

DISPENSATIONS UNDER CANON LAW

Where a parish is not able to meet the requirements of Canon B11 and/or B14 to hold regular services on Sundays, certain Feast Days and Holy Days, what authority is needed to dispense with these requirements?

The Canons require the minister of the parish (the Rector, Vicar, Priest in Charge or, during a vacancy, the Area Dean and Churchwardens as sequestrators) acting jointly with the PCC to consider the position and to pass a formal resolution (which, under M29 of the Church Representation Rules, can utilise the correspondence procedure and be by email under rule 76). The requirement under the Canons is that Morning Prayer, Evening Prayer and a celebration of Holy Communion be held in at least one church within each benefice on all Sundays and on Feast Days and Holy Days; if that requirement can be met, there is no need for a dispensation in respect of the other churches in the benefice.

On an occasional basis: if the view is that arrangements can shortly be put in place to meet the requirements and the dispensation is only required for an identifiable period, then this can be done locally without the need to involve the Bishop. The following form of resolution can be used, amending it as necessary to detail whether, for example, it is only Communion and/or Morning and/or Evening Prayer or all services which cannot be held and whether it is only particular days on which services cannot be held:

“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 B11 and the celebration of Holy Communion as required by Canon B14 on the following occasions: [SPECIFY DATES]

The reason for the dispensation is that in the light of the Government’s regulations and guidance on preventing the spread of the Covid-19 pandemic, there is no church in the benefice which can be safely used for public worship on those occasions”

Where the period will be longer than a few weeks: if the view is that the situation is likely to continue for an extended period of time, then the minister and PCC will need to seek a dispensation from the Bishop. The following form of resolution (amended accordingly) can be used:

“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 B11 and the celebration of Holy Communion as required by Canon B14 on a regular basis until [END DATE – 1 February?]

The reason for the dispensation is that in the light of the Government’s regulations and guidance on preventing the spread of the Covid-19 pandemic, there is no church in the benefice and there is no reasonable prospect of any church in the benefice being made safe for that purpose until at least {DATE – 1 February?}”

It is important, given the duty to provide public worship, that the end date is not too distant. Circumstances are changing and the position should be reviewed regularly as matters develop in order to avoid the risk of challenge.

There is no absolute rule on whether the occasional basis resolution can be used here or whether a dispensation from the Bishop is required but If the period under consideration is more than a few weeks, the latter form of resolution is appropriate.