



# CHURCH OF ENGLAND (WORSHIP AND DOCTRINE) MEASURE 1974 (No. 3)

1974 No. 3

A Measure passed by the General Synod of the Church of England to enable provision to be made by Canon with respect to worship in the Church of England and other matters prescribed by the Book of Common Prayer, and with respect to the obligations and forms of assent or subscription to the doctrine of the Church of England; to repeal enactments relating to the matters aforesaid; and for purposes connected therewith. [12th December 1974]

## **1 Provision by Canon for worship in the Church of England.**

- (1) It shall be lawful for the General Synod—
  - (a) to make provision by Canon with respect to worship in the Church of England, including provision for empowering the General Synod to approve, amend, continue or discontinue forms of service;
  - (b) to make provision by Canon or regulations made thereunder for any matter, except the publication of banns of matrimony, to which any of the rubrics contained in the Book of Common Prayer relate;but the powers of the General Synod under this subsection shall be so exercised as to ensure that the forms of service contained in the Book of Common Prayer continue to be available for use in the Church of England.
- (2) Any Canon making any such provision as is mentioned in subsection (1) of this section, and any regulations made under any such Canon, shall have effect notwithstanding anything inconsistent therewith contained in any of the rubrics in the Book of Common Prayer.
- (3) The General Synod shall provide by Canon—
  - (a) that decisions as to which of the forms of service authorised by or approved under Canon are to be used in any church in a parish or in any guild church

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shall be taken jointly by the incumbent and the parochial church council or, as the case may be, by the vicar of the guild church and the guild church council; and

- (b) that in case of disagreement and so long as the disagreement continues, the forms of service to be used in that church shall be those contained in the Book of Common Prayer unless other forms of service so approved were in regular use therein during at least two of the four years immediately preceding the date when the disagreement arose and the said council resolves that those other forms of service shall be used either to the exclusion of, or in addition to, the forms of service contained in the said Book.

This subsection shall not apply in relation to a cathedral which is a parish church nor to any part of a cathedral which is a parish church.

- (4) Subsection (3) of this section shall not apply in relation to any of the services known as occasional offices, but, in the case of those services, other than the Order of Confirmation, the General Synod shall provide by Canon that where more than one form of service is authorised by or approved under Canon 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 that 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 bishop of the diocese for his decision.
- (5) Without prejudice to the generality of subsection (1) of this section, the General Synod may make provision by Canon—
  - (a) for empowering the Convocations, the archbishops and the bishops of dioceses to approve forms of service for use on occasions for which no provision is made by forms of service contained in the Book of Common Prayer or approved by the General Synod or the Convocations under Canon;
  - (b) for empowering any minister to make and use minor variations in the forms of service contained in the said Book or approved by the General Synod, Convocation, archbishops or bishop under Canon and to use forms of service considered suitable by him on occasions for which no provision is made by any such form of service.
- (6) The General Synod may provide by Canon that where a form of service is in course of preparation with a view to its submission to the General Synod for approval by the Synod under Canon, the archbishops may authorise that service in draft form to be conducted by a minister in the presence of a congregation consisting of such persons only as the archbishops may designate.
- (7) In the prayers for or referring to the Sovereign or other members of the Royal Family contained in any form of service authorised for use in the Church of England, the names may be altered, and any other necessary alterations made, from time to time as the circumstances require by Royal Warrant, and those prayers as so altered shall be used thereafter.

## **2 Assent or subscription to doctrine.**

- (1) It shall be lawful for the General Synod to make provision by Canon with respect to the obligations of the clergy, deaconesses and lay officers of the Church of England to assent or subscribe to the doctrine of that Church and the forms of that assent or subscription which may include an explanatory preface.

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- (2) In this section “lay officers” means licensed lay workers, readers, lay judges of consistory or provincial courts, and lay holders of other offices admission to which is for the time being regulated by Canon.

### **3 Majorities required for final approval of Canons under section 1 or 2 and things done thereunder.**

No Canon making any such provision as is mentioned in section 1(1) or 2(1) of this Measure shall be submitted for Her Majesty’s Licence and Assent unless it has been finally approved by the General Synod with a majority in each House thereof of not less than two-thirds of those present and voting; and no regulation under any Canon made under the said section 1(1) nor any approval, amendment, continuance or discontinuance of a form of service by the General Synod under any such Canon shall have effect unless the regulation, the form of service or the amendment, continuance or discontinuance of a form of service, as the case may be, has been finally approved by the General Synod with such a majority as aforesaid in each House thereof.

### **4 Safeguarding of doctrine.**

- (1) Every Canon or regulation making any such provision as is mentioned in section 1(1) of this Measure, every form of service or amendment thereof approved by the General Synod under any such Canon and every Canon making any such provision as is mentioned in section 2(1) of this Measure shall be such as in the opinion of the General Synod is neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.
- (2) The final approval by the General Synod of any such Canon or regulation or form of service or amendment thereof shall conclusively determine that the Synod is of such opinion as aforesaid with respect to the matter so approved.
- (3) Where provision is made by Canon by virtue of section 1(5) of this Measure, the Canon shall provide for requiring the forms of service and variations approved, made or used thereunder to be neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.

