

# **STATES OF JERSEY**



## **CANONS OF THE CHURCH OF ENGLAND IN JERSEY**

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**Lodged au Greffe on 6th December 2010  
by the Chief Minister**

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**STATES GREFFE**

## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion –**

to endorse the amended Canons of the Church of England in Jersey as set out in the Appendix to the report of the Chief Minister dated 6th December 2010 and as approved by the Right Reverend the Bishop of Winchester, the Dean of Jersey, the Ecclesiastical Court, and the Deanery Synod of the Island so that the draft Canons may be submitted to Her Majesty with a request that an Order in Council be issued bringing them into force in Jersey.

CHIEF MINISTER

## REPORT

I am pleased, as Chief Minister, to be able to present to the States for endorsement the Amended Canons of the Established Church in Jersey which have already been approved by a number of others whose approval is required. The preparation of this proposition and the accompanying report has been overseen by the Dean of Jersey and I am presenting them on his behalf.

If 1204 is the great date to which the Island looks to celebrate its constitutional relationship with the Crown and the civil and governmental freedoms that flow from it; then 1623 is the date which the Church sees as the defining moment when King James I approved the “Canons for the Isle of Jersey.” There were 3 guiding principles:

1. The direct relationship of the Island to the Crown.
2. The Canons should follow the English pattern wherever possible.
3. Jersey custom and tradition should not only be respected but take precedence.

In the Amended Canons now proposed, those same 3 principles remain. It is hoped that the Royal Preface from 1623 will be substantially preserved in the Order in Council to be made in due course by Her Majesty the Queen, precisely because it is the guarantee of Jersey’s special position. The principles are also reflected in Section G of the amended Canons.

The Canons, based on those in England, reflect today’s needs rather than those of the 17th Century. The Christian faith remains unchanged so, as you would expect, all the Canons about belief are based on the Scriptures and shared tradition of all major Christian Churches. The Church has changed in language and liturgy, in structure and governance, and in the way it shares with society at large a concern for human rights. The Amended Canons have been considered by the Attorney General, who has confirmed that they are human rights compliant.

It is part of the Amended Canons that nothing in them shall be interpreted in any way that is against the law, customs and traditions of the Island.

The Amended Canons come to the States after a process stretching back 15 years. Most of the work was done by the Legislation Committee of the Deanery Synod, and we are grateful to all those who served on that Committee. Among those on that Committee who made a very substantial contribution are the previous Deans, the late Very Reverend Basil O’Ferrall and the Very Reverend John Seaford, and the late Canon Reverend Laurie Hibbs. The present Deputy Bailiff, when Chairman of that Committee, also contributed in the early stages and we owe a great deal to his legal skills. The project had run into the sand on the issue of Clergy Discipline: what to do if a Priest is accused of wrongdoing and how that relates to secular legislation and to the practice in England. Until recently it was hard to see how this could be taken forward, but in the last 18 months, with much consultation between the Dean, the Bishop of Winchester and the Proctor of the Ecclesiastical Court, Advocate Peter Mourant, and with invaluable advice from the Attorney General, the issues have been resolved. The Ecclesiastical Court retains Jurisdiction through its Clergy Discipline Division. The Bishop and the Dean work together on reconciliation and the search for agreement in any dispute. The Royal Court becomes the appellant authority. This preserves the integrity of the Court system of Jersey, of which the Ecclesiastical Court is part. It maintains the authority of the Dean in the governance of the Church in the

Island and strengthens the partnership between the Bishop of Winchester and the Dean of Jersey.

The Parish system is the foundation of so much of our unique way of life. It is enshrined in Jersey Canon Law that one Rector cannot hold more than one Ancient Parish. This is not something that England finds easy to understand, but it remains an essential part of our Amended Canons.

Members may wonder why they are being asked to consider this matter. The answer is Jersey's relationship to the Crown. The Church is established under the Crown and nothing in the Canons can be amended without the mutual consent of The Bishop of Winchester, The Dean of Jersey, the clergy meeting in the Ecclesiastical Court and the Government of the Island. In 1623 that meant the Governor, Bailiff and Jurats. It now means the States of Jersey.

Whatever the personal beliefs of individual Members, it is the responsibility of the States as a whole to ensure that the freedoms of the Church in Jersey enshrined in the 1623 Canons are preserved and enhanced in the Amended Canons.

It is the view of the Dean, the Ecclesiastical Court, the Island Synod and the Bishop of Winchester that these Canons provide a solid legal framework within which the Church can fulfil its ministry, both before God and as a channel of His love to the Island.

#### **Financial and manpower implications**

There are no additional financial or manpower implications for the States arising from this proposition.

6th December 2010

INTRODUCTION

There are set out below the Canons of the Church of England in Jersey.

DEFINITIONS

In these Canons, unless the context otherwise requires:

- the “Archbishop” means His Grace the Archbishop of Canterbury or, if there is a vacancy in that see, the Archbishop of York;
- the “Bishop” means The Lord Bishop of Winchester;
- “Church Officers” means the churchwardens and almoners (if any) of an Ecclesiastical District or an Ancient Parish Church
- “Congregational” means in respect of any church a meeting of those persons on the Church Electoral Roll
- the “Dean” means the Very Reverend The Dean of Jersey;
- the “Vice Dean” means such person(s) as may from time to time be nominated by the Dean as his deputy pursuant to Canon F1 below;
- a “District Church” means the church of any Ecclesiastical District other than an Ancient Parish;
- an “Ecclesiastical Assembly” means the assembly of the principals, officers and electors of an Ancient Parish over which the incumbent of the parish presides;
- “Jersey Deanery Synod” means the deanery synod of the Island of Jersey constituted pursuant to the Synodical Government (Channel Islands) Order 1970, as amended from time to time;
- a “Measure” means a Measure receiving the Royal Assent after 8th July 1931 and which has been applied to the Island of Jersey in accordance with the Channel Islands (Church Legislation) Measure 1931;

“Parish Assembly” means an assembly provided for by the Loi (1804) au sujet des Assemblées Paroissiales, as amended from time to time.

an “Ancient Parish” means one of the twelve historic parishes of the Island.

In these Canons the use of the masculine includes the feminine and vice versa, and the use of the singular where appropriate includes the plural and vice versa.

## **SECTION A**

### **A1 OF THE CHURCH OF ENGLAND IN THE ISLAND OF JERSEY**

The Church of England, in Jersey, established under the Queen’s Majesty, belongs to the true and apostolic Church of Christ; and, as our duty to the said Church of England requires, we do constitute and ordain that no member thereof shall be at liberty to maintain or hold the contrary.

### **A2 OF THE THIRTY-NINE ARTICLES OF RELIGION**

The Thirty-nine Articles are agreeable to the Word of God and may be assented unto with a good conscience by all members of the Church of England.

### **A3 OF THE BOOK OF COMMON PRAYER**

1. The doctrine contained in The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church according to the Use of the Church of England is agreeable to the Word of God.
2. The form of God’s worship contained in the said Book, forasmuch as it is not repugnant to the Word of God, may be used by all members of the Church of England with a good conscience.

### **A4 OF THE FORM AND MANNER OF MAKING, ORDAINING, AND CONSECRATING OF BISHOPS, PRIESTS, AND DEACONS**

The Form and Manner of Making, Ordaining, and Consecrating of Bishops, Priests, and Deacons, annexed to the Book of Common Prayer and commonly known as the Ordinal, is not repugnant to the Word of God, and those who are so made, ordained or consecrated bishops, priests, or deacons, according to the said Ordinal, are lawfully made, ordained, or consecrated, and ought to be accounted, both by themselves and others, to be truly bishops, priests, or deacons.

## **A5 OF THE DOCTRINE OF THE CHURCH OF ENGLAND**

The doctrine of the Church of England is grounded in the Holy Scriptures, and in such teachings of the ancient Fathers and Councils of the Church as are agreeable to the said Scriptures.

In particular such doctrine is to be found in the Thirty-nine Articles of Religion, the Book of Common Prayer, and the Ordinal.

## **A6 OF THE GOVERNMENT OF THE CHURCH OF ENGLAND**

The government of the Church of England under the Queen's Majesty, by archbishops, bishops, deans, archdeacons, and the rest of the clergy and of the laity that bear office in the same, is not repugnant to the Word of God.

## **A7 OF THE ROYAL SUPREMACY**

It is acknowledged that the Queen's excellent Majesty, acting according to the laws of the Island, is the highest power under God in this Island, and has supreme authority over all persons in all causes, as well ecclesiastical as civil.

## **A8 OF SCHISMS**

Forasmuch as the Church of Christ has for a long time past been distressed by separations and schisms among Christian men, so that the unity for which our Lord. prayed is impaired and the witness to his gospel is grievously hindered, it is the duty of clergy and people to do their utmost not only to avoid occasions of strife but also to seek in penitence and brotherly charity to heal such divisions.

## **SECTION B**

### **DIVINE SERVICE AND THE ADMINISTRATION OF THE SACRAMENTS**

#### **B1 OF CONFORMITY OF WORSHIP**

1. The following forms of service shall be authorised for use in the Church of England in the Island of Jersey:–
  - (a) the forms of service contained in the Book of Common Prayer;
  - (b) the shortened forms of Morning and Evening Prayer which were set out in the Schedule to the Act of Uniformity Amendment Act 1872;

- (c) the form of service authorised by Royal Warrant for use upon the anniversary of the day of the accession of the reigning Sovereign; and
  - (d) any forms of service approved under Canon B2 or Canon B4 subject to any amendments so approved.
2. Every minister shall use only the authorised services aforesaid, except so far as he may exercise the discretion allowed to him by Canon B5.

## **B2 OF THE APPROVAL OF FORMS OF SERVICE**

1. It shall be lawful within Jersey:–
- (a) to use all forms of worship adopted by the General Synod of the Church of England;
  - (b) to adopt forms of services for use in the Church of England in Jersey which have been approved for use in the Church of England by the General Synod, the Archbishop of Canterbury the Bishop, or the Dean as his Commissary.

## **B3 OF THE FORM OF SERVICE TO BE USED WHERE ALTERNATIVE FORMS ARE AUTHORISED**

1. Decisions as to which of the forms of service authorised by Canon B1, other than the services known as occasional offices, are to be used in any church in a parish shall be taken jointly by the minister and the Church Officers. In this Canon ‘church’ includes any building or part of a building licensed by the Dean for public worship according to the rites and ceremonies of the Church of England.
2. If there is disagreement as to which of the said forms of service are to be used in any such church, then the disagreement shall be referred to the Dean for a decision.
3. Where more than one form of any of the services known as occasional offices, other than the Order of Confirmation, is authorised by Canon B1 for use on any occasion the decision as to which form of service is to be used shall be made by the minister who is to conduct the service, but if any of the persons concerned objects beforehand to the use of the service selected by the minister and he and the minister cannot agree as to which form is to be used, the matter shall be referred to the Dean for his decision.
4. Where more than one form of service of ordination of deacons or priests or of the ordination or consecration of a bishop is authorised for use, the decision as to which form of service is to be used is to be made



by the Bishop or the Archbishop, as the case may be, who is to conduct the service and, where more than one form of service of confirmation is so authorised, the decision as to which service is to be used shall be made by the Bishop or Archbishop, as the case may be, who is to conduct the service after consulting the minister of the church where the service is to be held.

**B4 OF FORMS OF SERVICE APPROVED BY THE CONVOCATIONS. ARCHBISHOPS OR ORDINARY FOR USE ON CERTAIN OCCASIONS**

The Convocation of Canterbury, the Archbishop, the Bishop and/or the Dean may approve forms of service for use in church or elsewhere in the Island of Jersey on occasions for which no provision is made in the Book of Common Prayer or by the General Synod, being forms of service which in both words and order are in their opinion reverent and seemly and neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.

**B4A OF THE APPROVAL OF COLLECTS, LECTIONARIES AND TABLE OF RULES TO ORDER THE SERVICE**

1. It shall be lawful within Jersey to use the Collects, Lectionaries and Tables of Rules to order the Service as approved by the General Synod.

**B5 OF THE DISCRETION OF THE MINISTER IN CONDUCT OF PUBLIC PRAYER**

1. The minister may in his discretion make and use variations which are not of substantial importance in any form of service authorised by Canon according to particular circumstances.
2. Subject to any regulation made from time to time by the Convocation of Canterbury, the minister may on occasions for which no provision is made in the Book of Common Prayer or by the General Synod under Canon B2 or by the Convocation, Archbishop Bishop or Dean under Canon B4 use forms of service considered suitable by him for those occasions.
3. All variations in forms of service and all forms of service used under this Canon shall be reverent and seemly and shall be neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.
4. If any question is raised concerning the observance of the provisions of the last preceding paragraph or whether a variation in a form of service is of substantial importance or not, it may be referred to the Dean in order that he may give such pastoral guidance or advice as he may think

fit, but such reference shall be without prejudice to the matter in question being made the subject-matter of disciplinary proceedings.

## **B6 OF SUNDAYS AND OTHER DAYS OF SPECIAL OBSERVANCE**

1. The Lord's Day, commonly called Sunday, is ever to be celebrated as a weekly memorial of our Lord's resurrection and kept according to God's holy will and pleasure, particularly by attendance at divine service, by deeds of charity, and by abstention from all unnecessary labour and business.
2. The Table of Feasts which are to be observed in the Church of England in the Island of Jersey is contained in the Book of Common Prayer and Common Worship; whereof the principal are Christmas Day, Epiphany, the Annunciation to the Blessed Virgin Mary, Easter Day, Ascension Day, Whitsunday, Trinity Sunday, and All Saints' Day.
3. The Days of Fasting or Abstinence and the Vigils which are to be observed in the Church of England in the Island of Jersey are set out in the Book of Common Prayer and Common Worship, whereof the forty days of Lent, particularly Ash Wednesday and the Monday to Saturday before Easter, ought specifically to be observed.
4. Good Friday is ever to be observed by prayer with meditation on the death and passion of our Lord and Saviour Jesus Christ, by self-discipline, and by attendance at divine service.
5. It is lawful for the Dean to approve Holy Days which may be observed locally.

## **B7 OF THE GIVING NOTICE OF FEAST DAYS AND FAST DAYS**

The minister shall give notice every Sunday publicly during the time of divine service, and by notice affixed at the church door or otherwise, so that the same may best be brought to the knowledge of the people, of the Feast Days and Fast Days which are to be observed in the week following, and of the times of the services thereon.

## **B8 OF THE VESTURE OF MINISTERS DURING THE TIME OF DIVINE SERVICE**

1. At Morning and Evening Prayer the minister shall wear a cassock, a surplice, and a scarf and for the Occasional Offices a cassock and a surplice with scarf or stole.
2. At the Holy Communion the presiding minister shall wear with the cassock either a surplice with scarf or stole, or a surplice or alb with stole and cope, or an alb with the customary vestments.

3. On any appropriate occasion a cope may be worn at the discretion of the minister.
4. When a scarf is worn, the minister may also wear the hood of his degree.
5. The Church of England does not attach any particular doctrinal significance to the diversities of vesture permitted by this Canon, and the vesture worn by the minister in accordance with the provisions of this Canon is not to be understood as implying any Doctrines other than those now contained in the formularies of the Church of England.
6. Notwithstanding the foregoing provisions of this Canon no minister shall change the form of vesture in use in the church or chapel in which he officiates unless he has ascertained by consultation with the Church Officers that such changes will be acceptable: Provided always that in case of disagreement the minister shall refer the matter to the Dean whose direction shall be obeyed.

