

34/98 Lay and Diaconal Administration of Holy Communion

(A report from the Standing Committee)

Introduction

1. By resolution 34/98 the Synod requested that the Standing Committee bring to the first session of the 45th Synod such legislation as would enable a 5 year experimentation of lay and diaconal administration of the Lord's Supper (in the presence or absence of the minister).
2. At the request of the Standing Committee the Legal Officer, Mr ROBERT WICKS, prepared a report about the options which might be considered for the legislation requested by resolution 34/98. Upon receipt of Robert's report, we appointed a committee which considered the matter and made recommendations.

Amendment of the Bill presently before the Synod

3. The Standing Committee recommends that an amendment be moved to the bill for the Preaching and Administration of Holy Communion by Lay Persons and Deacons Ordinance 1999, presently before the Synod, to insert a 5 year sunset provision on the practice of lay and diaconal administration of Holy Communion. Specifically, the suggested provision to be inserted after clause 11 is as follows -

"12. Sunset

- (1) This Ordinance ceases to have effect on the 5th anniversary of the date of assent (the 'termination date').
- (2) On the termination date -
 - (a) the 1981 Ordinance reverts to the form it would have had if this Ordinance had never come into effect; and
 - (b) an authority given under or as a consequence of this Ordinance which is effective immediately prior to the termination date continues to have effect according to its terms except in so far as it authorises the person to whom the authority was given to administer Holy Communion in a church."

Regulations under the Canon concerning Services 1992

4. Last year, the Synod adopted the General Synod Canon Concerning Services 1992. A copy of the explanatory statement and adopting ordinance are set out on pages 547 to 557 inclusive of the 1999 Year Book.
 5. Clauses 4 and 5 of the Canon provide -
 - "4. (1) The following forms of service are authorised:
 - (a) the forms of service contained in the Book of Common Prayer;
 - (b) such forms as may have been authorised, as regards a parish, pursuant to the Constitution or a canon of the General Synod in force in the diocese of which that parish is part.
 - (2) Every minister must use only the authorised forms of service, except so far as the minister may exercise the discretion allowed by section 5.
 5. (1) The minister may make and use variations which are not of substantial importance in any form of service authorised by section 4 according to particular circumstances.
 - (2) Subject to any regulation made from time to time by the Synod of a diocese, a minister of that diocese may on occasions for which no provision is made use forms of service considered suitable by the minister for those occasions.
 - (3) All variations in forms of service and all forms of service used must be reverent and edifying and must not be contrary to or a departure from the doctrine of this Church.
 - (4) A question concerning the observance of the provisions of sub-section 5(3) may be determined by the bishop of the diocese."
6. There is a view that clause 5(2) of the Canon now permits a minister to authorise lay and diaconal administration of Holy Communion because such administration is an occasion "for which no provision is made" under the authorised forms of service. If this view is correct, the authorisation of laity and deacons to administer Holy Communion would not be subject to regulation because the Synod has not made a regulation under that clause 5(2) to which the powers of the minister would be subject.

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7. For this reason, the Standing Committee recommends that the Synod pass the following regulations to regulate the practice of lay and diaconal administration of Holy Communion. The following regulations are suggested -

"1. A minister must not permit a deacon or a lay person to administer Holy Communion in a service in a church unless -

- (a) in the case of a deacon - a vestry meeting of the church has approved the administration of Holy Communion by a deacon in that service; and
- (b) in the case of an authorised lay person - a vestry meeting of the church has approved the administration of Holy Communion by a lay person in that service.

2. For the purposes of Regulation 1 -

- (a) a vestry meeting of a church is a vestry meeting of the church convened under the Church Administration Ordinance 1990;
- (b) a vestry meeting of a church is taken to have given an approval if the meeting, by resolution, has given approval for a deacon or an authorised lay person, as the case may be, to administer Holy Communion at a particular service or particular services; and
- (c) the approval of a vestry meeting of a church may be withdrawn by resolution of a later vestry meeting of the church."

8. There is considerable doubt whether clause 5(2) of the Canon allows a minister to permit a lay person or deacon to administer at Holy Communion. Further, it is disputed that the Synod has power to make regulations other than by ordinance.

For and on behalf of the Standing Committee

MARK PAYNE
Diocesan Secretary

30 September 1999