(2) Every member of a religious community, and every person exercising functions in relation to a religious community, shall have regard to such guidance as is issued under this paragraph.

- (3) The House of Bishops may amend or revoke guidance issued under this paragraph.”
2. (1) In Canon C 5 (titles of such as are to be ordained deacons or priests), in paragraph 2—
 - (a) omit paragraph (e), and
 - (b) in the full-out words at the end, for “, school or house of a religious order or community” substitute “or school”.
 - (2) After that paragraph, insert—

“2A. A bishop may also admit into holy orders any person who is a member of a religious community.”
 3. In Canon C 8 (ministers exercising their ministry), in paragraph 4, after “and Canon B 41” insert “or as a member of a religious community licensed in accordance with that Measure”.
 4. In Canon C 12 (the licensing of ministers under seal), in paragraph 1, for sub-paragraph (b) substitute—
 - “(b) of a licence to perform some particular office, or
 - (c) of a licence to serve for the purposes of or in connection with a mission initiative endorsed by a bishop’s mission order, or
 - (d) of a licence to perform offices and services for the furtherance of the work and mission of a religious community.”
 5. In Canon H 1 (the General Synod and the Convocations) in the form in which it has effect in each province, in paragraph 3(c), for “religious communities in the said province” substitute “such religious communities in the said province as are designated by the House of Bishops for the purposes of this Canon”.
 6. (1) Canon H2 (the representation of the clergy in the Lower House of the Convocations) is amended as follows; and the amendments in sub-paragraphs (4) to (7) are to the Canon in the form in which it has effect in each province.
 - (2) In paragraph 1 in the form in which it has effect in the province of Canterbury, in sub-paragraph (f), for “religious communities having their mother house” substitute “designated religious communities”.
 - (3) In paragraph 1 in the form in which it has effect in the province of York, in sub-paragraph (d), for “religious communities having their mother house” substitute “designated religious communities”.
 - (4) In paragraph 2, in sub-paragraph (a) of the proviso, before “religious communities” insert “designated”.
 - (5) In paragraph 4, in the full-out words after sub-paragraph (e), before “religious communities” insert “designated”.
 - (6) In paragraph 8, in sub-paragraph (b), before “religious community” insert “designated”.

(7) After paragraph 11 insert—

“12. A reference in this Canon to a designated religious community is a reference to a religious community designated by the House of Bishops for the purposes of this Canon.”

GENERAL SYNOD OF THE CHURCH OF ENGLAND

AMENDING CANON NO. 41

(Of the register book of services, Of the language of divine service, Of ministers exercising their ministry, Of Ecclesiastical Courts and Commissions, Of the chancellor or judge of a Consistory Court, Of the General Synod and the Convocations)

Register book of services

1. In Canon F 12 (the register book of services), for paragraph 2 substitute—
 - “2. Every service held at the church or chapel, including the Occasional Offices and whether or not a service of public worship, shall be recorded in the register book, together with—
 - (a) the name of the officiating minister,
 - (b) the name of the preacher (if the preacher is not the officiating minister),
 - (c) the number of persons attending the service and, so far as it is practicable to ascertain, the number aged under 16 and the number aged 16 or over,
 - (d) in the case of the celebration of the Holy Communion, the number of communicants (as well as the total number of persons attending) and, so far as it is practicable to ascertain, the number of communicants aged under 16 and the number aged 16 or over, and
 - (e) if desired, notes of significant events.
3. The form in which the register book may be kept includes any electronic or other form approved by the General Synod, subject in either case to any conditions approved by the Synod.
4. In a case where the decision is taken to keep the register book in an electronic or other form approved under paragraph 3—
 - (a) every service held after the decision takes effect shall be recorded in that form, and
 - (b) services already held in the calendar year in which the decision takes effect may (but need not) be recorded in that form.”

Language of divine service

2. In Canon B 42 (language of divine service), in paragraph 3(1), omit “the Standing Committee of”.

Ministers exercising their ministry

3. (1) In Canon C 8 (ministers exercising their ministry), in paragraph 4, after “1992” insert “or section 4 of the Church of England (Miscellaneous Provisions) Measure 2018”.
- (2) In that Canon, in paragraph 7, omit “or provost”.
- (3) In Canon C 21 (the title to which becomes “Of deans and canons residentiary of cathedral or collegiate churches), in paragraph 1, omit “, provost” and “or provost”.