#### **B9 OF THE REVERENCE AND ATTENTION TO BE USED IN THE TIME OF DIVINE SERVICE**

1. All persons present in the time of divine service shall audibly with the minister make the answers appointed and in due place join in such parts of the service as are appointed to be said or sung by all present.
2. They shall give reverent attention in the time of divine service, give due reverence to the name of the Lord Jesus and stand at the Creed and the reading of the Holy Gospel at the Holy Communion. When the prayers are read and Psalms, hymns and canticles are said or sung they shall have regard to the rubrics of the service and locally established custom in the matter of posture, whether of standing, kneeling or sitting.

#### **B10 OF MORNING AND EVENING PRAYER IN PARISH AND DISTRICT CHURCHES**

1. Except so far as may be otherwise authorised under paragraph 2 of this Canon, Morning and Evening Prayer shall be said or sung in a church in every parish at least on all Sundays and other principal Feast Days, and also on Ash Wednesday and Good Friday. Each service shall be said or sung distinctly, reverently, and in an audible voice.
2. The Dean, if satisfied that there is good reason to do so, may authorise the minister of any parish or district church within the Deanery to dispense with the reading within that church of Morning and Evening Prayer or either of them on any Sunday, or on any principal Feast Day or on Ash Wednesday or Good Friday, but before authorising the minister of a church to dispense with the reading within that church of

either Morning or Evening Prayer on Sunday for a period of more than three months the Dean shall consult with the Church Officers.

3. On all other days the minister of the parish, together with all other ministers licensed to serve in the said parish, shall make such provision for Morning and Evening Prayer to be said or sung as may best serve to sustain the corporate spiritual life of the people.
4. Readers and such other lay persons as may be authorised by the Bishop may, at the invitation of the minister of the parish or, where the cure is vacant or the minister is incapacitated, at the invitation of the churchwardens, say or sing Morning or Evening Prayer (save for the Absolution); and in the case of need where no clerk in holy orders or reader or lay person authorised as aforesaid is available, the minister or (failing him) the churchwardens shall arrange for some suitable lay person to say or sing Morning or Evening Prayer (save for the Absolution).

#### **B11 OF SERVICES IN CHURCHES AND OTHER PLACES OF WORSHIP**

The Dean may direct what services shall be held or shall not be required to be held in any church in any parish in the Island.

#### **B12 OF THE MINISTRY OF THE HOLY COMMUNION**

1. No person shall consecrate and administer the holy sacrament of the Lord's Supper unless he shall have been ordained priest by Episcopal ordination in accordance with the provisions of Canon C1.
2. Every minister, as often as he shall celebrate the Holy Communion, shall receive that sacrament himself.
3. No person shall distribute the holy sacrament of the Lord's Supper to the people unless he shall have been ordained in accordance with the provisions of Canon C1, or is otherwise authorised by Jersey Canon Law or, unless he has been specially authorised to do so by the Dean who may give such authority in the case of a person who has been baptized and confirmed and has the support of the incumbent and the Church Officers.
4. Subject to the general directions of the Dean, the Epistle and the Gospel may at the invitation of the minister be read by a lay person at the celebration of the Holy Communion.

### **B13 OF HOLY COMMUNION IN PARISH AND DISTRICT CHURCHES**

1. In every church, except for some reasonable cause approved by the Dean, the Holy Communion shall be celebrated at least on all Sundays and principal Feast Days, and on Ash Wednesday. It shall be celebrated, distinctly, reverently, and in an audible voice.
2. To churches and chapels dependent on a parish church, the Holy Communion shall be celebrated as regularly and frequently as may be convenient, subject to the direction of the Dean.

### **B14 OF THE RECEIVING OF HOLY COMMUNION**

1. It is the duty of all who have been confirmed to receive the Holy Communion regularly, and especially at the festivals of Christmas, Easter and Whitsun.
2. The minister shall teach the people from time to time, and especially before the festivals of Christmas, Easter and Whitsun, that they come to this holy sacrament with such preparation as is required by the Book of Common Prayer.

### **B15 OF THE ADMISSION TO HOLY COMMUNION**

1. There shall be admitted to the Holy Communion:–
  - (a) members of the Church of England who have been confirmed in accordance with the rites of that Church or are ready and desirous to be so confirmed or who have been otherwise episcopally confirmed with unction or with the laying on of hands except as provided by the next following Canon:
  - (b) baptised persons who are communicant members of other Churches which subscribe to the doctrine of the Holy Trinity, and who are in good standing in their own Church, and
  - (c) any baptised person in immediate danger of death.
2. If any person by virtue of sub-paragraph (b) above regularly receive the Holy Communion over a long period which appears likely to continue indefinitely, the minister shall set before him the normal requirements of the Church of England for communicant status in that Church.
3. Where any minister is in doubt as to the application of this Canon, he shall refer the matter to the Dean, who may consult the Bishop, and follow his guidance thereon.

## **B16 OF NOTORIOUS OFFENDERS NOT TO BE ADMITTED TO HOLY COMMUNION**

If a minister be persuaded that anyone of his cure who presents himself to be a partaker of the Holy Communion ought not be admitted thereunto by reason of malicious and open contention with his neighbours, or other grave and open sin without repentance, he shall give an account of the same to the Bishop who, after consulting with the Dean, shall give order and direction, but so as not to refuse the sacrament to any until in accordance with such order and direction he shall have called him and notified him that in any wise he presume not to come to the Lord's Table: Provided that in case of grave and immediate scandal to the congregation the minister shall not admit such person, but shall give an account of the same to the Bishop within seven days after at the furthest and therein obey his order and direction: Provided also that before issuing his order and direction in relation to any such person the Bishop or the Dean as the Bishop's delegate shall afford to him an opportunity for interview.

## **B17 OF BREAD AND WINE FOR THE HOLY COMMUNION**

1. The churchwardens of every ecclesiastical parish, with the advice and direction of the minister, shall provide out of congregational funds a sufficient quantity of bread and wine for the number of communicants that shall from time to time receive the same.
2. The bread, whether leavened or unleavened, shall be of the best and purest wheat flour that conveniently may be gotten, and the wine the fermented juice of the grape, good and wholesome.
3. The bread shall be brought to the communion table in a paten or convenient box and the wine in a convenient cruet or flagon.

## **B17A OF THE DISPOSITION OF THE ALMS AT HOLY COMMUNION**

Notwithstanding any rubric in the Book of Common Prayer moneys given or collected in church at Holy Communion shall be at the disposal of the incumbent and Church Officers.

## **B18 OF SERMONS IN PARISH AND DISTRICT CHURCHES**

1. In a church in every parish a sermon shall be preached at least once each Sunday, except for some reasonable cause approved by the Dean.
2. The sermon shall be preached by a minister, deaconess, reader or lay worker duly authorized in accordance with Canon Law. At the invitation of the minister having the cure of souls another person may preach with the permission of the Dean.

3. The preacher shall endeavour himself with care and sincerity to minister the word of truth, to the glory of God and to the edification of the people.

### **B19 OF THE BIDDING PRAYER WHICH MAY BE USED BY A PREACHER BEFORE HIS SERMON**

Before any sermon, lecture, or homily, the preacher may move the people to join with him in prayer in this form or to this effect as briefly as is convenient, always concluding with the Lord's Prayer:—

Ye shall pray for Christ's holy Catholic Church, that is, for the whole congregation of Christian people dispersed throughout the whole world, and especially for the Church of England.

And herein I require you most especially to pray for the *Queen's* most excellent Majesty our *Sovereign Lady Elizabeth*, 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, and ye shall also pray for *Philip Duke of Edinburgh, the Prince of Wales*, and all the Royal Family.

Ye shall also pray for the ministers of God's holy word and sacraments, as well archbishops and bishops, as other pastors and curates; for the *Queen's* most honourable Privy Council, the Lieutenant Governor, the Bailiff and other Crown Officers, the States of Jersey, Jurats, Constables, municipality, for the Convocations of the Clergy, for the Synods of the Church of England, and for magistrates; that all and every of these, in their several callings, may serve truly and diligently, to the glory of God and the edifying and well governing of her people, remembering the strict and solemn account that they must one day make when they shall stand before the judgment seat of Christ.

And, that there may never be wanting a succession of persons duly qualified to serve God in Church and State, ye shall implore his blessing on all places of religious and useful learning; that in all places of education true religion and sound learning may for ever flourish and abound.

And more particularly (as in private duty bound) I ask your prayers for.....

Also ye shall pray for the whole people of this realm, that they may live in the true faith and fear of God, in dutiful obedience to the *Queen*, and in brotherly charity one to another.

Finally, let us praise God for all those who are departed out of this life in the faith of Christ, and pray unto God that we may have grace to

direct our lives after their good example; that, this life ended, we may be made partakers with them of the glorious resurrection in the life everlasting.

## **B20 OF THE MUSICIANS AND MUSIC OF THE CHURCH**

1. In all churches and chapels, the functions of appointing any organist or choirmaster (by whatever name called), and of terminating the appointment of any organist or choirmaster, shall be exercisable by the minister with the agreement of the Church Officers except that if the Dean in the case of termination of an appointment, considers that the circumstances are such that the requirement as to the agreement of the Church Officers should be dispensed with, the Dean may direct accordingly. Where the minister concerned is also the Dean the function of the Dean under this paragraph shall be exercisable by the Bishop.
2. Where there is an organist or choirmaster the minister shall pay due heed to his advice and assistance in the choosing of chants, hymns, anthems, and other settings and in the ordering of the music of the Church, but at all times the final responsibility and decision in these matters rests with the minister.
3. It is the duty of the minister to ensure that only such chants, hymns, anthems, and other settings are chosen as are appropriate, both the words and the music, to the solemn act of worship and prayer in the House of God as well as to the congregation, assembled for that purpose; and to banish all irreverence in the practice and in the performance of the same.

## **B21 OF HOLY BAPTISM**

It is desirable that every minister having a cure of souls shall normally administer the sacrament of Holy Baptism on Sundays at public worship when the most number of people come together, that the congregation there present may witness the receiving of them that be newly baptised into Christ's Church, and be put in remembrance of their own profession made to God in their baptism.

## **B22 OF THE BAPTISM OF INFANTS**

1. Due notice, normally of at least a week, shall be given before a child is brought to the church to be baptized.
2. The minister shall instruct the parents or guardians of an infant to be admitted to Holy Baptism that the same responsibilities rest on them as are in the service of Holy Baptism required of the godparents.



3. No minister shall refuse or, save for the purpose of preparing or instructing the parents or guardians or godparents, delay to baptize any infant, within his cure that is brought to the church to be baptized, provided that due notice has been given and the provisions relating to godparents in these Canons are observed. In the event of any such refusal or delay, the parents or guardians may apply to the Dean, who shall, after consultation with the minister and with the Bishop, give such directions as he thinks fit.
4. A minister who intends to baptize any infant whose parents are residing outside the boundaries of his cure, unless the names of such persons or of one of them be on the church electoral roll of the same, shall not proceed to the baptism without having sought the goodwill of the minister of the parish in which such parents reside.
5. No minister being informed of the weakness or danger of death of any infant within his cure and therefore desired to go to baptize the same shall either refuse or delay to do so.
6. A minister so baptizing a child in a hospital or nursing home, the parents of the child not being resident in his cure, nor their names on the church electoral roll of the same, shall send their names and address to the minister of the parish in which they reside.
7. If any infant which is privately baptized do afterwards live, it shall be brought to the church and there, by the minister, received into the congregation of Christ's flock according to the form and manner prescribed in and by the office for Private Baptism authorized by Canon B1.
8. The minister of every parish shall warn the people that without grave cause and necessity they should not have their children baptised privately in their houses.

### **B23 OF GODPARENTS AND SPONSORS**

1. For every child to be baptized there shall be not fewer than three godparents, of whom at least two shall be of the same sex as the child and of whom at least one shall be of the opposite sex; save that, when three cannot conveniently be had, one godfather and godmother shall suffice. Parents may be godparents for their own children provided that the child have at least one other godparent.
2. The godparents shall be persons who will faithfully fulfil their responsibilities both by their care for the children committed to their charge and by the example of their own godly living.

3. When one who is of riper years is to be baptised he shall choose three, or at least two, to be his sponsors, who shall be ready to present him for baptism and afterwards put him in mind of his Christian profession and duties.
4. No person shall be admitted to be a sponsor or godparent who has not been baptised and confirmed. Nevertheless the minister shall have power to dispense with the requirement of confirmation in any case in which in his judgment need so requires.

#### **B24 OF THE BAPTISM OF SUCH AS ARE OF RIPER YEARS**

1. When any such person as is of riper years and able to answer for himself is to be baptised, the minister shall instruct such person, or cause him to be instructed, in the principles of the Christian religion, and exhort him so to prepare himself with prayers and fasting that he may receive this holy sacrament with repentance and faith.
2. At least a week before any such baptism is to take place, the minister shall give notice thereof to the Dean.
3. Every person thus baptised shall be confirmed by the Bishop so soon after his baptism as conveniently may be; that so he may be admitted to the Holy Communion.

#### **B25 OF THE SIGN OF THE CROSS IN BAPTISM**

The Church of England has ever held and taught, and holds and teaches still, that the sign of the Cross used in baptism is no part of the substance of the sacrament but, for the remembrance of the Cross, which is very precious to those that rightly believe in Jesus Christ, has retained the sign of it in baptism, following therein the primitive and apostolic Churches.

#### **B26 OF TEACHING THE YOUNG**

1. Every minister shall take care that the children and young people within his cure are instructed in the doctrine, sacraments, and discipline of Christ, as the Lord has commanded and as they are set forth in the holy Scriptures, in the Book of Common Prayer, and especially in the Church Catechism; and to this end he, or some godly and competent persons appointed by him, shall on Sundays or if need be at other convenient times diligently instruct and teach them in the same.
2. All parents, guardians and godparents shall take care that the children receive such instruction.

## **B27 OF CONFIRMATION**

1. The Bishop shall himself minister (or cause to be ministered by some other bishop lawfully deputed in his stead) the rite of confirmation as often and in as many places as shall be convenient, laying his hands upon children and other persons, who have been baptised and instructed in the Christian faith.
2. Every minister who has a cure of souls shall diligently seek out children and other persons whom he shall think meet to be confirmed and shall use his best endeavour to instruct them in the Christian faith and life as set forth in the holy Scriptures, the Book of Common Prayer, and the Church Catechism.
3. The minister shall present none to the Bishop but such as are come to years of discretion and can say the Creed, the Lord's Prayer, and the Ten Commandments, and can also render an account of their faith according to the said Catechism.
4. The minister shall satisfy himself that those whom he is to present have been validly baptised, ascertaining the date and place of such baptism, and, before or at the time assigned for the confirmation, shall give to the Bishop their names, together with their age and the dates of their baptism.
5. If the minister is doubtful about the baptism of a candidate for confirmation he shall conditionally baptise him in accordance with the form of service authorised by Canon B1 before presenting him to the Bishop to be confirmed.

## **B28 OF RECEPTION INTO THE CHURCH OF ENGLAND**

1. Any person desiring to be received into the Church of England, who has not been baptised or the validity of whose baptism can be held in question, shall be instructed and baptised or conditionally baptised, and such baptism, or conditional baptism, shall constitute the said person's reception into the Church of England.
2. If any such person has been baptised but not episcopally confirmed and desires to be formally admitted into the Church of England he shall, after appropriate instruction, be received by the rite of confirmation, or, if he be not yet ready to be presented for confirmation, he shall be received by the parish priest with appropriate prayers.
3. If any such person has been episcopally confirmed with unction or with the laying on of hands he shall be instructed, and, with the permission of the Dean, received into the Church of England according to the Form of Reception approved by the General Synod, or with other appropriate

prayers, and if any such person be a priest, or other Ordained minister, he shall be received into the said Church only by the Bishop or by the Dean as the Bishop's commissary after consultation with the Bishop.

