



Church of England (Miscellaneous Provisions) Measure 2018

2018 No. 7

Church services

3 Marriage: licensing chapel during suspension period in benefice

In section 20 of the Marriage Act 1949 (licensing public chapel for publication of banns and solemnization of marriages), after subsection (7) insert—

“(7A) In the case of a benefice to which a suspension period within the meaning of the Mission and Pastoral Measure 2011 applies and for which a priest in charge has been appointed, this section has effect as if each reference to the incumbent were a reference to the priest in charge.”

Commencement Information

II S. 3 in force at 1.3.2019 by S.I. 2019/67, art. 2(1)(b)

4 Funerals: conduct

(1) A clerk in Holy Orders who is authorised to officiate in accordance with the Canons of the Church of England may perform a funeral service in a crematorium, cemetery or other place which is not a church or churchyard, and in which the clerk would not otherwise be entitled to perform the service, if—

- (a) the persons concerned have asked the clerk to perform the service, and
- (b) the clerk has, so far as practicable, informed the relevant minister and sought his or her goodwill.

[^{F1}(1A) A duly authorised deaconess, reader or lay worker (a “lay office-holder”) may, with the consent of the incumbent or priest-in-charge of the benefice or parish to which the lay office-holder is licensed, perform a funeral service in a crematorium, cemetery or

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other place which is not a church or churchyard, and in which the lay office-holder would not otherwise be entitled to perform the service, if—

- (a) the persons concerned have asked the lay office-holder to perform the service, and
 - (b) the lay office-holder has, so far as practicable, informed the relevant minister and sought his or her goodwill.
- (1B) The reference in subsection (1A) to the incumbent or priest-in-charge of the benefice or parish is, where there is no such person, to be read as a reference to the rural dean of the deanery in which the benefice or parish is situated.]
- (2) The “relevant minister” is—
- (a) the minister of the parish on whose electoral roll the deceased's name was entered, or
 - (b) if the deceased's name was not entered on the electoral roll of a parish or the persons concerned do not know whether it was, the minister of the parish which included the deceased's usual place of residence.
- (3) The performance of a funeral service in accordance with subsection (1) [^{F2}or (1A)] does not require the consent, and is not subject to the control, of the minister of the parish in which the service is performed.
- (4) In [^{F3}subsections (1) and (1A)], “church” and “churchyard” each have the same meaning as they have in relation to a funeral service in the Ecclesiastical Fees Measure 1986 (see section 10 of that Measure).
- (5) In section 2 of the Church of England (Miscellaneous Provisions) Measure 1992 (conduct of funeral services), in subsection (2), after “may perform” insert “or arrange the performance of”.
- (6) In subsection (4) of that section, after “be under the same obligation” insert “ (subject to subsection (4A)) ”.
- (7) After that subsection insert—
- “(4A) Each of the following may perform a funeral service under an arrangement made under subsection (2) or (4)—
- (a) a clerk in Holy Orders who is authorised to officiate in accordance with the Canons of the Church of England;
 - (b) a duly authorised deaconess, reader or lay worker.”
- (8) The first rubric at the beginning of the Order for the Burial of the Dead in the Book of Common Prayer (which notes that the Order may not be used if the deceased is unbaptised, excommunicate or a suicide of sound mind) is omitted.

Textual Amendments

- F1** S. 4(1A)(1B) inserted (1.9.2020) by [Church of England \(Miscellaneous Provisions\) Measure 2020 \(No. 1\)](#), **ss. 3(1)**, 16(3); S.I. 2020/835, art. 2
- F2** Words in s. 4(3) inserted (1.9.2020) by [Church of England \(Miscellaneous Provisions\) Measure 2020 \(No. 1\)](#), **ss. 3(2)**, 16(3); S.I. 2020/835, art. 2
- F3** Words in s. 4(4) substituted (1.9.2020) by [Church of England \(Miscellaneous Provisions\) Measure 2020 \(No. 1\)](#), **ss. 3(3)**, 16(3); S.I. 2020/835, art. 2

Changes to legislation: *There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2018, Cross Heading: Church services. (See end of Document for details)*

Commencement Information

- I2** S. 4(1)-(7) in force at 1.5.2019 by S.I. 2019/67, **art. 3(a)**
- I3** S. 4(8) in force at 1.3.2019 by S.I. 2019/67, **art. 2(1)(c)**

Changes to legislation:

There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2018, Cross Heading: Church services.