### **5 Interpretation.**

- (1) References in this Measure to the doctrine of the Church of England shall be construed in accordance with the statement concerning that doctrine contained in the Canons of the Church of England, which statement is in the following terms: “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.”.
- (2) In this Measure the following expressions have the meanings hereby assigned to them:

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“the appointed day” means the day appointed under section 7(2) of this Measure;

“Book of Common Prayer” means the Book annexed to the <sup>M1</sup>Act of Uniformity 1662 and entitled “The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the

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Church according to the use of the Church of England together with the Psalter or Psalms of David appointed as they are to be sung or said in Churches and the Form and Manner of Making, Ordaining and Consecrating Bishops, Priests and Deacons”, as altered or amended by any Act or Measure or in accordance with section 1(7) of this Measure;

“church” includes any building or part of a building licensed by the bishop for public worship according to the rites and ceremonies of the Church of England;

“form of service” means any order, service, prayer, rite or ceremony whatsoever, including the services for the ordination of priests and deacons and the consecration of bishops and the catechism or form of instruction before confirmation;

“guild church” means a church in the City of London designated and established as a guild church under the <sup>M2</sup>City of London (Guild Churches) Acts 1952 <sup>M3</sup> 1960;

“incumbent” includes—

- (a) a curate licensed to the charge of a parish or a minister acting as priest-in-charge of a parish in respect of which rights of presentation are suspended; and
- (b) a vicar in a team ministry to the extent that the duties of an incumbent are assigned to him by a scheme under the <sup>M4</sup>Pastoral Measure 1968 or his licence from the bishop;

“rubrics” of the Book of Common Prayer include all directions and instructions contained in the said Book, and all tables, prefaces, rules, calendars and other contents thereof.

#### Marginal Citations

- M1** 1662 c. 4.  
**M2** 1952 c. xxxviii.  
**M3** 1960 and c. xxx.  
**M4** 1968 No. 1.

## 6 Amendments, repeals, transitional provisions and savings.

- (1) Section 3 of the Submission of the <sup>M5</sup>Clergy Act 1533 (which provides that no Canons shall be contrary to the Royal Prerogative or the customs, laws or statutes of this realm) shall not apply to any rule of ecclesiastical law relating to any matter for which provision may be made by Canon in pursuance of this Measure.
- (2) The enactments specified in Schedule 1 to this Measure shall have effect subject to the amendments set out in that Schedule, being amendments consequential upon the preceding provisions of this Measure.
- (3) The Acts and Measures specified in Schedule 2 to this Measure are hereby repealed to the extent specified in column 3 thereof.
- (4) Schedule 3 to this Measure, which contains transitional provisions and savings, shall have effect, but nothing in the said Schedule shall be taken as prejudicing section 38 of the <sup>M6</sup>Interpretation Act 1889 as applied by the <sup>M7</sup>Interpretation Measure 1925.

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**Modifications etc. (not altering text)**

- C1** The text of s. 6(2)(3), Sch. 1 paras. 1, 2, 3 and Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

- M5** 1533 c. 19.  
**M6** 1889 c. 63.  
**M7** 1925 No. 1.

**7 Short title, commencement and extent.**

- (1) This Measure may be cited as the Church of England (Worship and Doctrine) Measure 1974.
- (2) This Measure shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint:  
Provided that the powers to make Canons in pursuance of this Measure shall be exercisable before the appointed day, but no such Canon shall come into operation before the appointed day.
- (3) This Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands, but may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957 or either of them in accordance with those Measures.

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## SCHEDULES

### SCHEDULE 1

Section 6.

#### CONSEQUENTIAL AMENDMENTS

- 1 In section 9 of the <sup>M8</sup>Clerical Subscription Act 1865 (no declarations or oaths other than those required by that Act to be required of any person on ordination, etc. ), at the end thereof there shall be added the words “ or by Canon of the General Synod ”.

**Modifications etc. (not altering text)**

- C2** The text of s. 6(2)(3), Sch. 1 paras. 1, 2, 3 and Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

- M8** 1865 c. 122.

- 2 In section 5 of the <sup>M9</sup>Prayer Book (Further Provisions) Measure 1968 (amendment of burial service for use in certain cases) for the words “approved under the Prayer Book (Alternative and other Services) Measure 1965” there shall be substituted the words “ authorised by the Canon of the General Synod or approved thereunder ”, and the proviso shall be omitted.

**Modifications etc. (not altering text)**

- C3** The text of s. 6(2)(3), Sch. 1 paras. 1, 2, 3 and Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

- M9** 1968 No. 2.

- 3 In Article 8 of Schedule 2 to the <sup>M10</sup>Synodical Government Measure 1969 (requirements for final approval by the General Synod of Measure providing for permanent changes in certain services), after the word “Measure”, wherever it occurs, there shall be inserted the words “ or Canon ”.