## **B29 OF THE MINISTRY OF ABSOLUTION**

1. It is the duty of baptised persons at all times to the best of their understanding to examine their lives and conversations by the rule of God's commandments, and whereinsoever they perceive themselves to have offended by will, act, or omission, there to bewail their own sinfulness and to confess themselves to Almighty God with full purpose of amendment of life, that they may receive of Him the forgiveness of their sins which He has promised to all who turn, to Him with hearty repentance and true faith; acknowledging their sins and seeking forgiveness, especially in the general Confessions of the congregation and in Absolution pronounced by the priest in the services of the Church.
2. If there be any who by these means cannot quiet his own conscience, but requires further comfort or counsel, let him come to some discreet and learned minister of God's Word, that by the ministry of God's holy Word he may receive the benefit of absolution, together with spiritual counsel and advice, to the quieting of his conscience and avoiding of all scruple and doubtfulness.
3. In particular a sick person, if he feels his conscience troubled in any weighty matter, should make a special confession of his sins, that the priest may absolve him if he humbly and heartily desires it.
4. No priest shall exercise the ministry of absolution in any place without the permission of the minister having the cure of souls thereof unless he is by law authorised to exercise his ministry in that place without being subject to the control of the minister having the general cure of souls of the parish or district in which it is situated: Provided always that, notwithstanding the foregoing provisions of the Canon, a priest may exercise the ministry of absolution anywhere in respect of any person who is in danger of death or if there is some urgent or weighty cause.
5. Notwithstanding the foregoing, that if any man confess his hidden and secret sins to a minister, for the unburdening of his conscience, and to receive spiritual consolation and ease of mind from-him; the minister is charged not at any time reveal and make known to any person whatsoever any crime or offence so committed to his trust and secrecy, under pain of irregularity.

### **B30 OF HOLY MATRIMONY**

1. The Church of England affirms, according to Our Lord's teaching, that marriage is in its nature a union permanent and life-long, for better for worse, till death them do part, of one man with one woman, to the exclusion of all others on either side, for the procreation and nurture of children, for the hallowing and right direction of the natural instincts and affections, and for the mutual society, help and comfort which the one ought to have of the other, both in prosperity and adversity.
2. The teaching of Our Lord affirmed by the Church of England is expressed and maintained in the Form of Solemnisation of Matrimony contained in the Book of Common Prayer.
3. It shall be the duty of the minister, when application is made to him for matrimony to be solemnised in the church of which he is the minister, to explain to the two persons who desire to be married the Church's doctrine of marriage as herein set forth, and the need of God's grace in order that they may discharge aught their obligations as married persons. Recognising that pastoral care may well avert the danger of divorce if it comes into play before legal proceedings have been started, it shall be the duty of all clergy in their preparation of couples for marriage to tell them, both for their own sakes and for that of their friend, that the good offices of the clergy are always available.

### **B31 OF CERTAIN IMPEDIMENTS TO MARRIAGE**

1. No person who is under sixteen years of age shall marry, and all marriages purported to be made between persons either of whom is under sixteen years of age are void. No person shall marry within the degrees expressed in the following Table, and all marriages purported to be made within the said degrees are void.

#### **A TABLE OF KINDRED AND AFFINITY**

A man may not marry his	A woman may not marry her
mother	father
daughter	son
adopted daughter	adopted son
father's mother	father's father
mother's mother	mother's father
son's daughter	son's son
daughter's daughter	daughter's son
sister	brother
wife's mother	husband's father
wife's daughter	husband's son
father's wife	mother's husband

son's wife  
father's father's wife  
mother's father's wife  
wife's daughter's daughter  
wife's son's daughter  
father's sister  
mother's sister  
brother's daughter  
sister's daughter

daughter's husband  
father's mother's husband  
mother's mother's husband  
husband's son's son  
son's daughter's son  
father's brother  
mother's brother  
brother's son  
sister's son

In this Table the term "brother" includes a brother of the half-blood, and the term "sister" includes a sister of the half-blood.

### **B32 OF THE DUTY OF THE MINISTER TO INQUIRE AS TO IMPEDIMENTS**

It shall be the duty of the minister, when application is made to him for matrimony to be solemnised in the church or chapel of which he is the minister, to inquire whether there be any impediment either to the marriage or to the solemnisation thereof.

### **B33 OF REQUIREMENTS PRELIMINARY TO THE SOLEMNISATION OF MATRIMONY**

A marriage according to the rites of the Church of England may be solemnised in Jersey:—

1. After the publication of banns of marriage when all of the following conditions are met:—
  - (a) at least one of the parties is a bona fide resident in the ecclesiastical parish in which the marriage is to be solemnized; and
  - (b) both hold British passports or are of British nationality; and
  - (c) both will be 18 years old or over on the date of the marriage; and
  - (d) the marriage is to be solemnized on a weekday between 6 a.m. and 6 p.m.
2. On the authority of a Dispense Ordinaire (Ordinary Licence) which shall be issued by the Dean (after presentation of valid documentation):—

- (a) when two Jersey or British residents wish to be married in an Ecclesiastical parish in which neither reside but with which one of them has a historic or pastoral relationship;
  - (b) if either party is under 18 years old on the date of marriage, and the consent of the person having legal custody of that person has been given;
  - (c) in all other circumstances where the parties could be married after Banns;
  - (d) in such other circumstances if the Dean so thinks fit.
3. On the authority of a Dispense Extraordinaire (Special Licence) which may be issued by the Dean in the following circumstances:–
- (a) where the marriage is to be solemnized in an unlicensed place;
  - (b) when the marriage is to be solemnized on a Sunday or outside the permitted hours on a weekday;
  - (c) when either of the parties is a non-British national provided that such parties present a Certificate of Civil Status from their Consul or other satisfactory documentary proof of their condition and permission to enter Jersey for the purpose of marriage.
4. In other compelling circumstances where the Dean thinks fit.

**B34. OF RULES TO BE OBSERVED AS TO THE PRELIMINARIES AND TO THE SOLEMNISATION OF HOLY MATRIMONY**

1. In all matters pertaining to the granting of licences of marriage every ecclesiastical authority shall observe the law relating thereto.
2. In all matters pertaining to the publication of banns of marriage and to the solemnisation of matrimony every minister shall observe the law relating thereto, including, so far as they are applicable, the rules prescribed by the rubric prefixed to the office of Solemnisation of Matrimony in the Book of Common Prayer.
3. Every marriage shall be solemnised in the presence of two or more witnesses besides the minister who shall solemnise the same.
4. When matrimony is to be solemnised in any church, it belongs to the minister of the that church to decide what music shall be played, what hymns or anthems shall be sung, or what furnishings or flowers should be placed in or about the church for the occasion.

### **B35 OF A SERVICE AFTER CIVIL MARRIAGE**

1. If any persons have contracted marriage before the civil registrar under the provisions of the statute law, and shall afterwards desire to add thereto a service of Blessing and Thanksgiving for Matrimony, a minister may, if he see fit, use such form of service, as may be adopted under Canon B2, in the church or chapel in which he is authorised to exercise his ministry: Provided first, that the minister be duly satisfied that the civil marriage has been contracted, and secondly that in regard to this use of this service the minister do observe the Canons and any advice issued by the House of Bishops and the Bishop.
2. In connection with such a service there shall be no publication of banns nor any licence or certificate authorising a marriage: and no record of any such service shall be entered by the minister in the register books of marriages provided by the Superintendent Registrar.

### **B36 OF THE MINISTRY TO THE SICK**

1. The minister shall use his best endeavours to ensure that he be speedily informed when any person is sick or in danger of death in the parish, and shall as soon as possible resort unto him to exhort, instruct, and comfort him in his distress in such manner as he shall think most needful and convenient.
2. When any person sick or in danger of death or so incapacitated that he cannot go to church is desirous of receiving the most comfortable sacrament of the Body and Blood of Christ, the priest, having knowledge thereof shall as soon as may be visit him, and unless there be any grave reason to the contrary, shall reverently minister the same to the said person at such place and time as may be convenient.
3. If any such person so desires, the priest may lay hands upon him and may anoint him with oil on the forehead with the sign of the Cross using a form of service authorised by Canon B1 and using pure olive oil consecrated by the Bishop or Dean or otherwise by the priest himself in accordance with such form of service.

### **B37 OF THE BURIAL OF THE DEAD**

1. In all matters pertaining to the burial of the dead every minister shall observe the law from time to time in force in relation thereto, and, subject to this paragraph in general, the following paragraphs of this Canon shall be obeyed.
2. No minister shall refuse to bury, according to the rites of the Church of England, the corpse or ashes of any person deceased within his cure or of any parishioners whether deceased within his cure or elsewhere that



is brought to a church or burial ground or cemetery under his control in which the burial or interment of such corpse or ashes may lawfully be effected, due notice being given.

3. Cremation of a dead body is lawful in connection with Christian burial.
4. (a) When a body is to be cremated, the burial service may precede, accompany, or follow the cremation; and may be held either in the church or at the crematorium:

Provided that no incumbent shall be under any obligation to perform a funeral service within the grounds of any burial authority, but, on his refusal so to do, any clerk in Holy Orders, not being prohibited under ecclesiastical censure, may, with the permission of the Dean and at the request of the person having charge of the cremation or interment of the cremated remains, perform such service within such grounds.

- (b) Save for good and sufficient reason the ashes of a cremated body should be interred or deposited, by a minister, in consecrated ground.
5. When a body is to be buried according to the rites of the Church of England in any unconsecrated ground, the officiating minister, on coming to the grave, shall first bless the same.
6. If any doubts shall arise whether any person deceased may be buried according to the rites of the Church of England, the minister shall refer the matter to the Dean, who may consult the Bishop, and obey his order and direction.

### **B38 OF THE REGISTRATION OF BAPTISMS. CONFIRMATIONS. MARRIAGES AND BURIALS**

1. In all matters pertaining to the registration of baptisms, marriages, and burials every minister shall observe the law from time to time in force relating thereto.
2. When any person is presented for confirmation, the minister presenting the said person shall record and enter the confirmation in his register book of confirmations, together with any change of name.

### **B39 OF HOLY COMMUNION ELSEWHERE THAN IN CONSECRATED BUILDINGS**

No minister shall celebrate the Holy Communion elsewhere than in a consecrated building within his cure or other building licensed for the purpose, except he have permission so to do from the Dean: Provided that at all times he

may celebrate the Holy Communion as provided by Canon B36 in any private house wherein there is any person sick or dying or so incapacitated that be cannot go to church.

#### **B40 OF DIVINE SERVICE IN PRIVATE CHAPELS**

1. No chaplain, ministering in any house where there is a chapel dedicated and allowed by the ecclesiastical laws of this Island shall celebrate the Holy Communion in any other part of the house but in such chapel, and shall do the same seldom upon Sunday and other greater Feast Days, so that the residents in the said house may resort to their parish church and there attend divine service.
2. The Bishop may licence a minister to perform such offices and services of the Church of England as may be specified in the licence in any school, hospital, or public premises or in any charitable institution.
3. The performance of offices and services in accordance with any such licence shall not require the consent or be subject to the control of the minister of the parish in which they are performed.

#### **B41 OF THE LANGUAGE OF DIVINE SERVICE**

The Morning and Evening Prayer, and all other prayers and services prescribed in and by the Book of Common Prayer, shall be said or sung in the vulgar tongue.

#### **B42 OF RELATIONS WITH OTHER CHURCHES**

- 1.(1) A minister or lay person who is a member in good standing of a Church to which this Canon applies and is a baptised person may, subject to the provisions of this Canon, be invited to perform all or any of the following duties:–
  - (a) to say or sing Morning and Evening Prayer or the Litany;
  - (b) to read the Holy Scriptures at any service;
  - (c) to preach at any service;
  - (d) to lead the Intercessions at the Holy Communion and to lead prayers at other services;
  - (e) to assist at Baptism or the Solemnisation of Matrimony or conduct a Funeral Service;
  - (f) to assist in the distribution of the Holy Sacrament of the Lord's Supper to the people at the Holy Communion;

if the minister or lay person is authorised to perform a similar duty in his or her own Church

- (2) An invitation to perform in a parish church, district church or other place of worship in the parish any of the duties mentioned in sub-paragraph (1) above, other than duties in connection with a service of ordination or confirmation, may be given only by the incumbent and may be given only if:–
    - (a) in the case of:–
      - (i) any duty mentioned in sub-paragraph (1)(f) above, or
      - (ii) any duty mentioned in sub-paragraph (1)(a), (c) or (e) above, which is to be performed on a regular basis,  
  
the approval of the Dean has been obtained; and
    - (b) in the case of any duty mentioned in sub-paragraph (i)(e) above, the persons concerned have requested the incumbent to give the invitation; and
    - (c) in the case of any duty mentioned in sub-paragraph (1)(a), (c) or (f) above, the approval of Church officers has been obtained.
  - (3) An invitation to perform in a parish church or other place of worship in the parish any duty in connection with a service of ordination or confirmation may be given only by the Bishop and may be given only if the approval of the incumbent and the Congregational Meeting has been obtained.
2. Notwithstanding any provision of any Canon, a bishop who receives from a person authorised by a Church to which this Canon applies an invitation to take part in a service may in the course of that service perform any duty assigned to him if:–
- (a) the duty assigned to him is or is similar to a duty which he is authorised to perform in the Church of England; and
  - (b) he has before accepting the invitation obtained:–
    - (i) the approval of the incumbent of the parish in which the service is to take place, and
    - (ii) in the case of an invitation to take part in the ordination or consecration of a minister of a Church to which this Canon applies, to take part in a service of confirmation or to preside at the Holy Communion, the approval of the Archbishop.

