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**THE GOVERNING BODY OF THE CHURCH IN WALES**

**REPORT OF THE SELECT COMMITTEE**

**BILL TO AUTHORISE AND REGULATE MINOR VARIATIONS TO AUTHORISED LITURGIES**

**February 2022**

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**MEMBERS OF THE SELECT COMMITTEE**

THE REVEREND DR JASON BRAY

FR JOHN CONNELL (CHAIR)

THE VENERABLE ROD GREEN, ARCHDEACON OF LLANDAFF

MRS HEATHER TEMPLE-WILLIAMS

THE REVEREND DR JONATHON WRIGHT

**REPORT OF THE SELECT COMMITTEE**

**BILL TO AUTHORISE AND REGULATE MINOR VARIATIONS TO AUTHORISED LITURGIES**

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**Background**

The Bill was presented to the Standing Committee on 8 July 2021.

Since the introduction of the revised Book of Common Prayer in 1984, a number of alternative rites have been incorporated within the Book of Common Prayer by legislation passed in the Governing Body. In more recent years, the Bench has commissioned from the Standing Liturgical Advisory Commission a number of pieces of supplemental liturgical material, either by way of seasonal material which could be used to enhance the experience of the use of liturgies from the Book of Common Prayer with the consent of the Governing Body, or by way of occasional liturgies for use on specific occasions or in specific contexts by use of their existing *ius liturgicum* (a bishop’s right to order liturgical life in their diocese, subject to the law of the Church in Wales).

More recently a question has arisen concerning the extent of variation to the liturgies of the Book of Common Prayer that may be used in connection with such material, and the lawfulness of any such variations, mindful that all clergy promise at their institution or licensing to use only those ‘forms of service which are allowed by lawful authority’.

The reason and purpose for the bill is that it seeks to clarify the canon law surrounding variations within the liturgical life of the Church in Wales by specifying the nature and extent that clergy may authorise or adopt such variations (Clause 1). Clause 2 requires any and all variations to fit certain criteria, while Clauses 4 to 7 give further details of the way in which the canon should be applied in the Church in Wales. Clause 3 permits the Bench of Bishops and the Governing Body to prepare or compile material which may be used by ministers in accordance with Clause 1. Clause 5 places certain limits on the permission given in Clause 1 by excluding matters of explicit doctrinal import, or material within experimental rites.

In accordance with section 27 (5) of Chapter II of the Constitution, the Standing Committee, being satisfied that the Bill was in order, published a copy of the bill in English and Welsh to all members of the Governing Body, together with an explanatory memorandum.

The Standing Committee also decided that there should not be a formal consultation with the dioceses, in accordance with section 28 (2) of Chapter II.

The Lay Secretary advised all members of the Governing Body that a Select Committee had been appointed in accordance with Section 28 (1) of Chapter II for the purpose of considering and collating any amendments to the Bill put forward by members of the Governing Body and invited them to submit any such amendments within three months. By the closing date, 23 October 2021, one response from a member of the Governing Body had been received from the Reverend Sam Aldred, elected cleric from the diocese of Swansea & Brecon.

Within six months of its appointment the Select Committee must report to the Standing Committee on each proposed amendment and on whether or not the Bill should be deemed “non-controversial”. The Select Committee may also make proposals of its own. The Standing Committee must then publish the Select Committee’s report to all members of the Governing Body and must set down the Bill for consideration in Committee at the next Governing Body meeting in accordance with section 29 of Chapter II of the Constitution.

The Select Committee has met on two occasions, and this is its report to the Standing Committee.

**Amendments proposed by Governing Body members**

The Select Committee considered the amendment proposed by the Reverend Sam Aldred.

Amendment proposed by the Reverend Sam Aldred

“To insert as clause 8: **That the Order for Morning and Evening Prayer contained within the Book of Common Prayer 1662 (English) and 1664 (Welsh) is authorised for use in any church in the Province.”**

The Select Committee was greatly assisted in its consideration of this amendment by correspondence passing between the Fr Aldred, the Secretariat and the Senior Bishop (on behalf of the backers). In that correspondence, the Senior Bishop indicated that the Bench of Bishops were minded (if the Bill is passed) to commend such minor variations to the 1984 order for Morning and Evening prayer as would allow the use of the text of the 1662 order for Mattins and Evensong. This would clarify without doubt that a service according to the 1662 form would be lawful (albeit technically as the 1984 form with minor variations to the text).

For these reasons the Select Committee does not consider it is necessary to recommend Fr Aldred’s amendment as the Bench of Bishops has clarified that it will permissible to use the 1662 and 1664 services lawfully. The Select Committee recognises that Fr Aldred can move his amendment at the committee stage if he wishes, but understand that he has indicated to the Secretariat his contentment with the solution proposed by the Bishops.

**Amendments proposed by the Select Committee to the main body of the Bill**

The Select Committee has power to propose its own amendments to the Bill, set out in Chapter II, section 28 (4) of the Constitution.