**Modifications etc. (not altering text)**

- C4** The text of s. 6(2)(3), Sch. 1 paras. 1, 2, 3 and Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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### Marginal Citations

M10 1969 No. 2.

## SCHEDULE 2

Section 6.

### ACTS AND MEASURES REPEALED

#### Modifications etc. (not altering text)

**C5** The text of s. 6(2)(3), Sch. 1 paras. 1, 2, 3 and Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of Repeal
2 & 3 Edw. 6. c. 1.	The Act of Uniformity 1548.	The whole Act so far as unrepealed.
1 Eliz. 1. c. 2.	The Act of Uniformity 1558.	The whole Act so far as unrepealed.
14 Cha. 2. c. 4.	The Act of Uniformity 1662.	The whole Act except sections 10 and 15.  In section 10, the words “nor shall presume to consecrate and administer the holy sacrament of the Lords Supper”.
28 & 29 Vict. c. 122.	The Clerical Subscription Act 1865.	Section 1.  In section 4, the words “make and subscribe the declaration of assent, and”.  In section 5, the words “the declaration of assent, and”.  Sections 7 and 8.  In section 10, the words from the beginning to “aforesaid ; and”.
34 & 35 Vict. c. 26.	The Universities Tests Act 1871.	In section 6, the words from “notwithstanding” to “this Act” and the words “on week days only”.
35 & 36 Vict. c. 35.	The Act of Uniformity Amendment Act 1872.	The whole Act.

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15 & 16 Geo. 6. & 1 Eliz. 2. c. xxxviii.	The City of London (Guild Churches) Act 1952.	In section 8, in subsection (4), the words “declaration of assent set forth in section 1 of the Clerical Subscription Act 1865 and” and subsection (5).  In section 14(1), paragraph (b) and the word “and” immediately preceding it.
1963 No. 1.	The Ecclesiastical Jurisdiction Measure 1963.	In section 2(5), the words from “and (b)” to “Schedule” and the from “and the making” onwards.  In section 3(6) and (7), the words from “and (b)” onwards and, in section 3(8), the words “or making” and “or declaration”.  In section 4(2), the words from “and if” to “declarations” where next occurring, the word “made” and the words “and declarations”.  In section 2792), the words from “and, if” to “declaration”.  In Schedule 1, Part II.
1964 No. 4.	The Holy Table Measure 1964.	The whole Measure.
1964 No. 6.	The Clergy (Ordination and Miscellaneous Provisions) Measure 1964.	Sections 3 to 6.  In section 12, the words “in subsection (2) of section four”.
1964 No. 7.	The Vestures of Ministers Measure 1964.	The whole Measure.
1965 No. 1.	The Prayer Book (Alternative and other services) Measure 1965.	The whole Measure
1965 No. 3.	The Prayer Book (Miscellaneous Provisions) Measure 1965.	The whole Measure.
1968 No. 1.	The Pastoral Measure 1968.	Sections 74 and 75(2).



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1968 No. 2.	The Prayer Book (Further Provisions) Measure 1968.	Sections 1 to 4.  In section 5, the proviso.
1969 c. 52.	The Statute Law (Repeals) Act 1969.	Section 4(3).
1969 No. 2.	The Synodical Government Measure 1969.	In section 3, subsection (1), (2), (3) and (5).

### SCHEDULE 3

Section 6.

#### TRANSITIONAL PROVISIONS AND SAVINGS

- 1 The repeal by this Measure of any provision of the <sup>M11</sup>Prayer Book (Alternative and Other Services) Measure 1965, the <sup>M12</sup>Prayer Book (Miscellaneous Provisions) Measure 1965 or the <sup>M13</sup>Prayer Book (Further Provisions) Measure 1968 shall not affect the validity of any approval, direction, consent, agreement or authorisation given, regulation made, or other thing done, under that provision before the appointed day, and any such approval, direction, consent, agreement, authorisation, regulation or other thing shall, if in force immediately before the appointed day, have effect as if it had been given, made or done under Canon.

#### Marginal Citations

- M11** 1965 No. 1.  
**M12** 1965 No. 3.  
**M13** 1968 No. 2.

- 2 Without prejudice to paragraph 1 of this Schedule, any business of the General Synod in the exercise of their functions under any provision of any of the Measures mentioned in that paragraph, being business which was pending immediately before the appointed day, shall not abate by reason of the repeal of that provision but may be resumed by the General Synod in the exercise of their functions under any Canon corresponding (whether with or without modification) to that provision at the stage at which the business had reached immediately before the appointed day.
- 3 The shortened forms of service specified in the Schedule to the <sup>M14</sup>Act of Uniformity Amendment Act 1872 may be included in the services authorised by Canon notwithstanding the repeal of that Act by this Measure.

#### Marginal Citations

- M14** 1872 c. 35.

- 4 The repeal by this Measure of any provision of an Act or Measure shall not affect the validity of any Canon made under or by virtue of that provision, and no amendment or revocation of any of the rubrics contained in the Book of Common Prayer effected by any such provision shall be affected by the repeal of that provision by this Measure.

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