3. Notwithstanding any provision of any Canon, a priest or deacon of the Church of England who receives from a person authorised by a Church to which this Canon applies an invitation to take part in a service may in the course of that service perform any duty assigned to him if:–
  - (a) the duty assigned to him is or is similar to a duty which he is authorised to perform in the Church of England, and
  - (b) he has before accepting the invitation obtained:–
    - (i) the approval of the incumbent of the parish in which the service is to take place, and
    - (ii) in the case of an invitation to take part in the ordination or consecration of a minister of a Church to which this Canon applies or to preside at the Holy Communion, the approval of the Bishop, and
    - (iii) in the case of an invitation to take part in any service on a regular basis, the approval of both the Dean and the Congregational Meeting of the parish in which the service is to take place.
4. In the case of an invitation to preside at the Holy Communion, the Archbishop shall not give his approval under paragraph 2 above, and the Bishop shall not give his approval under paragraph 3 above unless the Archbishop or the Bishop, as the case may be, is satisfied that there are special circumstances which justify acceptance of the invitation and that the rite and the elements to be used are not contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.
5. A bishop or priest who has accepted an invitation to take part in the ordination or consecration of a minister of a Church to which this Canon applies may not, by the laying on of hands or otherwise, do any act which is a sign of the conferring of Holy Orders, unless that Church is an Episcopal Church with which the Church of England has established intercommunion.
6. Notwithstanding any provision of any Canon, a deaconess, lay worker or reader of the Church of England who receives from a person authorised by a Church to which this Canon applies an invitation to take part in a service may in the course of that service perform any duty assigned to him or her if:–
  - (a) the duty so assigned is or is similar to a duty which he or she is authorised to perform in the Church of England; and

- (b) he or she has before accepting the invitation obtained the approval of the incumbent of the parish in which the service is to take place and also, in the case of an invitation to take part in a service on a regular basis, the approval of both the Dean and the Church officers of that parish.
7. Where, on an application under paragraph 3 or 6 above for the approval of an incumbent, that approval is withheld, the applicant may appeal to the Bishop and if, after considering the views of the applicant, the incumbent and the Dean, the Bishop determines that approval has been unreasonably withheld, the Bishop may authorise the applicant to take part in the service in question and where the Bishop so determines then he shall inform the incumbent in writing of the reasons for that determination.
8. Where the approval of the Congregational Meeting or Church officers is required for the giving of or accepting of an invitation under the preceding provisions of this Canon, that approval may be given in respect of the performance of such duties as may be specified in the approval by such person or persons, or such class of persons, as may be so specified and may either be given generally for an unlimited period or given subject to such limitation, whether as to duration or occasion, as may be so specified.
9. The incumbent of a parish may, with the approval of the Church officers (or in the case of regular invitations a Congregational Meeting) and the Dean invite members of another Church to which this Canon applies to take part in joint worship with the Church of England or to use a church in the parish for worship in accordance with the forms of service and practice of that other Church on such occasions as may be specified in the approval given by the Dean.
10. Any approval required by this Canon to be obtained from the Dean, the Bishop or the Archbishop shall be in writing.
11. This Canon applies to every Church to which the Church of England (Ecumenical Relations) Measure 1988 applies.

#### **B43 OF LOCAL ECUMENICAL PROJECTS**

- 1.(1) The Dean may enter into an agreement with the appropriate authority of each participating Church with regard to the participation of the Church of England in a local ecumenical project established or to be established for an area comprising any parish in the Island or part of such a parish.
- (2) The Dean shall not enter into any agreement under this paragraph as respects any parish or part of a parish unless the participation of the

Church of England in the project in respect of the parish concerned has been approved:–

- (a) by the Bishop;
  - (b) by the incumbent of that parish; and
  - (c) a simple majority of those present and voting at a Congregational Meeting of the parish convened for that purpose; and
- 2.(1) The Dean may at any time revoke any agreement made under the foregoing provisions of this Canon after consultation with the appropriate authority of each participating Church.
  - (2) Any agreement made under the foregoing provisions of this Canon shall be in writing.
  3. The powers of the Dean under this Canon may be exercised only in respect of a local ecumenical project in which every other Church participating in the project is a Church to which the Sharing of Church Buildings (Jersey) Law 1973 applies.

## **SECTION C**

### **MINISTERS, THEIR ORDINATION, FUNCTION, AND CHARGE**

#### **C1 OF HOLY ORDERS IN THE CHURCH OF ENGLAND**

1. The Church of England holds and teaches that from the Apostles' time there have been these orders in Christ's Church: bishops, priests, and deacons; and no man shall be accounted or taken to be a lawful bishop, priest, or deacon in the Church of England, or suffered to execute any of the said offices, except he be called, tried, examined, and admitted thereunto according to the Ordinal or any form of service alternative thereto approved under Canon B2, or has had formerly episcopal consecration or ordination in some Church whose orders are recognised and accepted by the Church of England.
2. No person who has been admitted to the order of bishop, priest, or deacon can ever be divested of the character of his order, but a minister may either by legal process voluntarily relinquish the exercise of his orders and use himself as a layman, or may by legal and canonical process be deprived of the exercise of his orders or deposed finally therefrom.

3. According to the ancient law and usage of the Church of England, priests and deacons who have received authority to minister in Jersey owe canonical obedience in all things lawful and honest to the Bishop.

## **C2 OF THE CONSECRATION OF BISHOPS**

1. No person shall be consecrated to the office of bishop by fewer than three bishops present together and joining in the act of consecration, of whom one shall be the archbishop of the province or a bishop appointed to act on his behalf.
2. The consecration of a bishop shall take place upon some Sunday or Holy Day, unless the archbishop, for urgent and weighty cause, shall appoint some other day.
3. No person shall be consecrated bishop except he shall be at least thirty years of age.
4. No person shall be refused consecration as bishop on the ground that he was born out of lawful wedlock.
5. Nothing in this Canon shall make it lawful for a woman to be consecrated to the office of bishop.

## **C3 OF THE ORDINATION OF PRIESTS AND DEACONS**

1. Ordination to the office of priest or deacon shall take place upon the Sundays immediately following the Ember Weeks, or upon St. Peter's Day, Michaelmas Day or St. Thomas' Day, or upon a day within the week immediately following St. Peter's Day, Michaelmas Day or St. Thomas' Day, or upon such other day, being a Sunday, a Holy Day or one of the Ember Days, as the bishop of the diocese on urgent occasion shall appoint.
2. Ordination of priests and deacons shall be in the cathedral church of the diocese, or other church or chapel at the discretion of the bishop.
3. The Dean, or his deputy, shall present to the bishop every person who is to be ordained in Jersey.
4. The priests taking part in an ordination shall together with the bishop lay their hands upon the head of every person who receives the order of priesthood.
5. Any form of service of Holy Communion which is authorized by Canon B1 may be used at an ordination.

6. No person shall be made deacon, except he be at least 23 years of age, unless he have a faculty from the Archbishop of Canterbury.
7. No person shall be ordained priest, except he be at least 24 years of age, unless being over the age of 23 he have a faculty from the Archbishop of Canterbury.
8. No person shall be ordained both deacon and priest upon one and the same day, unless he have a faculty from the Archbishop of Canterbury.
9. A deacon shall not be ordained to the priesthood for at least one year, unless the bishop shall find good cause for the contrary, so that trial may be made of his behaviour in the office of deacon before he be admitted to the order of priesthood. During a vacancy of the see, the power of the bishop under this paragraph shall be exercisable by the archbishop.

#### **C4A OF THE QUALITY OF SUCH AS ARE TO BE ORDAINED DEACONS OR PRIESTS**

1. Every bishop shall take care that he admit no person into holy orders but such as he knows either by himself, or by sufficient testimony, to have been baptized and confirmed, to be sufficiently instructed in Holy Scripture and in the doctrine, discipline, and worship of the Church of England, and to be of virtuous conversation and good repute and such as to be a wholesome example and pattern to the flock of Christ.
2. No person shall be admitted into holy orders who is suffering, or who has suffered, from any physical or mental infirmity which in the opinion of the bishop will prevent him from ministering the word and sacraments or from performing the other duties of the minister's office.
3. Subject to paragraph 4 of this Canon no person shall be admitted into holy orders who has remarried and, the other party to that marriage being alive, has a former spouse still living; or who is married to a person who has been previously married and whose former spouse is still living.
4. The archbishop of the province, on an application made to him by the bishop of a diocese on behalf of a person who by reason of paragraph 3 of this Canon could not otherwise be admitted into holy orders, may grant a faculty for the removal of the impediment imposed by that paragraph to the admission of that person into holy orders, and any request made to a bishop for an application to be made on his behalf under this paragraph shall be made and considered, and any application made by the bishop to the archbishop shall be made and determined, in accordance with directions given from time to time by the Archbishops of Canterbury and York acting jointly.



5. No person shall be refused ordination as deacon or priest on the ground that he was born out of lawful wedlock.

#### **C4B OF WOMEN DEACONS**

1. A woman may be ordained to the office of deacon if she otherwise satisfies the requirements of Canon C4 as to the persons who may be ordained as deacons.
2. A deaconess who is licensed or holds a bishop's permission to officiate, and in either case satisfies the requirements of Canon C4 as to the persons to be ordained as deacons, may apply to a bishop for his consent to her ordination as a deacon for service in the diocese of that bishop, and the bishop may give that consent notwithstanding:
  - (a) that she has not after applying to be so ordained been further examined concerning her knowledge of Holy Scripture or of the doctrine, discipline and worship of the Church of England, or
  - (b) that she has not exhibited to the bishop any certificate or other document which is required to be so exhibited under Canon C6.
3. Where a bishop is ordaining a woman according to the Order for the Making of Deacons in the Ordinal attached to The Book of Common Prayer the post-communion Collect beginning 'Almighty God, giver of all good things' shall be omitted and it shall be lawful for the bishop to use the variations to that service set out in the schedule to this Canon.
4. The Archbishops of Canterbury and York may jointly authorize forms of service for deaconesses to be ordained deacon, being forms of service which in both words and order are in their opinion reverent and seemly and are neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.

#### **The schedule**

1. For any relevant reference to 'he' or 'him' there may be substituted the words 'she' or 'her'.
2. For the prescribed Epistle, namely either 1 Timothy 3.18-13 or Acts 6.2-7, there may be substituted either Isaiah 6.1-8 or Romans 12.1-12 or such other lections as may from time to time be duly authorized.
3. For the prescribed Gospel, namely Luke 12.35-38, there may be substituted Mark 10.35-45 or such other lection as may from time to time be duly authorized.

#### **C4C OF WOMEN PRIESTS**

1. A woman may be ordained to the office of priest if she otherwise satisfies the requirements of Canon C4 as to the persons who may be ordained as priests.
2. In the forms of service contained in The Book of Common Prayer or in the Ordinal words importing the masculine gender in relation to the priesthood shall be construed as including the feminine, except where the context otherwise requires.

#### **C5 OF THE TITLES OF SUCH AS ARE TO BE ORDAINED DEACONS OR PRIESTS**

- 1 No person shall be admitted into holy orders by any bishop other than the bishop of the diocese in which he is to exercise his ministry, except he shall bring with him Letters Dimissory from the bishop of such diocese.

#### **C6 OF THE CERTIFICATES AND TESTIMONY TO BE EXHIBITED TO THE BISHOP BY SUCH AS ARE TO BE ORDAINED DEACONS OR PRIESTS**

1. Every person who is to be made a deacon shall exhibit to the bishop:–
  - (a) a certificate or other sufficient evidence of the date and place of his birth;
  - (b) testimony of his former good life and behaviour from persons specified by the bishop.
2. Every person who is to be ordained priest shall exhibit to the bishop:–
  - (a) his Letters of Orders;
  - (b) testimony of his former good life and behaviour from persons specified by the bishop.

#### **C7 OF EXAMINATION FOR HOLY ORDERS**

1. No bishop shall admit any person into holy orders, except such person on careful and diligent examination, wherein the bishop shall have called to his assistance the Dean and other ministers appointed for this purpose, be found to possess a sufficient knowledge of Holy Scripture and of the doctrine, discipline, and worship of the Church of England as set forth in the Thirty-nine Articles of Religion, The Book of Common Prayer, and the Ordinal: and to fulfil the requirements as to learning and

other qualities which, subject to any directions given by the General Synod, the bishop deems necessary for the office of deacon.

## **C8 OF MINISTERS EXERCISING THEIR MINISTRY**

1. Every minister shall exercise his ministry in accordance with the provisions of this Canon.
2. A minister duly ordained priest or deacon may officiate in any place only after he has received authority to do so from the Bishop.
3. The Bishop confers such authority on a minister either by instituting him to a benefice, or by admitting him to serve within his diocese by licence under his hand and seal, or by giving him written permission to officiate within the same.
4. No minister who has such authority to exercise his ministry in any diocese shall do so therein in any place in which he has not the cure of souls without the permission of the minister having such cure, except at the homes of persons whose names are entered on the electoral roll of the parish which he serves and in a school, hospital, or public or charitable institution in which he is licensed to officiate as provided by Canon B40.

## **C9 OF COLLATION AND PRESENTATION**

1. A vacancy or impending vacancy in any benefice shall be notified by the Bishop to the patron and to the Church Officers, and the provisions of the law of Jersey from time to time in force relating to the filling of such vacancy shall be complied with.
2. The Bishop shall have twenty-eight days' space to inquire and inform himself of the sufficiency and qualities of every minister, after he has been presented to him to be instituted to any benefice.
3. In the case of vacancy of any benefice to which the Crown has power of appointment if within twelve months the Lieutenant Governor does not present some person to the Bishop, or in the vacancy of that See, the Archbishop, to be instituted and admitted to the said benefice, then the Dean shall give notice of the time of the vacancy to the Bishop or the Archbishop as the case may be, to the end that he may give order for collating to the said benefice; and when any shall be presented to the Bishop or the Archbishop, as the case may be, the Dean shall give a certificate as to the sufficiency and behaviour of the party to be approved by them before he be actually admitted by the Dean into possession of the said benefice.

## **C10 OF ADMISSION AND INSTITUTION**

1. No person shall be admitted or instituted to any benefice before such time as he shall have been ordained priest by episcopal ordination in accordance with the provisions of Canon C1.
2. The Bishop shall not admit or institute to a benefice any priest who has been ordained by any bishop, except such priest first show unto him his Letters of Orders or other sufficient evidence that he has been ordained, and bring him sufficient testimony, if the Bishop shall require it, of his former good life and behaviour, and lastly, shall appear on due examination to be of sufficient learning.
3. The Bishop may refuse to admit or institute any priest to a benefice in Jersey on the ground that at the date of presentation not more than three years have elapsed since the priest who has been presented to him was ordained deacon, or that the said priest is unfit for the discharge of the duties of a benefice by reason of physical or mental infirmity or incapacity, pecuniary embarrassment of a serious character, grave misconduct or neglect of duty in an ecclesiastical office, evil life, having by his conduct caused grave scandal concerning his moral character since his ordination.
4. The Bishop shall not admit or institute any priest to a benefice until the expiration of one month after notice, in the prescribed manner, that he proposes to institute such priest has been served on the church wardens of the parish; which notice shall be published by the churchwardens in the prescribed manner.
5. After the expiration of one month from the serving of such notice on the churchwardens of the parish, the Bishop shall, as speedily as may be, proceed to give institution to the priest to whom he has collated the benefice, or who has been presented to him to be instituted thereto, in accordance with the laws and statutes in that behalf provided; which institution he shall use his best endeavour to give in the parish church of the benefice.
6. The Bishop, or the Dean as his commissary, when he gives institution, shall read the words of institution from a written instrument having the episcopal seal appended thereto.
7. The provisions of this Canon are without prejudice to any right of a patron or a presentee to appeal to the Archbishop, against the refusal of the Bishop to institute.
8. None, either Dean or Minister, shall hold two Rectorial Benefices together.

## **C11 OF INDUCTION**

1. The Bishop, or the Dean as his Commissary, after giving institution to any priest, shall issue directions for induction to a Vice Dean who shall thereupon induct the said priest into possession of the temporalities of the benefice.
2. The Vice Dean, when he makes the induction, shall take the priest who is to be inducted by the hand and lay it upon the key or upon the ring of the church door, or if the key cannot be had and there is no ring on the door, or if the church be in ruins, upon any part of the wall of the church or churchyard, at the same time reading the words of induction, after which the priest who has been inducted shall toll the bell to make his induction public and known to the people.