The Ecclesiastical Courts etc: updated statutory references

4. (1) In Canon G 1 (ecclesiastical courts and commissions), in the opening words, for “and the Clergy Discipline Measure 2003” substitute “, the Clergy Discipline Measure 2003 and the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.
- (2) In that Canon, in paragraphs 1 and 2(a), for “the Ecclesiastical Jurisdiction Measure 1963” substitute “the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.
- (3) In Canon G 2 (chancellor or judge of a consistory court), in paragraph 3—
 - (a) after “The chancellor of a diocese,” insert “and”, and
 - (b) omit “and a person appointed to preside over a court by virtue of section 27(1) of the Ecclesiastical Jurisdiction Measure 1963”.

General Synod and Convocations: replacement of outdated references

5. In Canon H1 (the General Synod and Convocations) in the form in which it has effect in each province, in paragraph 3(b), for “the Prolocutor and Pro-Prolocutor” substitute “the Chair and Vice-Chair”.

Minor corrections

6. In each of the following provisions, for “2015” substitute “2016”—
 - (a) in Canon C 8, in paragraph 8(2);
 - (b) in Canon C 30, in paragraph 6;
 - (c) in Canon E 6, in paragraph 10;
 - (d) in Canon E 8, in paragraph 12.

Gender neutral references

7. (1) Canon C 8 is amended as follows.
 - (2) In each of paragraphs 1, 2 and 4, for “his ministry” substitute “ministry”.
 - (3) In paragraph 2, in the first sentence, for “he” substitute “the minister”.
 - (4) In paragraph 2, in paragraph (a) of the proviso—

- (a) for “that he”, in the first place it appears, substitute “that the minister”,
 - (c) omit “that he” in the second place it appears, and
 - (d) for “when he officiates” substitute “when officiating”.
- (5) In paragraph 2, in paragraph (b) of the proviso, omit “his”.
- (6) In paragraph 3, for the words from “by instituting” to “giving him” substitute “by institution to a benefice, by admission to serve within the diocese by licence under the hand and seal of the bishop, or by giving the minister”.
- (7) In paragraph 4, for “he”, in each place it appears, substitute “the minister”.
- (8) In paragraph 6, for “his” substitute “the minister’s”.
8. (1) Canon C 21 is amended as follows.
- (2) In paragraph 1, for “he” substitute “the person”.
 - (3) In paragraph 2, for “his” substitute “a”.
9. (1) In each of the following provisions, for “he enters on the execution of his office” substitute “entering on the execution of the office”—
- (a) in Canon G 2, in paragraph 3;
 - (b) in Canon G 3, in paragraphs 3 and 4;
 - (c) in Canon G 4, in paragraph 3.
- (2) In Canon G 2, in paragraph 3, for “he is a layman, he” substitute “the person is lay, the person”.
- (3) In Canon G 3, in each of paragraphs 3 and 4, for “he is a layman” substitute “the person is lay”.
- (4) In Canon G 4, in paragraph 2—
- (a) for “he should be a person who has” substitute “the person should have”, and
 - (b) for “appointing him must satisfy himself” substitute “making the appointment must be satisfied”.
- (5) In Canon G 5, in paragraph 1—
- (a) for “committed to his charge” substitute “in question”, and
 - (b) omit “to his charge” in the second place it appears.

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 Canons entitled respectively “Amending Canon No. 40” and “Amending Canon No. 41”, both of which received Her Majesty’s Royal Assent and Licence on the 16th day of November Two thousand and twenty

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 Canons entitled “Amending Canon No. 40” and “Amending Canon No. 41” And in testimony of such Our Consent We have hereunto subscribed our names, or authorised our names to be subscribed, as hereafter follows:

DATED this twenty-third day of November in the Year of Our Lord two thousand and twenty and in the sixty-ninth year of the reign of Our Sovereign Lady Queen Elizabeth the Second

+Justin Cantuar:

PRESIDENT

+Stephen Ebor:

PRESIDENT

Simon Butler

PROLOCUTOR

Christopher Newlands

PROLOCUTOR

James Harrison

CHAIR, HOUSE OF LAITY

Elizabeth Paver

VICE-CHAIR, HOUSE OF LAITY

Alexander McGregor

REGISTRAR