The Select Committee then considered if it was helpful to propose any amendments of its own to facilitate the purpose of the Bill, and proposes the following amendments:

***To amend Clause 1 by substituting “service” for “church”***

1. A Cleric having the cure of souls may in their discretion make and use minor variations in any authorised form of service according to particular circumstances and may authorise other officiating ministers to use such variations at any ~~church~~ service within their cure.

The reason the Select Committee recommends this amendment is, while there is no specific definition of ‘church’ in the Constitution, the Select Committee recognises the breadth of Anglicanism in Wales, and the Bill seeks to regulate the shape and form of services in all contexts of the Church in Wales, whether held in a church building, another building, or outside.

Substituting the word ‘service’ in this clause therefore allows more flexibility and is more inclusive of all contexts of divine worship.

**Amendments proposed by the Select Committee to the Appendix to the Bill**

The Select Committee recommends the following amendments to the Appendix to the Bill:

***To amend the right-hand column alongside “All Authorised Marriage Services” by substituting “Invitation to make allegation of impediment, Declarations and Vows” for “Marriage vows”***

|  |  |
| --- | --- |
| All authorised Marriage Services | Invitation to make allegation of impediment, Declarations and Vows |

The reason the Select Committee recommends this amendment is that the marriage service is a legal form regulated by civil law as well as canon law so for legal reasons the words of the service should be used as prescribed in the prayer book.

***To add a new section to the left-hand column “Ordinal” and a right-hand column “Charge, Prayers of Ordination”***

|  |  |
| --- | --- |
| Ordinal | Charge, Prayers of Ordination |

The reason the Select Committee recommends this amendment is that ordination would then be treated the same as baptism and holy communion. It would ensure a consistent approach with the other services, where words of particular doctrinal essence are strictly regulated.

**Other Matters discussed by the Select Committee where no amendment is proposed**

***Role of Incumbent***

The Select Committee discussed in some detail Clause 1 of the Bill, (see recommendation above) and particularly whether the authority to make a minor variation should vest in the Incumbent (as defined in the Bill) or in the minister taking the service in question. The discussion focussed particularly on whether placing this power in the hands of the Incumbent was a change in existing practice, which might make the Bill controversial.

After discussion, the Committee noted that the power to depart from the authorised words is an entirely new power, and therefore does not represent the transfer of any power from officiating minister to Incumbent. The officiating minister will continue to have the (current) discretion to choose between authorised alternatives contained with the Book of Common Prayer. Therefore no amendment was proposed.

***Definition of ‘minor’ and ‘the doctrine of the Church in Wales’***

The Select Committee spent time considering whether it would aid clarity and certainty for clergy if there to be a formal definition of what is and is not a ‘minor’ variation on the face of the Bill. The Committee consulted with the Senior Bishop (on behalf of the Backers) between its two meetings. At its second meeting the Select Committee concluded that it would be extremely difficult for a definition to be found which would assist Bishops in their application of Clause 4 of the Bill and noted the Bishops’ clear preference to be given sufficient discretion to be able to rule on disagreements pragmatically and pastorally. The Select Committee did not therefore propose an amendment.

A similar discussion ensued on whether the ‘doctrine of the Church in Wales’ (and therefore what constitutes a departure from it) might be defined on the face of the Bill. Again, following consultation with the Senior Bishop, the Committee decided not to propose an amendment. An express written definition of the doctrine of the Church in Wales would be likely to attract significant debate amongst Governing Body members, and turn a relatively minor and uncontroversial proposal into one of significant controversy.

However, these discussions did prompt the Select Committee to request that the impact of the Bill be monitored in its first years of operation (if passed), as set out in the paragraphs below.

***Monitoring of Impact of Bill***

The Select Committee was conscious that this Bill does, legally if not in practice, constitute a significant change to the ordering of worship in the Church in Wales. It is also conscious that it has the potential to cause differentiation between Dioceses (as Diocesan Bishops are given the power to settle disputes over what is a minor variation, and may choose to exercise this power differently to one another).

While the Select Committee does not wish to propose any amendment to Clause 4, the Select Committee asks the Standing Committee to request a report back to the Governing Body from the Bench of Bishops five years after promulgation of the Bill, reporting on the Bishops’ use of clause 4. The Select Committee also wishes the Standing Committee to ask the Bishops to keep a record of all determinations they make under clause 4 of this Bill to assist in compiling such report.

***Further Additions to the Appendix***

The Select Committee discussed whether to recommend any further additions to the Appendix. The Select Committee recognises that the Bill tries to hold together the breadth of the Church in Wales to permit and value a generous and flexible use of liturgy within Anglicanism.

A majority consensus was reached among the members to only propose the amendments agreed as set out earlier in the report. However, one member of the Committee wished to record a minority opinion that following parts of the rite of Baptism should be added to the relevant line in the Appendix: *decision, profession of faith, signing of the cross, blessing of baptismal water.*

**Recommendation as to whether the Bill should be deemed non-controversial**

Under Section 28(6) of Chapter II of the Constitution, the Select Committee has to recommend to the Standing Committee whether or not the Bill should be deemed non-controversial. Although the Select Committee itself has recommended amendments, the Select Committee considers that these are in themselves non-controversial, and simply facilitate the purpose of the Bill. The Select Committee unanimously recommends that the Bill is non-controversial. It is the task of the Standing Committee to determine if the bill be deemed non-controversial or if it automatically receives full debate at the Governing Body.