## **C12 OF THE LICENSING OF MINISTERS UNDER SEAL**

1. A licence, granted by the bishop under his hand and seal to any minister to serve within his diocese, shall be in the form either:–
  - (a) of a general licence to preach or otherwise to minister subject to the provisions of paragraph 4 of Canon C2 in any parish or ecclesiastical district, or
  - (b) of a licence to perform some particular office,and a licence granted to an assistant curate may be in a form which specifies the term of years in which the licence shall have effect.
2. The Bishop shall not grant any such licence to any minister who has come from another diocese, except such minister first show unto him Letters of Orders or other sufficient evidence that he is ordained, and bring him testimony, from the bishop of the diocese whence he has come, of his honesty, ability, and conformity to the doctrine, discipline, and worship of the Church of England.
3. After consultation with the Dean and, if the Minister so requests, the Ecclesiastical Court, the Bishop may by notice in writing revoke summarily, and without further process, any licence granted to any minister within the Island for any cause which appears to him to be good and reasonable after having given the minister sufficient opportunity of showing reason to the contrary and the notice shall notify the minister that he may, within twenty-eight days from the date on which he receives the notice, appeal to the Archbishop.

On such an appeal the Archbishop may either hear the appeal himself or appoint a person holding the office of diocesan bishop or suffragan bishop in his province (otherwise than in the diocese of Winchester) to

hear the appeal in his place; and, after hearing the appeal or, if he has appointed a bishop to hear the appeal in his place, after receiving a report in writing from that bishop, the Archbishop may confirm, vary or cancel the revocation of the licence as he considers just and proper, and there shall be no appeal from the decision of the Archbishop.

Any appeal under this paragraph shall be conducted in accordance with rules approved by the Archbishops of Canterbury and York; and any such rules may provide for the appointment of one or more persons to advise the Archbishop or Bishop hearing such an appeal on any question of law arising in the course thereof.

5. Where the Bishop has granted a licence to an assistant curate to minister in the Island for a term of years specified in the licence, the Bishop may revoke that licence under paragraph 4 of this Canon before the expiration of that term, and where he does so that curate shall have the like right of appeal as any other minister whose licence is revoked under that paragraph.

### **C13 OF THE OATH OF ALLEGIANCE**

1. Every person who is to be ordained priest or deacon, or to be instituted to any benefice, or to be licensed to any lectureship, preachship or stipendiary curacy shall first, in the presence of the Bishop or his commissary by whom he is to be ordained, instituted or licensed, take and subscribe the Oath of Allegiance in the form following:—

“I, A B, do swear that I will be faithful and bear true allegiance to *Her Majesty Queen Elizabeth II*, her heirs and successors, according to law: So help me God”.

2. The aforesaid Oath of Allegiance shall not be required to be taken (a) by any subject or citizen of a foreign state whom either archbishop, calling to assist him such bishops as he thinks fit, shall consecrate to officiate as a bishop in any foreign state, or (b) by any overseas clergyman to whom section 2 of the Overseas and Other Clergy (Ministry and Ordination) Measure 1967 applies or any other person ordained under section 5 of that Measure for ministry overseas, if the Bishop dispenses with the said oath.

### **C14 OF THE OATHS OF OBEDIENCE**

Every person who is to be ordained priest or deacon, or to be instituted to any benefice, or to be licensed either to any lectureship, preachship, or stipendiary curacy, or to serve in any place in the Island shall first take the Oath of Canonical Obedience to the Bishop in the presence of the Bishop or his commissary, and in the form following:—

“I, A B, do swear by Almighty God that I will pay true and canonical obedience to the Lord Bishop of Winchester and his successors in all things lawful and honest: So help me God”.

### **C15 OF THE DECLARATION OF ASSENT**

- 1.(1) The Declaration of Assent to be made under this Canon shall be in the form set out below:–

#### PREFACE

The Church of England is part of the One, Holy, Catholic and Apostolic Church worshipping the one true God, Father, Son and Holy Spirit. It professes the faith uniquely revealed in the Holy Scriptures and set forth in the catholic creeds, which faith the Church is called upon to proclaim afresh in each generation. Led by the Holy Spirit, it has borne witness to Christian faith in its historic formularies, the Thirty-nine Articles of Religion, the Book of Common Prayer and the Ordering of Bishops, Priests and Deacons. In the declaration you are about to make will you affirm your loyalty to this inheritance of faith as your inspiration and guidance under God in bringing the grace and truth of Christ to this generation and making Him known to those in your care?

#### DECLARATION OF ASSENT

I, A B, do so affirm, and accordingly declare my belief in the faith which is revealed in the Holy Scriptures and set forth in the catholic creeds and to which the historic formularies of the Church of England bear witness; and in public prayer and administration of the sacraments, I will use only the forms of service which are authorised or allowed by Canon.

- (2) The preface which precedes the Declaration of Assent in the form set out above shall be spoken by the archbishop or bishop or commissary in whose presence the Declaration is to be made in accordance with the following provisions of this paragraph and shall be spoken by him before the making of the Declaration.
- (3) Every person who is to be ordained priest or deacon shall before ordination make and subscribe the Declaration of Assent in the presence of the archbishop or bishop by whom he is to be ordained.
- (4) Every person who is to be instituted or admitted to any benefice or other ecclesiastical preferment or licensed to any lectureship or preachership shall first make and subscribe the Declaration of Assent in the presence of the Bishop by whom he is to be instituted or licensed or of the Bishop’s commissary.

- (5) Every person who is to be licensed to any curacy shall first make and subscribe the Declaration of Assent in the presence of the Bishop by whom he is to be licensed or of the Bishop's commissary unless he has been ordained the same day and has made the Declaration.
2. Every minister licensed to a stipendiary curacy shall on the first Lord's Day on which he officiates in the church or one of the churches in which he is licensed to serve, publicly and openly make the Declaration of Assent at the time of divine service in the presence of the congregation there assembled.

Before the minister makes the Declaration the preface which precedes the Declaration in the form set out in paragraph 1(1) of this Canon shall be spoken by the incumbent or another priest having a cure of souls.

3. Any person who in pursuance of a request and commission from a bishop of any diocese in England is ordained by an overseas bishop within the meaning of the Overseas and Other Clergy (Ministry and Ordination) Measure 1967, or a bishop in a church not in communion with the Church of England whose orders are recognised or accepted by the Church of England, shall be deemed to be ordained by a bishop of a diocese in England and accordingly shall make the Declaration of Assent.

#### **C16 THE BISHOP OF WINCHESTER**

1. The Bishop is the chief pastor of all that are within the Island of Jersey, as well laity as clergy, and their father in God; it appertains to his office to teach and to uphold sound and wholesome doctrine, and to banish and drive away all erroneous and strange opinions; and, himself an example of righteous and godly living it is his duty to set forward and maintain quietness, love, and peace among all men.
2. The Bishop has within Jersey jurisdiction as Ordinary except in places and over persons exempt by law or custom.
3. Such jurisdiction is exercised by the Bishop himself or by the Dean as Commissary General in accordance with the Letters Patent and the Bishop of Winchester's Commission.

#### **C17 OF THE DEAN**

1. The Dean shall be an episcopally ordained Minister of the Word of God, who is well qualified to hold the office, devout in his religion and steadfast in his service of God and who has completed no less than six years in priests' orders.



2. The Dean shall exercise his jurisdiction in accordance with the terms of his Letters Patent, the Bishop of Winchester's Commission, these canons and local law and custom.
3. The Dean shall carry out his duties under the Bishop and shall assist the Bishop in his pastoral care and office, and he shall in particular see that anyone holding any ecclesiastical office within the Deanery is performing their duties with due diligence bringing to the Bishop's attention any matters which call for correction or merit praise.
4. The Dean shall as Commissary of the Bishop, usually institute and induct into the possession of the temporalities (though he may direct a Vice Dean to perform the induction), or promulgate the licence of, all clergy appointed or licensed to a benefice.
5. The Dean as Commissary of the Bishop shall have jurisdiction over all matters which concern the service of God, the preaching of the Word, the administration of the sacraments.
6. The Dean or his deputy or vice Dean shall at least once every three years visit every Parish in person and at his option may give an address to the congregation as he thinks fit; which Visitation shall be made for the purpose of ensuring that all things appertaining to the church, the Service of God, and the Administration of the Sacraments, are being satisfactorily provided by the church wardens and that the Church, Churchyard and parsonage-house are being maintained and repaired and the church wardens, or (if they should fail in doing their duty) the Minister shall advise the Dean of any matters requiring his attention whether it relates to the Minister himself, the Church Officers or to other members of the congregation of that church in order that the Dean may take appropriate action in accordance with the provisions of these Canons. These Visitations shall be in addition to the Dean's General Visitation at which all Clergy and Church Officers shall be cited to appear before him at such time and place as the Dean may direct.
7. When the Dean shall issue a summons advising of his visitation, he shall also deliver or cause to be delivered to the minister or churchwardens of the parish to be visited, details of such matters on which he shall require the minister and churchwardens to address him on the visitation day.
8. In the case of a vacancy of a benefice, if within twelve months of the vacancy arising the Lieutenant Governor does not present some person to the Bishop, or in the vacancy of the See to the Archbishop, to be admitted and instituted to the said benefice, then the Dean shall give notice to the Bishop so that the Bishop may give order for collating to the benefice.

9. The Dean shall be joint Chairman together with a member of the House of Laity of the Deanery Synod.
10. The Dean may from time to time appoint one or more deputies or vice deans who may perform the duties of the Dean insofar as his Commission shall extend of which there shall be an Authentic Act registered in the Rolls of the Ecclesiastical Court.
11. The Bishop may from time to time delegate to the Dean such of his powers and duties as he may think fit.

### **C18 OF PRIESTS HAVING A CURE OF SOULS**

1. Every priest having a cure of souls shall provide that, except for some reasonable cause, Morning and Evening Prayer daily, and on appointed days the Litany, shall be said in the church, or one of the churches, of which he is the minister.
2. Every priest having a cure of souls shall, except for some reasonable cause approved by the Dean celebrate, or cause to be celebrated, the Holy Communion on all Sundays and other greater Feast Days and on Ash Wednesday, and shall diligently administer the sacraments and other rites of the Church.
3. Every priest having a cure of souls shall, except for some reasonable cause approved by the Dean preach, or cause to be preached, a sermon in his church at least once each Sunday.
4. He shall instruct the children, or cause them to be instructed, in the Christian faith, and shall use such opportunities of teaching or visiting in the schools within his cure as are open to him.
5. He shall carefully prepare, or cause to be prepared, all such as desire to be confirmed and, if satisfied of their fitness, shall present them to the Bishop for confirmation.
6. He shall be diligent in visiting his parishioners, particularly those who are sick and infirm; and he shall provide opportunities whereby any of his parishioners may resort unto him for spiritual counsel and advice.
7. He and the Congregational Meeting shall consult together on matters of general concern and importance to the ecclesiastical parish.
8. If at any time he shall be unable to discharge his duties whether from non-residence or some other cause, he shall provide for his cure to be supplied by a priest licensed or otherwise approved by the Bishop.

## **C19 OF THE RESIDENCE OF PRIESTS ON THEIR BENEFICES**

1. Every beneficed priest shall keep residence on his benefice, or on one of them if he shall hold two or more in plurality, and in the house of residence (if any) belonging thereto.
2. No beneficed priest shall be absent from his benefice, or from the house of residence belonging thereto, for a period exceeding the space of three months together, or to be accounted at several times in any one year, except he have a licence to be so absent, granted by the Dean after consultation with the Bishop subject to the statutory provisions in this behalf for the time being in force, if any, or be otherwise legally exempt from residence.
3. Any beneficed priest, within one month after refusal of any such licence, may appeal to the Archbishop, who shall confirm such refusal or direct the Dean to grant a licence, as shall seem to the Archbishop just and proper.
4. In the case of any benefice in which there is no house, or no fit house of residence, the priest holding that benefice may be licensed by the Dean to reside in some fit and convenient house, although not belonging to that benefice.

## **C20 OF THE MANNER OF LIFE OF MINISTERS**

1. Every priest and deacon is under obligation, not being prevented by sickness or some other urgent cause, to say daily the Morning and Evening Prayer, either privately or openly, and to celebrate the Holy Communion, or be present thereat on all Sundays and other principal Feast Days. He is also to be diligent in daily prayer and intercession, in examination of his conscience, and in the study of the Holy Scriptures and such other studies as pertain to his ministerial duties.
2. A minister shall not give himself to such occupations, habits, or recreations as do not befit his sacred calling, or may be detrimental to the performance of the duties of his office, or tend to be a just cause of offence to others; and at all times he shall be diligent to frame and fashion his life and that of his family according to the doctrine of Christ, and to make himself and them, as much as in him lies, wholesome examples and patterns to the flock of Christ.

## **C21 OF THE DRESS OF MINSTERS**

The apparel of a priest or deacon shall be suitable to his office; and, save for purposes of recreation and other justifiable reasons, shall be such as to be a sign and mark of his holy calling and ministry as well to others as to those committed to his spiritual charge.

## **C22 OF THE OCCUPATIONS OF MINISTERS**

1. No minister holding ecclesiastical office shall engage in trade or any other occupation in such manner as to affect the performance of the duties, except so far as he be authorised so to do under the statutory provisions in this behalf for the time being in force if any or he have a licence so to do granted by the Dean.
2. The Dean shall have power to grant or refuse such a licence after consultation with the church officers of the parish in which the minister holds office and with the Bishop.
3. If the Dean shall refuse such a licence, the minister may within one month of such refusal appeal to the Bishop, who shall confirm or overrule such refusal.
4. During a vacancy of the see, the powers of the Bishop under paragraph 3 of this Canon shall be exercisable by the Archbishop.

## **SECTION D**

### **THE LAY OFFICERS OF THE CHURCH**

#### **DI OF CHURCHWARDENS (also known as Surveillants)**

1. Each of the Ancient Parishes shall elect two churchwardens at an Ecclesiastical Assembly of the parish to be held at a convenient time and place prior to the 31st May.

Each of the district churches shall elect two churchwardens at a Congregational Assembly to be held at a convenient time and place prior to the 31st May.

If there shall be more than two persons standing for election as churchwardens in any ecclesiastical parish, the incumbent shall have power to name one churchwarden and there shall be an election for the remaining position of churchwarden. For the avoidance of doubt a churchwarden need not be resident in the ecclesiastical parish which he serves in that capacity, but shall be on the Deanery Electoral Roll.

2. The oaths of office shall be administered to all churchwardens by the Ecclesiastical Court as soon as conveniently possible after the 1st June in each year.
3. The churchwardens so chosen and sworn in shall continue in office until they, or others as their successors, be sworn in by a subsequent Ecclesiastical Court or until they are dismissed by a resolution to that effect duly passed by an Ecclesiastical Assembly (in the case of the

ancient parishes) or a Congregational Meeting (in the case of the district churches) as the case may be. Any churchwarden who has been dismissed may appeal to the Ecclesiastical Court which may confirm the dismissal, reinstate the churchwarden to office, or make such other order as it thinks fit. The incumbent of the ecclesiastical parish which has dismissed the churchwarden shall not sit in the Ecclesiastical Court for the purposes of any such appeal.

4. The churchwardens when admitted are officers of the Dean as commissary of the Bishop. They shall discharge such duties as are by law and custom assigned to them. They shall be foremost in representing the laity and in co-operating with the incumbent; and shall use their best endeavours by example and precept to encourage the parishioners in the practice of true religion and to promote unity and peace among them. It shall be their duty to maintain order and decency in the church and churchyard, especially during the time of divine service; and to keep the accounts of the church and each year present to a Congregational Meeting of the parish a set of accounts for the preceding calendar year signed by them and by the incumbent, and audited by such third party as shall have been nominated by the relevant Congregational Meeting for such purpose.

