

LEGAL NEWS

28 October 2019

A variety of new legislation will impact upon some aspects of parish ministry. A brief note concerning each of these is below and, if required, more information can be obtained from the Diocesan Registry.

Changes to marriage registration

As advised in August's E-news, the way in which marriages are registered is set to change shortly. It was thought that this could occur as early as December this year but, as yet, **neither the details of a new registration system nor the date for its implementation have been agreed.**

The Legal Office and policy officials at Church House London, the Faculty Office and officials from the Church in Wales have been involved in discussions with Government officials about the implementation. It is understood that those discussions, which are not straightforward, are continuing.

The Civil Partnerships, Marriages and Deaths (Registration etc.) Act 2019 enables the modernisation of marriage registration in England and Wales for the first time since 1837. Regulations will be issued to amend the Marriage Act 1949. These will provide for registration in a central electronic register. This will also facilitate the updating of the marriage entry to include 'mother's names' instead of just the father's name, as is currently the case.

These changes will mean that marriage registers and marriage certificates (issued at the time of the wedding) will be replaced with a marriage document which will be prepared by the officiating priest before the wedding. At the ceremony, the marriage document will be signed by the couple, their witnesses and the officiating priest but the couple (NOT the officiating priest) will then need to ensure that the marriage document is deposited at the local Register Office **within 7 days of the date of the wedding.** The local Superintendent Registrar will then record the details and issue the couple with a marriage certificate (for which there will be a fee).

The content and form of the suggested new 'marriage document', the responsibility of the couple and the use of registers by the church are some of the issues to be resolved in the regulations and these regulations do not yet exist. Once drafted, the regulations have to be approved by resolution of both Houses of Parliament before they can be made.

Further updates will be provided as soon as there is anything firm to report. In the meantime information is available on the following websites:

www.facultyoffice.org.uk/special-licences/marriage-law-news/

www.churchsupporthub.org

www.churchofengland.org

Requirements to hold certain Sunday services

Until earlier this year, it was a requirement of Canon law that morning and evening prayer and Holy Communion services were held on Sundays *“in every parish church”*. [Amending Canon No. 39](#) has made several amendments to Canon law. In particular, it replaces this requirement for services with a requirement to hold those services *“in at least one church in each benefice or, where benefices are held in plurality, in at least one church in at least one of those benefices”*.

Whilst this may not do anything more than reflect what may have already been current practice in many benefices, it does allow more flexibility for clergy who need to preside at such services.

The Church Representation Rules

The existing Church Representation Rules are a vital tool for all those involved in parochial, diocesan and the national Church, governing the preparation of the church electoral roll, the conduct of annual parochial church meetings, and the membership and election of PCCs, deanery synods and diocesan synods. However [The Church Representation and Ministers Measure 2019](#) will introduce a new set of Rules from **1st January 2020**. These are intended to enable parishes to adapt the rules to best serve ministry and mission in their contexts.

Much of the former Rules remain but provisions relating to safeguarding, electronic communication, personal data handling and entitlement to attend PCC meetings are included.

New forms are also introduced and include, amongst others, the application for enrolment on the electoral roll, nomination forms and the notice of the annual meeting.

[Church House Publishing](#) are preparing a booklet containing these new Rules (which is currently available for pre-order) together with an introduction describing the key changes. The booklet will also contain the Churchwardens Measure 2001 as amended by the 2019 Measure.

Vacancy procedure

The [Legislative Reform \(Patronage of Benefices\) Order 2019](#) will come into force on **1st January 2020**. This Order simplifies the statutory procedure for filling vacant parochial benefices i.e. the appointment of a new Rector, Vicar or Team Rector. The [explanatory notes](#) give further information.

The most important change for parishes will be that the existing time periods for meetings are replaced with a single maximum period of six months beginning with the ‘start date’ specified in the notice of vacancy sent to the PCC Secretary.

For all Patrons, the most important change will be that the right of presentation will now lapse to the Bishop where a benefice remains unfilled for the period of **18 months** from the date of the vacancy or (if later) the start date.

Those Patrons who have subsequent turns of appointment will also now be informed by the Registrar when a turn has been taken. This will provide the opportunity for the Registrar to

ensure that the information on the Patronage Register is up to date, obtain email addresses and for the Patron to be prepared for his or her turn in due course.

It will also now be possible to use electronic communication as an alternative to sending notices and other documents by post throughout the process.

Faculty applications

The [Faculty Jurisdiction \(Amendment\) Rules 2019](#) make a number of important amendments to the Faculty Jurisdiction Rules 2015, affecting the required consultation and advice before starting faculty proceedings and introducing new, expanded Lists A and B for works which do not require a full faculty application to be submitted.

The amendments to the consultation process are designed to ensure that by the time the DAC issues a notification of advice, all necessary consultations have been undertaken. This should therefore minimise delays following the submission of the petition to the Registry.

The amendments come into force on **1st April 2020** and the [explanatory notes](#) detail all the existing and new Lists A and B works.
