

GENERAL SYNOD

DRAFT AMENDING CANON NO. 35

Explanatory Memorandum

1. This draft Amending Canon makes provision removing the requirement in Canon B 12.3 for special authorisation to distribute the Sacrament of Holy Communion to be given “by the bishop acting under” regulations made by the General Synod. If the amendment is made, the amended text will provide that individuals may be specially authorised “in accordance with” such regulations, leaving the question of who grants the authorisation to be determined at a later date by the regulations made by the Synod, which will replace the current regulations (made in 1969).
2. The draft Amending Canon and the new regulations will give effect to the resolution passed by the Synod at the November 2012 group of sessions, on a motion moved on behalf of the Southwell and Nottingham Diocesan Synod, in the following terms:

‘That this Synod request that Canon B 12 and the Regulations taking effect under it be amended so that:

(a) the Holy Sacrament may be distributed by any authorised regular communicant (including children admitted to the Holy Communion under the Admission of Baptised Children to Holy Communion Regulations 2006);

(b) if the diocesan bishop agrees, the necessary authorisation may be given in relation to any parish by the incumbent, priest in charge or (during a vacancy) rural dean;

(c) no person shall be authorised to distribute the Holy Sacrament without the support of the parochial church council of the parish or, where the Holy Communion is celebrated in a school and the person concerned is a child, of the head teacher of the school; and

the authorisation given in relation to any parish is required to be kept under regular review in accordance with guidelines issued by the diocesan bishop.’

3. Canon B 12.3 as it stands does not permit the giving of special authorisation by any person other than the bishop, and therefore regulations could not be made to implement the changes requested by the Synod without an amendment to the Canon. The Amending Canon is in effect, therefore, no more than a paving provision.
4. In order to assist the Synod, the Legal Office have prepared some draft regulations, **for illustrative purposes only**. These appear in the Annex to this explanatory memorandum.
5. Members should be aware that the regulations are not intended to represent the final form of the regulations that may be laid before the Synod in due course,

which may be significantly different from the illustrative draft, depending on the comments received. However, they may be helpful to members as an illustration of the kind of provision that could be made by the new regulations to give effect to its earlier resolution and the nature of the issues that will arise for decision.

6. Any comments on the illustrative draft regulations, as opposed to the Amending Canon, should be directed to the Legal Office, and will inform the drafting of the regulations which will in due course (if the Amending Canon is approved) be laid before the Synod for approval.

**The Legal Office
Church House
Westminster
June 2014**

GENERAL SYNOD

Draft regulations on the administration of Holy Communion

In exercise of the power conferred on it by paragraph 3 of Canon B12, the General Synod makes the following regulations on this day, [] 20--

1. (1) The bishop of a diocese may, on an application by the incumbent or priest-in-charge of a parish in the diocese, authorise the person specified in the application to distribute the Holy Sacrament in that parish.

(2) The bishop may designate a suffragan or assistant bishop or an archdeacon to exercise the power under this regulation on the bishop's behalf.
2. (1) The bishop of a diocese may give a general authority to the incumbent or priest-in-charge of a parish in the diocese under which the incumbent or priest-in-charge may authorise persons to distribute the Holy Sacrament in that parish.

(2) An authority under this regulation may be given so as to apply generally in relation to each parish in the diocese or only in relation to the parish or parishes specified in the authority.
3. (1) A person may not be authorised under regulation 1, or under an authority given under regulation 2, unless the person entitled to give the authorisation is satisfied that the person is a regular communicant of the Church of England.

(2) A person may not be so authorised unless the person entitled to give the authorisation has obtained the consent of the parochial church council; but this requirement does not apply if the authorisation is required only for the purpose specified in paragraph (4).

(3) A child may not be so authorised unless the child has been admitted to Holy Communion in accordance with the Admission of Baptized Children to Holy Communion Regulations 2006.

(4) A pupil of a church school may not be so authorised to distribute the Holy Sacrament at services in the school unless the person entitled to give the authorisation has obtained the consent of the head teacher of the school.

(5) In paragraph (4)—

“church school” has the meaning given in section 10(1) of the Diocesan Boards of Education Measure 1991, and

“head teacher” includes an acting head teacher.

(6) A reference in this regulation to the person entitled to give an authorisation is—

(a) in a case within regulation 1, a reference to the bishop or (where the bishop has designated a person under paragraph (2) of that regulation) the designated person;

(b) in a case within regulation 2, a reference to the incumbent or priest-in-charge to whom authority under that regulation is given or (where regulation 6 applies) the rural dean.

4. An authorisation given under regulation 1, or under an authority given under regulation 2, may provide either that it has effect generally or that it has effect only for the purposes of public worship.
5. The incumbent or priest-in-charge of a parish must keep under review the authorisations given in the parish under regulation 1 or under an authority given under regulation 2.
6. In a case where the cure is vacant and no priest-in-charge is appointed—
 - (a) the rural dean may make an application under regulation 1,
 - (b) an authority under regulation 2 may be given to the rural dean[, and
 - (c) the duty under regulation 5 is to be carried out by the rural dean].
7. The Regulations on the administration of Holy Communion made by the Church Assembly in November 1969 are revoked.