In the event that the accounts so presented shall not be approved by the Meeting the matter shall be remitted forthwith to the Ecclesiastical Court which may make such order as it thinks fit. The incumbent of the ecclesiastical parish the accounts of which are to be considered by the Ecclesiastical Court shall not sit in the Ecclesiastical Court that receives them. Copies of the accounts, once approved by the relevant Meeting, shall be remitted forthwith to the Chairman of the Finance Committee of the Jersey Deanery Synod and to the Dean.

5. The churchwardens of the ancient parishes shall apply the revenues of the “Trésor” of the Church to the repairs, maintenance and needs of the Church, Churchyard and rectory; but they may not, save with the approval of the Parish Assembly and Dean’s Licence or Faculty as may be appropriate, give orders for anything more than ordinary repairs and those other repairs or renewals necessary to be carried out without delay for the preservation of the Church or rectory. It shall be the duty of the churchwardens to present to the Ecclesiastical Assembly of the parish held prior to the 31st May in each year a set of accounts in respect of the “Tresor” and “Charité” accounts of the parish for the precedent calendar year, signed by the incumbent and audited by such third party as shall have been nominated by the assembly for such purpose.

In the event that the accounts so presented shall not be approved by the Assembly, the matter shall be remitted forthwith to the Ecclesiastical Court which shall make such order as it thinks just.

6. All churchwardens shall have responsibility with the incumbent to ensure that all things appertaining to the Church and required by Canon E below to be provided are provided and maintained. In the Churchwardens is vested the property in the plate, ornaments and other movable goods of the Church, and they shall keep an inventory thereof, which they shall revise from time to time as occasion may require. A copy of such inventory should be annexed to the accounts mentioned in Canon D1.4 above. On leaving office, the Churchwardens shall deliver to their successors any movable goods of the Church remaining in their hands together with the said inventory, which shall be checked by their successors.
7. Nothing in these Canons shall affect the duties and obligations of Churchwardens under the Civil Law.

## **D2 OF ALMONERS (also known as Collecteurs des Aumones)**

1. Each of the Ancient Parishes shall elect not less than two almoners at an Ecclesiastical Assembly of the parish to be held at a convenient time and place prior to the 31st May. Each of the District Churches shall elect two almoners at a Congregational Meeting to be held at a convenient time and place prior to the 31st May.
2. The oaths of office shall be administered to all almoners by the Ecclesiastical Court as soon as conveniently possible after 1st June in each year.
3. It shall be the duty of almoners to give churchwardens such assistance as may be required in the discharge of their duties and to fulfil their other functions and duties in accordance with the law and custom of the Island.

## **D3 OF SIDESMEN OR ASSISTANTS TO THE CHURCHWARDENS**

1. The sidesmen of the Ancient Parish Churches and the District Churches are elected at Congregational Meetings held in the same period. The Churchwardens in consultation with the incumbent may appoint additional sidesmen to take office until the next following congregational meeting.
2. No person whose name is not on the Deanery Electoral Roll is eligible as a sidesman, but all persons whose names are on the roll are so eligible.
3. It shall be the duty of the sidesmen to promote the cause of true religion in the parish and to assist the churchwardens in the discharge of their duties in maintaining order and decency in the church and churchyard, especially during the time of divine service.

#### **D4 OF PARISH CLERKS AND OTHER OFFICERS**

In any parish in which the services of a parish clerk, sexton, verger, organist or other officer are required the minister and the customary parochial authorities, if any, may, after consultation with the Dean, in accordance with the law appoint some fit and proper person to these offices to perform such services upon such terms and conditions as they may think fit and according to custom as generally may be.

#### **D5 OF READERS**

1. A lay person, whether man or woman, who is baptised and confirmed and who satisfies the Bishop that he is a regular communicant of the Church of England may be admitted by the Bishop to the office of reader in the Church and licensed by him to perform any duty or duties which may lawfully be performed by a reader according to the provisions of paragraph 2 of this Canon.
2. It shall be lawful for a reader:–
  - (a) to visit the sick, to read and pray with them, to teach in Sunday school and elsewhere, and generally to undertake such pastoral and educational work and to give such assistance to any minister as the Bishop may direct;
  - (b) during the time of divine service to read Morning and Evening Prayer (save for the Absolution), to publish banns of marriage at Morning and Evening Prayer, to read the Word of God, to preach, to catechise the children, and to receive and present the offerings of the people;
  - (c) to distribute the holy sacrament of the Lord's Supper to the people.
3. The Bishop may also authorise a reader to bury the dead or read the burial service before, at or after a cremation but only, in each case, with the goodwill of the persons responsible and at the invitation of the minister of the parish concerned.

When a cure is vacant there reference in this paragraph to the minister of a parish shall be construed as a reference to the Dean.

4. The Canons and procedure for the nomination admission and licensing of readers resident in Jersey shall be the same as they would have been had those readers been resident in England.

5. The Bishop shall keep a register of the names of every person whom he has either admitted to the office of Reader or licensed to exercise that office.

## **D6 OF LAY WORKERS**

1. A lay person, whether man or woman, who satisfies the Bishop that he or she:–

- (a) is baptised and confirmed and a regular communicant of the Church of England;
- (b) has had the proper training; and
- (c) possesses the other necessary qualifications,

may be admitted by the Bishop as a lay worker of the Church. A lay worker may perform the duties set out in this Canon or any of them, if authorised to do so by licence or permission of the Bishop.

2. A man or woman admitted to the office of evangelist is thereby admitted as a lay worker of the Church.

3. A lay worker may in the place where he or she is licensed to serve, and under the direction of the minister, lead the people in public worship, exercise pastoral care, evangelise, instruct the people in Christian faith, and prepare them for the reception of the sacraments.

4. A lay worker may:–

- (a) in accordance with Canon B10, paragraph 4, be authorised and invited to say or sing Morning or Evening Prayer (save for the Absolution);
- (b) distribute the holy sacrament of the Lord's Supper to the people and to read the Epistle and the Gospel.

5. The Bishop may also authorise a lay worker to perform any of the following duties at the invitation of the minister of the parish concerned:–

- (a) to preach at divine service;
- (b) to church women;
- (c) to publish banns of marriage at Morning and Evening Prayer. When a cure is vacant the first reference in this paragraph to the



minister of a parish shall be construed as a reference to the Dean.

## **D7 OF THE ADMISSION AND LICENSING OF LAY WORKERS**

The Canons and procedure for the nomination admission and licensing of lay workers resident in Jersey shall be the same as if they would have been had they those lay workers been resident in England.

## **SECTION E**

### **THINGS APPERTAINING TO CHURCHES**

#### **E1 OF THE FONT**

1. In every church and chapel where baptism is to be administered, there shall be provided a decent font with a cover for the keeping clean thereof which shall be set in as spacious and well-ordered surroundings as possible.
2. The font bowl shall only be used for the water at the administration of Holy Baptism and for no other purpose whatsoever.

#### **E2 OF THE HOLY TABLE**

1. In every church and chapel a convenient and decent table, of wood, stone, or other suitable material, shall be provided for the celebration of the Holy Communion, and shall stand in the main body of the church or in the chancel where Morning and Evening Prayer are appointed to be said. Any dispute as to the position where the table shall stand shall be determined by the Dean.
2. The table, as becomes the table of the Lord, shall be kept in a sufficient and seemly manner, and from time to time repaired, and shall be covered in the time of divine service with a covering of silk or other fabric, and with a fair white linen cloth at the time of the celebration of the Holy Communion.

#### **E3 OF THE COMMUNION PLATE**

1. To every church and chapel there shall be provided, for the celebration of the Holy Communion, a chalice for the wine and a paten or other vessel for the bread, of gold, silver, or other suitable metal. There shall also be provided a suitable receptacle for the collection of the alms of the people, and a convenient cruet or flagon for bringing the wine to the communion table.

2. It is the duty of the minister of every church or chapel to see that the communion plate is kept washed and clean, and ready for the celebration of the Holy Communion.

#### **E4 OF THE COMMUNION LINEN**

In every church and chapel there shall be provided and maintained a sufficient number of fair white linen cloths for the covering of the communion table and of other fair linen cloths for the use of the priest during the celebration of Holy Communion.

#### **E5 OF ROBES FOR THE MINISTER**

In every church and chapel appropriate robes for the minister or ministers shall be provided and maintained at the cost of the church or chapel.

#### **E6 OF THE READING DESKS AND PULPIT**

In every church and chapel there shall be provided convenient desks for the reading of Prayers and God's word, and, unless it be not required, a decent pulpit for the sermon, to be set in a convenient place; which place, in the case of any dispute, shall be determined by the Dean, and where the Rector of the place is the Dean, by the Vice-Dean in the Ecclesiastical Court.

#### **E7 OF SEATS IN CHURCH**

1. In every church and chapel there shall be provided seats for the use of the parishioners and others who attend divine service.
2. In every church and chapel it shall be the duty of the churchwardens, acting for this purpose as the officers of the Dean and subject to his directions, to allocate the seats amongst the parishioners and others in such manner as the service of God may be best celebrated in the church or chapel; saving the right of the minister to allocate seats in the chancel and the rights of any person to a seat or to allocate seats confirmed by faculty, prescription, or statutory authority.
3. Such allocation of seats to non-parishioners shall not interfere with the rights of the parishioners to have seats in the main body of the church.

#### **E8 OF CHURCH BELLS**

1. To every church and chapel there shall be provided at least one bell to ring the people to divine service.
2. Save in accordance with ancient custom, no bell in any church or chapel shall be rung contrary to the direction of the minister.

## **E9 OF THE BIBLE AND THE BOOK OF COMMON PRAYER FOR THE USE OF THE MINISTER**

In every church and chapel there shall be provided for the use of the minister a Bible, including the Apocrypha, and a Book of Common Prayer, both of large size; a convenient Bible to be kept in the pulpit for the use of the preacher; and a service book, together with a cushion or desk, for use at the communion table.

## **E10 OF THE ALMS BOX**

In every church and chapel there shall be provided in a convenient place a box for the alms of the people; which alms are to be applied to such uses as the minister and church officers shall think fit; wherein if they disagree, the Dean shall determine the disposal thereof.

## **E11 OF THE REGISTER BOOKS AND THEIR CUSTODY**

1. In every church and chapel where baptism is to be administered or matrimony solemnised there shall be provided register books of baptism, banns, and marriage respectively, and, if a churchyard or burial ground belonging to such church or chapel is used for burials, a register book of burials.
2. Register books shall be provided, maintained, and kept in accordance with the laws relating thereto, and the rules and regulations made thereunder and from time to time in force as the Dean may direct.
3. In every church and chapel there shall also be provided a register book of confirmations.

## **E12 OF THE REGISTER BOOK OF SERVICES**

1. A register book of services shall be provided in all churches and chapels.
2. In the said register book shall be recorded every service of public worship, together with the name of the officiating minister and of the preacher (if he be other than the officiating minister), the number of communicants, and the amount of any alms or other collection and, if desired, notes of significant events.

## **E13 OF THE CARE AND REPAIR OF CHURCHES**

1. The churches and chapels in every parish shall be decently kept and from time to time, as occasion may require, shall be well and sufficiently repaired and all things therein shall be maintained in such an orderly and decent fashion as best becomes the House of God.

2. The like care shall be taken that the churchyards be duly and that the said fences be maintained at the charge of those to whom by law or custom the liability belongs, and that the churchyards be kept in such an orderly and decent manner as becomes consecrated ground.
3. It shall be the duty of the minister and churchwardens, if any alterations, additions, removals, or repairs are proposed to be made in the fabric, ornaments, or furniture of the church, to obtain the faculty or licence of the Ecclesiastical Court before proceeding to execute the same.
4. In the case of every church and chapel, a record of all alterations, additions, removals, or repairs so executed shall be kept in a book to be provided for the purpose and the record shall indicate where specifications and plans may be inspected if not deposited with the book.

#### **E14 OF CHURCHES NOT TO BE PROFANED**

1. The churchwardens and their assistants shall not suffer the church or chapel to be profaned by any meeting therein for temporal objects inconsistent with the sanctity of the place, nor the bells to be rung at any time contrary to the direction of the minister, save in accordance with ancient custom.
2. They shall not suffer any person so to behave in the church, church porch, or churchyard during the time of divine service as to create disturbance. They shall also take care that nothing be done therein contrary to the law of the Church or of the Island.
3. If any person be guilty of riotous, violent, or indecent behaviour in any church, chapel, or churchyard, whether in any time of divine service or not, or of disturbing, vexing, troubling, or misusing any minister officiating therein, the said churchwardens or their assistants shall take care to restrain the offender and if necessary proceed against him according to law.

#### **E15 OF PLAYS, CONCERTS AND EXHIBITIONS OF FILMS AND PICTURES IN CHURCHES**

1. When any church or chapel is to be used for a play, concert, or exhibition of films or pictures, the minister shall take care that the words, music, and pictures are such as befit the House of God, are consonant with sound doctrine, and make for the edifying of the people.
2. The minister shall obey any general directions relating to such use of a church or chapel issued from time to time by the Dean or the Bishop.

3. No play, concert, or exhibition of films or pictures shall be held in any church or chapel except the minister have first consulted the authorities concerned with the precautions against fire and other dangers required by the law to be taken in the case of performances of plays, concerts, or exhibitions of cinematograph films, and the said authorities have signified that the proposed arrangements are a sufficient compliance with the regulations in force as to precautions against fire or other dangers.
4. If any doubt arises as to the manner in which the preceding clauses of this Canon are to be observed, the minister shall refer the matter to the Dean and obey his directions therein.

#### **E16 OF KEEPING A RECORD OF THE PROPERTY OF CHURCHES**

1. The Dean shall procure so far as he is able that a full note and terrier of all lands, goods, and other possessions of the churches and chapels of the Island be compiled and kept by the minister and churchwardens in accordance with his instructions from time to time.
2. The Dean shall at least once in three years, either in person or by a vice Dean satisfy himself that the directions of the preceding paragraph of this Canon have been carried out in all the parishes.

#### **E17 OF THE SURVEY OF CHURCHES**

It shall be the responsibility of the Minister and Churchwardens of every church and chapel in the Island at least once in every five years to procure that the church buildings within their jurisdiction are inspected by one or more persons with skill and expertise for that purpose who shall give a written report on the defects, if any, in the church fabric, ornaments and furniture of the same and a copy of such report shall be furnished by the Minister to the Dean, and in the case of Ancient Parishes, also to the Constable of the Parish.

#### **SECTION F**

##### **FI OF THE ECCLESIASTICAL COURT**

###### **1. The Ecclesiastical Court Divisions**

There shall be two divisions of the Ecclesiastical Court:—

- (a) The Ordinary Division and
- (b) The Clergy Disciplinary Division.

## 2. **Court Officers**

- 1(a) There shall be not less than two advocates, one of whom shall be the Proctor, duly sworn to the Court to assist the Court in the performance of its duties. It shall be the responsibility of the Proctor to present appropriate business for consideration by the Court in accordance with established custom.
- (b) There shall also be a Greffier duly sworn to the Court to keep a record of the Acts of the Court from time to time. The Court may also appoint a Greffier substitute to assist the Greffier or attend Court in the absence of the Greffier.

## 3. **Rules of Court**

Rules of Court may be made by both Divisions of the Court from time to time with the consent of the Dean, and with the consent too of the Bishop in relation to Clergy Discipline:–

- (a) for regulating and prescribing the procedure and practice of the respective Divisions of the Court in all causes or matters whatsoever in respect of which the such Division of the Court has jurisdiction and any matters incidental thereto and for regulating the sittings of the Court from time to time.
- (b) for regulating or making provision with respect to any other matters which may require to be regulated or with respect to which provision may require to be made for the purposes of these Canons.

Rules of Court once made shall be published by transmitting a copy thereof to the incumbent of every ecclesiastical parish and the incumbent of every proprietary chapel in the Island. Rules of Court made hereunder shall be maintained by the Greffier and available to the public from the Judicial Greffe of the Royal Court.

## **F2 OF THE ORDINARY DIVISION**

### 1. **President of the Ordinary Division**

The Dean or in his absence a Vice Dean shall preside over sittings of the Ordinary Division of the Court. All incumbents of the Ancient Parishes shall be members in the Ordinary Division of the Court and sit as Assessors to advise the President.

2. The Quorum for any sitting of the Ordinary Division shall be a President sitting with five Assessors.

### 3. **Jurisdiction**

Save where the same is inconsistent with these Canons in which case these Canons shall prevail, the jurisdiction of the Ordinary Division of the Court shall extend in the Deanery of Jersey to the following matters:–

- (a) the consideration of applications for Faculties and matters relating thereto;
- (b) the administration of oaths to Church and Court Officers and members of the Clergy Disciplinary Division;
- (c) the admission of Notaries Public;
- (d) such matters as are expressed in these Canons to be within its jurisdiction;
- (e) such other matters, other than those relating to Clergy discipline, as customarily fell within the jurisdiction of the Court immediately prior to the promulgation of these Canons;
- (f) the issuing of Practice Directions.

4. All those entitled to sit shall be given reasonable notice of any sitting of the Ecclesiastical Court. At every sitting; the names of those in attendance shall be enrolled. The Court shall sit in public save in cases of non-contentious business when the Dean may sit in chambers.

5. All causes and matters before the Court shall be determined by the President of the Court after he shall have sought the advice and opinion of the members of the Court at the sitting.

### 6. **Appeals**

Appeals in matters which fall within the jurisdiction of the Ordinary Division of the Court under section 3 above shall be heard and determined by the Inferior Number of the Royal Court. Every appeal shall be entered by notice in writing to the Greffier of the Royal Court with a copy to the Dean, within fifteen days of the decision to be appealed. Any such appeal shall not take place by way of rehearing de novo but the Royal Court shall have the right to hear such fresh or further evidence as it shall think fit and generally to resolve the procedure for determining the appeal as in its discretion it thinks fit in all the circumstances of the case.

7. Notwithstanding the provisions of Canon F2.6 above; the Royal Court may from time to time make and amend such rules governing the procedure on appeals as it may think fit.
- 8.(a) The costs of and incidental to all proceedings in the Ecclesiastical Court shall be in the discretion of the Court and the Court shall have full power to determine by whom and to what extent the costs are to be paid.
- (b) Costs ordered to be paid pursuant to this Canon shall be recoverable as a civil debt.

### **F3 OF THE CLERGY DISCIPLINARY DIVISION**

Any body or person on whom functions in connection with the discipline of persons in Holy Orders are conferred by this Canon shall, in exercising those functions, have due regard to the role in that connection of the Bishop of Winchester by virtue of his office and consecration and the jurisdiction vested in the Dean by virtue of his Letters Patent from the Sovereign.

#### **1. Composition of the Clergy Disciplinary Division.**

The Clergy Disciplinary Division shall comprise the following persons:–

- (a) The President who shall be the Dean.
- (b) A Vice President who shall be a Royal Court Commissioner or an Advocate or Solicitor of the Royal Court of at least 10 years standing appointed by the Dean in consultation with the Bishop and the Bailiff and who shall preside at all sittings of the Clergy Disciplinary Division.
- (c) A panel of members as follows:–
  - (i) one person from each Ancient Parish and Ecclesiastical District being persons who are resident in the Island of Jersey and are on the Deanery electoral roll appointed by the President in consultation with the incumbent of the Parish or Ecclesiastical District and who shall be nominated to serve for not more than three years. Such person may be nominated to serve for one further period of three years.
  - (ii) Twelve Clerks in Holy Orders of at least seven years standing, resident in the island of Jersey appointed by the President in consultation with the Bishop.



- (iii) Five advocates or solicitors of the Royal Court of at least ten years standing appointed by the President in consultation with the Bailiff and the Bishop.

No person who is not an actual communicant of the Church of England shall be nominated to serve on the panel.

Where the period of service of a person nominated to serve on the panel expires while he is a member of the Court to which proceedings under this Canon are referred, he shall continue to be a member of the Court until the completion of the said proceedings.

Where a casual vacancy occurs on the panel the, Dean may nominate a person to fill the vacancy, and the provisions of subsections (i), (ii) and (iii) above, relating to qualifications and consultations shall apply for the purposes of this subsection as they applied for the purposes of the nomination of the person whose place he takes on the panel.

Any person nominated to fill a casual vacancy shall serve only for the unexpired term of service of the person whose place he takes on the panel.

The Vice President or in his absence one of the Advocates appointed pursuant to paragraph (iii) above will preside at all sittings of the Clergy Disciplinary Division.

## **2. Functions of the Division**

The Clergy Disciplinary Division shall exercise the functions conferred on it by this Canon and in addition shall have the following duties:-

- (a) to make itself familiar with codes of practice and general policy guidance to persons exercising functions in the Church of England in connection with clergy discipline and with the penalties which are appropriate in particular circumstances; and
- (b) to make annually to the Bishop a report on the exercise of its functions during the previous year; and
- (c) to issue Practice Directions.

## **3. Jurisdiction in disciplinary proceedings**

- (1) The clergy Disciplinary Division has jurisdiction to hear and determine disciplinary proceedings under this Canon against a Clerk in Holy Orders:-

- (a) who, when the misconduct complained of was alleged to have been committed, held preferment or the Bishop's licence in the Deanery or, subject to subsection (3) below, was resident therein; or
  - (b) who is alleged to have officiated as a minister in the Deanery without authority.
- (2) Where disciplinary proceedings in respect of any matter are instituted under section 7 below against a priest or deacon in the Diocese in which he holds or held preferment or in which he is alleged to have officiated as a minister without authority no such proceedings in respect of the same matter shall be instituted in the Deanery of Jersey on the basis of residence therein and any such proceedings previously instituted on that basis shall be discontinued.
- (3) Where disciplinary proceedings in respect of any matter are instituted under section 7 below against a priest or deacon in the diocese in which he is alleged to have officiated without authority, no such proceedings in respect of the same matter shall be instituted in the Deanery of Jersey on the basis of preferment therein and any such proceedings previously instituted on that basis shall be discontinued.

#### **4. Application**

Where a complaint is to be referred under these Canons to The Clergy Disciplinary Division the following provisions of these Canons shall have effect for the purpose of regulating proceedings against a Clerk in Holy Orders who is alleged to have committed an act or omission and references to misconduct shall be construed accordingly.

#### **5. Misconduct**

- (1) Disciplinary proceedings under this Canon may be instituted against any Clerk in Holy Orders alleging any of the following acts or omissions:–
  - (a) doing any act in contravention of the laws ecclesiastical of Jersey;
  - (b) failing to do any act required by the laws ecclesiastical of Jersey;
  - (c) neglect or inefficiency in the performance of the duties of his office;

- (d) conduct unbecoming or inappropriate to the office and work of a Clerk in Holy Orders;
  - (e) conduct leading to a breakdown in pastoral relationship between Priest and parish.
- (2) In the case of a minister licensed to serve in the Deanery by the Bishop the licence shall not be terminated by reason of that person's misconduct otherwise than by way of such proceedings.

#### **6. Limitation of time for institution of proceedings**

No disciplinary proceedings under this Canon shall be instituted unless the misconduct in question, or the last instance of it in the case of a series of acts or omissions, occurred within the period of the two years ending with the date on which proceedings are instituted:

Provided that, when the misconduct is one for which the person concerned has been convicted either on indictment or summarily, proceedings may be instituted within twelve months of the conviction becoming conclusive, notwithstanding that the aforesaid period of two years has elapsed:

And provided further that the President may, if he considers that there was good reason why the complainant did not institute proceedings at an earlier date, after consultation with the complainant and the respondent give his written permission for the proceedings to be instituted after the expiry of the said period of two years.

#### **7. Institution of proceedings**

- (1) Disciplinary proceedings under these Canons may be instituted against any Clerk in Holy Orders who is subject to the jurisdiction of the Ecclesiastical Court by virtue of section 3 above, by way of complaint made in writing, only as follows by:—
- (i) a person nominated by a congregational meeting of any parish or district church which has a proper interest in making the complaint, if not less than two-thirds of the lay members present and voting pass a resolution to the effect that the proceedings be instituted; or
  - (ii) a Church Officer of any such parish; or
  - (iii) any other person who has a proper interest in making the complaint.

- (2) A complaint made under this section shall be accompanied by written particulars of the alleged misconduct, and written evidence in support of the complaint shall be sent to the Proctor of the Ecclesiastical Court either with the complaint or at such later time as he may allow.
- (3) Where a complaint is made under this section against the Dean his duties and functions shall in all respects be undertaken by the Vice President.
- (4) Where a complaint is made under this section against the Bishop in respect of a matter arising in Jersey the matter shall be dealt with under the provisions of the English Clergy Discipline Measure.

#### **8. Preliminary scrutiny of complaint**

- (1) When a complaint in writing has been made in accordance with section 7 above it shall be considered in the first instance by the Proctor of the Ecclesiastical Court (the “Proctor”) who shall thereupon scrutinise the complaint in consultation with the complainant with a view to:–
  - (a) forming a view as to whether or not the person making the complaint has a proper interest in doing so or, if the complainant purports to be a Church Officer, establishing that he is such, and
  - (b) forming a view as to whether or not there is sufficient substance in the complaint to justify proceeding with it in accordance with the following provisions of this Canon,  
  
and the Proctor shall notify the respondent, the Bishop and the Dean that the complaint has been referred to him.
- (2) Having scrutinised the complaint the Proctor shall, within the period of twenty-eight days following its receipt by him or such longer period as he considers to be justified in the particular circumstances of the case, send a written report to the Bishop and the Dean setting out the Proctor’s views and thereupon they shall, acting together, deal with the complaint in accordance with the following provisions of these Canons, having regard to the Proctor’s report:

Provided that the period of twenty-eight days referred to above shall not be extended as aforesaid more than once.

- (3) On receipt of the Proctor's report the Bishop and the Dean may dismiss the complaint and, if they do so, he shall give written notice of the dismissal to the complainant, the respondent and the Bishop, together with a copy of the report.
- (4) Within 14 days of receipt of a notice of dismissal the complainant may request the Vice-President of the Ecclesiastical Court to review the dismissal, and the Vice-President may then uphold the dismissal or, if he considers the dismissal to be plainly wrong, reverse it and refer the matter to the Proctor with a direction to deal with the complaint in accordance with section 14 below.
- (5) Where the Proctor proposes to extend the period of twenty-eight days referred to in subsection (2) above, he shall, before doing so, consult the Dean, the complainant and the respondent.

**9. Courses available to the Bishop and the Dean**

- (1) The Bishop and the Dean shall, within the period of twenty-eight days following the receipt by him of the Proctor's report under section 10(2) above, or such longer period as he considers to be justified in the particular circumstances of the case, determine which of the following courses is to be pursued:-
  - (a) they may take no further action, in which case the provisions of section 10 below apply; or
  - (b) they may, if the respondent consents, direct that the matter remain on the record conditionally, in which case the provisions of section 11 below apply; or
  - (c) they may direct that an attempt to bring about conciliation in accordance with section 12 below is to be made; or
  - (d) they may impose a penalty by consent in accordance with section 13 below; or
  - (e) they may direct that the complaint is to be formally investigated by the Proctor of the Ecclesiastical Court in accordance with section 14 below.
- (2) Where the Dean proposes to extend the period of twenty-eight days referred to in subsection (1) above he shall, before doing so, consult the Bishop, the complainant and the respondent.

- (3) The Bishop and the Dean shall notify the complainant and the respondent forthwith of any decision made by him pursuant to subsection (1) above.

**10. No further action**

- (1) Where the Bishop and the Dean determine that there is to be no further action the following provisions of this section shall apply.
- (2) They shall reduce their determination to writing and shall give a copy of it to the complainant and the respondent.
- (3) On receipt of a notice of no further action the complainant may within 14 days of receiving the notice request the Vice-President of the Ecclesiastical Court to review the decision. Within 28 days of receipt of the complainant's referral the Vice-President's decision shall be given in writing with reasons and sent to the complainant, the respondent, the Bishop and the Dean. The Vice-President may uphold the decision or, if he considers the decision to be plainly wrong, reverse it and refer the matter to the Proctor with a direction to deal with the complaint in accordance with section 14 below. No new or further evidence may be submitted to the Vice-President for the purposes of considering the Bishop and the Dean's determination.

**11. Conditional deferment**

- (1) Where the Bishop and the Dean, with the consent of the respondent, determines that the matter is to be recorded conditionally the following provisions of this section shall apply.
- (2) The complaint and the determination shall be remain on a record maintained by the Greffier of the Ecclesiastical Court for such period not exceeding ten years as the Bishop may determine and, subject to subsection (3) below, no further action shall be taken.
- (3) Notwithstanding the provisions of section 6 above, if another complaint is made under section 7 above against the respondent and that complaint is dealt with under paragraph (c), (d) or (e) of section 9(1) above, the recorded complaint may be dealt with under any of those paragraphs together with the other complaint.
- (4) The Bishop and the Dean shall reduce their determination to writing and give a copy of it to the complainant and the

respondent. He shall also supply them with a statement explaining the effect of subsections (2) and (3) above.

- (5) Within 14 days of receipt of the determination the complainant may refer the complaint to the Greffier with a request that the Vice-President review the decision. If the Vice-President considers that the determination was plainly wrong, he may direct the Dean to pursue such of the courses specified in section 9(1)(c) to (e) above as he considers appropriate, in which case the Dean shall proceed accordingly.

## 12. Conciliation

- (1) Where the Bishop and the Dean determine that an attempt to bring about conciliation is to be made they shall afford the complainant and the respondent an opportunity to make representations and, if both of them agree to the appointment of a conciliator, an appointment shall be made under subsection (2) below.
- (2) The appointment of a conciliator shall be by the Bishop and the Dean with the agreement of the complainant and the respondent.
- (3) They shall not appoint any person to be a conciliator unless they are satisfied that there is no reason to question the impartiality of that person.
- (4) A conciliator appointed under this section shall use his best endeavours to bring about a conciliation between the complainant and the respondent and:–
  - (a) if, within the period of three months following his appointment or such further period as he may, with the agreement of the complainant and the respondent, allow a conciliation is brought about, he shall submit a report on the case to the Bishop and the Dean, together with such recommendations as he may wish to make;
  - (b) if a conciliation is not brought about but the complainant and the respondent agree that another conciliator should be appointed, the Dean may in consultation with the Bishop appoint that other person as the conciliator for the purposes of this section;
  - (c) if a conciliation is not brought about and the complainant and the respondent do not agree as aforesaid, he shall refer the matter back to the Dean and the Bishop.

- (5) If:-
- (a) the complainant and the respondent do not agree to the appointment of a conciliator or as to the person to be appointed, or
  - (b) the matter is referred back to the Bishop and the Dean by the conciliator under subsection 4(c) above,

The Bishop and the Dean shall proceed to deal with the complaint under paragraph (a), (b), (d) or (e) of section 9(1) above.

### 13. **Penalty by consent**

- (1) Where the Bishop and the Dean consider that the imposition of a penalty by consent might be appropriate, they shall afford the complainant and the respondent an opportunity to make representations and, if the respondent consents to the imposition of a penalty under this section and he, the Bishop and the Dean agree as to the penalty, the Bishop and the Dean shall, subject to subsection (2) below, proceed accordingly and thereafter no further step shall be taken in regard thereto.
- (2) Where it is agreed that prohibition for life or resignation is the appropriate course the respondent or the Bishop and the Dean may, within the period of seven days following the date of the agreement, withdraw agreement and the prohibition or resignation shall not be implemented in pursuance of this section.
- (3) If the consent of the respondent to the imposition of a penalty under this section is not obtained or they are unable to reach agreement as to the nature of the penalty, the Bishop and the Dean shall proceed to deal with the complaint under paragraph (e) of section 9(1) above.
- (4) The Bishop shall notify the Archbishop and the Registrar of the Diocese of any penalty agreed in pursuance of subsection (1) above.

### 14. **Formal investigation**

- (1) Where the Bishop and the Dean direct that the complaint is to be formally investigated, they shall refer the matter to the Proctor of the Ecclesiastical Court and it shall then be the duty of the Proctor or an advocate appointed by him for the purpose, to cause inquiries to be made into the complaint.



- (2) After due inquiries have been made into the complaint the Proctor shall decide whether there is a case to answer.
- (3) If the Proctor decides that there is a case for the respondent to answer he shall declare that as his decision and refer the complaint to the Ecclesiastical Court for adjudication.
- (4) If the Proctor decides that there is no case for the respondent to answer he shall declare his decision, and thereafter no further steps shall be taken in regard thereto.
- (5) The Proctor shall reduce his decision to writing and shall give a copy of it to the complainant, the respondent, the Bishop and the Dean.
- (6) Where the matter has been referred to the Proctor under the provisions of paragraph 10(3) the Proctor shall, in addition to the requirements of paragraph 14(5) above send a copy of his report to the Vice-President.

15. **Conduct of proceedings and constitution**

- (1) In disciplinary proceedings under these Canons it shall be the duty of the Proctor or an Advocate duly authorised by him to present the case against the Respondent.
- (2) In any such proceedings the Clergy Disciplinary Division of the Ecclesiastical Court shall be constituted as follows:–
  - (a) the Vice-President or an advocate nominated from the panel appointed under paragraph 1(c)(iii) who shall preside; and
  - (b) Two members from each of the panels nominated under paragraphs 1(c)(i) and (ii).
- (3) In any such proceedings:–
  - (a) the standard of proof to be applied by the Court shall be the same as in proceedings in the Royal Court exercising civil jurisdiction;
  - (b) the determination of any matter before the Court shall be according to the opinion of the majority of the members thereof and shall be pronounced in public together with its reasons therefore;

- (c) the hearing shall be in public, except that the Court, if satisfied that it is in the interests of justice so to do and the respondent so requests, may direct that the hearing shall be in private in which case the court may, during any part of the proceedings, exclude such person or persons as it may determine.
- (4) The president of the hearing may direct:–
  - (a) that the complaint is to be withdrawn, whereupon no further action shall be taken in the proceedings; or
  - (b) that an attempt or further attempt to bring about conciliation is to be made, whereupon the provisions of section 12 above shall apply.

## 16. **Imposition of penalty**

- (1) Upon a finding by the Court in disciplinary proceedings that the respondent committed the misconduct complained of, the Court may:–
  - (a) impose on the respondent any one or more of the penalties mentioned in section 18 below, or
  - (b) defer consideration of the penalty and for that purpose may adjourn the proceedings; or
  - (c) impose no penalty.
- (2) Before imposing a penalty the Court may invite the Bishop in consultation with the Dean to express in writing his views as to the appropriate penalty and the Court may have regard to any such views in imposing the penalty, if any and the views of the Bishop and the Dean shall be conveyed in writing to the respondent:

Provided that, if the Bishop or the Dean has given evidence in the proceedings, they shall not be consulted.
- (3) In this section any reference to a penalty includes a reference to an order for conditional discharge under section 19 below.

## 17. **Right of appeal**

- (1) In disciplinary proceedings under these Canons:–

- (a) the respondent may appeal against any penalty imposed on him, and
  - (b) the respondent on a question of law or fact, and the Proctor, on a question of law, may appeal against any finding of the Court,
- (2) Appeals in Causes Ecclesiastical from the Clergy Disciplinary Division shall be heard and determined by the Inferior Number of the Royal Court. Every appeal shall be entered by notice in writing to the Greffier of the Royal Court with a copy to the Bishop and the Dean within 15 days of the decision to be appealed. Any such appeal shall be dealt with and determined by the Royal Court in such way as the Court shall deem just in the circumstances of the case. The Royal Court shall not be required to hear the appeal by a hearing de novo but may hear such evidence, including fresh or further evidence, as shall seem to the Royal Court to be appropriate in the interests of justice and shall generally resolve the procedure for determining the appeal as in its discretion it thinks fit in all the circumstances of the case.

#### 18. **Types of penalty**

- (1) One or more of the following penalties may be imposed on a respondent upon a finding that he has committed any misconduct, namely:–
  - (a) prohibition for life, that is to say prohibition without limit of time from exercising any of the functions of his Orders;
  - (b) limited prohibition, that is to say prohibition for a specific time from exercising any of the functions of his Orders;
  - (c) removal from office, that is to say, removal from any preferment which he then holds;
  - (d) in the case of a minister licensed to serve in the Deanery by the Bishop, revocation of the licence;
  - (e) injunction, that is to say, an order to do or to refrain from doing a specified act;
  - (f) rebuke.

- (2) No penalty of removal from office imposed on any person holding any preferment the right to appoint to which is vested in Her Majesty (not being a parochial benefice) shall have effect unless and until Her Majesty by Order in Council confirms the penalty.

19. **Conditional discharge**

- (1) Where, upon a finding that the respondent has committed any misconduct, the Court is of opinion, having regard to the circumstances including the nature of the misconduct and the character of the respondent, that it is inexpedient to impose a penalty it may make an order discharging him subject to the condition that he commits no misconduct during such period not exceeding two years from the date of the order as may be specified in the order.
- (2) Before making an order under subsection (1) above the Court shall explain to the respondent in ordinary language that if he commits further misconduct during the period specified in the order a penalty may be imposed for the original misconduct.
- (3) Where, under subsection (4) below, a penalty is imposed on a person conditionally discharged under subsection (1) above for the misconduct in respect of which the order for conditional discharge was made, that order shall cease to have effect.
- (4) If a person in whose case an order has been made under subsection (1) above is found, in disciplinary proceedings under these canons, to have committed misconduct during the period specified in the order, the Court may deal with him for the misconduct for which the order was made in any manner in which it could deal with him if it had just found that he had committed that misconduct.

20. **Removal of prohibition for life**

- (1) Where by virtue of anything done under these Canons a priest or deacon is prohibited for life he may make an application to the Archbishop for the prohibition to be nullified on the grounds:—
  - (a) that new evidence has come to light affecting the facts on which the prohibition was based; or
  - (b) that the proper legal procedure leading to the prohibition was not followed.

- (2) If the Archbishop, on an application made in accordance with subsection (1) above, considers that the prohibition was not justified he may, after consultation with the Bishop, the Dean and the Attorney General for Jersey, refer the matter to the Royal Court for consideration as to whether the prohibition be nullified. If so nullified it shall be treated for all purposes in law as never having been imposed.

**21. Removal of limited prohibition**

Where by virtue of anything done under these Canons a priest or deacon is prohibited from exercising functions for a specific time he and the Bishop acting jointly may make an application to the Ecclesiastical Court for the removal of the prohibition; and on receiving such an application the Court may make an order removing the prohibition, whereupon he shall be eligible for any preferment.

**22. Restoration on pardon**

Where by virtue of anything done under these Canons a priest or deacon is prohibited from exercising functions or removed from office his incapacities shall cease if he receives a free pardon from the Crown and he shall be restored to any preferment he previously held if it has not in the meantime been filled.

**23. Disobedience to penalty etc.**

Any person who performs in the Church of England, within the Bailiwick of Jersey, any function which, under a penalty imposed on him under these Canons, he is not permitted to perform commits an act of misconduct under these Canons, disciplinary proceedings under these Canons may be instituted against him in respect of the misconduct and in the case of a person deposed from Holy Orders, disciplinary proceedings under these Canons may be instituted against him in respect of the misconduct as if he had not been deposed.

**24. Proceedings in secular courts**

**Sentences of imprisonment and matrimonial orders: priests and deacons**

- (1) If a person who is a priest or deacon:–
  - (a) is convicted (whether in the Island of Jersey or elsewhere) of an offence and a sentence of imprisonment (including one which is not implemented immediately) is passed on him, or

- (b) has a decree of divorce or an order of separation (whether in the Island of Jersey or elsewhere) made against him following a finding of adultery, behaviour in such a way that the petitioner cannot reasonably be expected to live with the respondent or desertion and, in the case of divorce, the decree has been made absolute, he shall be liable without further proceedings to a penalty of removal from office or prohibition (whether for life or limited) or both.
- (2) Where a person is liable to a penalty of removal from office or prohibition by virtue of subsection (1) above and the Bishop and the Dean are considering the imposition of such a penalty, they shall inform the person in writing within the period of twenty-eight days. On the expiry of that period the Bishop and the Dean shall decide whether or not to impose the penalty and shall, within a period not exceeding fourteen days, inform that person in writing of the decision. If the decision is to impose the penalty, that person may request the Archbishop to review the decision and upon such a review the archbishop may uphold or reverse the decision after consideration of all the circumstances, including any representations made under this subsection.
- (3) A penalty shall not be imposed under this section after the expiry of the period of two years beginning with the date on which the sentence becomes conclusive or, as the case may be, the decree absolute or order is made.
- (4) Where a penalty is to be imposed under this section, it shall be imposed by the Bishop, and before imposing it the Bishop shall require the Greffier to give (if it is practicable to do so) not less than fourteen days notice in writing to the priest or deacon concerned of the time and place at which the penalty will be imposed and if the priest or deacon appears at that time and place he shall be entitled to be present when the penalty is imposed.
- (5) When imposing a penalty under this section the Bishop shall be attended by the Dean and the Greffier. The penalty shall be reduced to writing and a copy thereof shall be sent to the archbishop, the Dean and to the Registrar of the diocese.
- (6) The functions exercisable under this section by the Archbishop shall, during the absence abroad or incapacity through illness of the Archbishop or a vacancy in the see, be exercised by the other Archbishop.

25. **Consequences of penalties imposed under section 24**

Where a penalty of removal from office or prohibition is imposed on any person pursuant to the provisions of section 24 above the penalty shall have effect subject to the provisions of sections 18 to 23 above, and the like consequences shall ensue in all respects as if such person had been found to have committed misconduct under these Canons and such a penalty had been imposed on him.

26. **Duty to disclose criminal convictions and arrests**

- (1) A person in Holy Orders who (whether in Jersey or elsewhere) is convicted of an offence or is arrested on suspicion of committing an offence shall be under a duty, within the period of twenty-eight days following the conviction or arrested in the case of a priest or deacon, to inform the Bishop and the Dean of the conviction or arrest.
- (2) Failure to comply with the requirements of subsection (1) above shall be regarded as a failure to do an act required by the laws ecclesiastical for the purposes of section 5(1) above.

27. **Duty to disclose divorce and separation orders**

Section 26 above shall apply to a person in Holy Orders in respect of whose marriage a decree nisi of divorce has been made absolute or an order of judicial separation has been made as it applies to a person who is convicted of an offence.

28. **Suspension of priest or deacon during proceedings**

- (1) Where:—
  - (a) a complaint in writing is made under section 7(1) above against a priest or deacon holding any preferment in the Deanery of Jersey, or
  - (b) a priest or deacon holding any preferment in the Deanery of Jersey is arrested on suspicion of committing a criminal offence,

The Bishop and the Dean may, by notice in writing served on him, suspend him from exercising or performing without the leave of the Bishop and the Dean any right or duty of or incidental to his office:

Provided that, in the case of a complaint made as aforesaid, the priest or deacon shall not be suspended under this subsection

unless and until the complaint falls to be considered under Canon F39(1) above.

- (2) The Bishop and the Dean, may at any time, by notice in writing served on the priest or deacon concerned, revoke a notice of suspension served under subsection (1) above.
- (3) Where a notice of suspension is served under subsection (1) above and it has not been revoked under subsection (2) the suspension shall continue until the expiry of the period of three months following service of the notice or until the proceedings under these Canons or for the criminal offence are concluded, whichever occurs earlier, but if the proceedings are not concluded before the expiry of that period a further notice of suspension under subsection (1) above may be served, and this subsection shall apply in relation to the further suspension as it applied to the earlier suspension or suspensions.
- (4) Where a notice of suspension is served under subsection (1) above the Dean may, after consultation with the Bishop and churchwardens and with the incumbent or priest in charge concerned, make such arrangements as he thinks fit for the ministrations of the church or churches concerned while the suspension remains in force.
- (5) While a notice of suspension under subsection (1) above remains in force in relation to a priest or deacon he shall not interfere with any person performing the services of a church in pursuance of arrangements made under subsection (4) above, and any such interference shall be regarded as an act in contravention of the laws ecclesiastical for the purposes of section 5(1) above.
- (6) A priest or deacon on whom a notice of suspension is served under subsection (1) above may appeal against the suspension to the Ecclesiastical Court and on any such appeal the Court may, within twenty-eight days following the lodging of the appeal, either confirm or revoke the suspension.

## 29 **When convictions etc. are to be deemed conclusive**

- (1) Proceedings under these Canons and a conviction by a secular court shall become conclusive for the purposes of these Canons:—
  - (a) where there has been an appeal, upon the date on which the appeal is dismissed or abandoned or the proceedings on appeal are finally concluded, but, if varied on appeal,



shall be conclusive only as so varied, and so far as it is reversed on appeal shall cease to have effect;

- (b) if there is no such appeal, upon the expiration of the time limited for such appeal, or in the case of a conviction where no time is so limited, of two months from the date of the conviction; and
  - (c) in the case of a conviction against which there is no right of appeal from the date of the conviction.
- (2) After the conviction of a clerk in Holy Orders by a secular court becomes conclusive a certificate of such conviction shall, for the purposes of these Canons be conclusive proof that he has committed the act therein specified.

### 30 **Transitional provisions**

- (1) Proceedings under these Canons may be instituted in relation to misconduct committed before the date on which section 5 above comes into operation.
- (2) Section 24 above shall apply in relation to sentences of imprisonment passed before, as well as after, the date on which that section comes into operation.

## **SECTION G**

### **THE SYNODS OF THE CHURCH**

- 1. It shall be the duty of the incumbent and churchwardens of each ecclesiastical parish to ensure that an Ecclesiastical Assembly or congregational meeting as appropriate of their church elects such number of representatives to the Jersey Deanery Synod as their church is entitled to have pursuant to the rules applicable to the Jersey Deanery Synod from time to time.
- 2. It shall be the duty of the Jersey Deanery Synod to ensure that it elects such representatives to the Diocesan and General Synods as it is entitled to have pursuant to the rules applicable to such synods from time to time.
- 3. Nothing in these Canons shall derogate from the rights, privileges and customs of the Church of England in, and the people of, Jersey so far as concerns Church legislation.