The recommendation from a member of the Governing Body to the Select Committee, and by members of the Select Committee, have all been carefully considered and the Select Committee offers its report unanimously (noting a minority opinion recorded in respect of one matter relating to the Appendix).

**Appendices to this Report**

Appendix 1 to this Report reproduces the Bill and its appendix showing the proposed amendments recommended by the Select Committee.

Appendix 2 reproduces the proposed amendment that was not recommended by the Select Committee, for reasons set out in the Report above. In accordance with the Constitution, the member who prepared the amendment may introduce it at the Committee stage for debate and vote.

Appendix 3 reproduces the explanatory memorandum to the Bill for members ease of reference.

**For and on behalf of the Select Committee**

**Fr John Connell, CHAIR**

**Appendix 1**

**A BILL TO AUTHORISE AND REGULATE MINOR VARIATIONS TO AUTHORISED LITURGIES**

**WHEREAS** the Bench of Bishops of the Church in Wales wish to clarify when minor variations may be made to the forms of service authorised for use in the Province,

**BE IT HEREBY ENACTED that:**

1. A Cleric having the cure of souls may in their discretion make and use minor variations in any authorised form of service according to particular circumstances and may authorise other officiating ministers to use such variations at any ~~church~~ service within their cure.
2. All such variations in forms of service must be reverent and seemly and must be neither contrary to, nor indicative of any departure from, the doctrine of the Church in Wales.
3. The Governing Body (by motion) or the Order of Bishops may commend minor variations to any authorised form of service for use by officiating ministers pursuant to section 1 of this Canon.
4. The Diocesan Bishop shall have power to determine whether any variation (other than a variation authorised under section 3 of this Canon) is:
   1. minor;
   2. reverent and seemly; or
   3. contrary to, or indicative of any departure from, the doctrine of the Church in Wales, and the minister shall obey the direction of the Diocesan Bishop in this regard.
5. No variation to any form of service (or part thereof) listed in the Appendix may be deemed a minor variation unless the variation has been commended in accordance with section 3 of this Canon.
6. Nothing in this Canon shall affect the existing powers of a Diocesan Bishop to make liturgical provision for occasions for which no provision is made in the Book of Common Prayer.
7. In this Canon a “Cleric having the cure of souls” means a Cleric who is an Incumbent, a Priest in Charge, a Rector or Vicar in a Rectorial Benefice, or a licensed Cleric granted a cure of souls or particular pastoral responsibility for a church in their licence.

**Backers:**

The Bishop of Bangor

The Bishop of St Asaph

The Bishop of St Davids

The Bishop of Llandaff

The Bishop of Monmouth

**APPENDIX**

|  |  |
| --- | --- |
| **Form(s) of Service** | **Relevant Part(s) or Section(s)** |
| All authorised Baptism Services | Baptismal formula |
| All authorised Marriage Services | Invitation to make allegation of impediment, Declarations and Vows |
| All authorised Eucharists/Services of Holy Communion | From the *Sursum Corda* (“Lift up your hearts”) until the conclusion of the distribution of Holy Communion |
| Ordinal | Charge, Prayers of Ordination |
| Any form of service authorised for an experimental period | Entirety |

**Appendix 2**

**Amendment proposed by the Reverend Sam Aldred**

To insert as clause 8: That the Order for Morning and Evening Prayer contained within the Book of Common Prayer 1662 (English) and 1664 (Welsh) is authorised for use in any church in the Province.

**My reasons for proposing this amendment are as follows:**

The 1662 Book of Common Prayer is the wellspring of Anglican spirituality. For more than three hundred years it was the sole authorised liturgy for the Church of England, with a Welsh translation provided as early as 1664. Its cadences, its solidly scriptural foundations, and its majestic prose, form the most significant part of our uniquely Anglican heritage. Whilst legal provision was made in 1981 for the continued use of the 1662 rite of Holy Communion following the introduction of what is now known as the 1984 BCP, the same treatment was not extended to Morning and Evening Prayer.

If other, decidedly novel, liturgies may become permissible in the CiW, then it seems perverse to continue to deprive our congregations of their birth right. The 1662 Prayer Book remains a lively vessel for proclaiming the faith, and continues to attract new adherents. The Prayer Book Society is growing (particularly attracting younger members), and the well-publicised growth in attendance at cathedrals and college chapels owes much to the provision of Evensong in these places. Younger Christians in particular desire liturgies which give them a sense of God’s majesty, and to find their place in an unbroken chain of worship.

The offices of Matins and Evensong (along with the Litany) are the jewels in Cranmer’s Prayer Book. Welsh Anglicans deserve to be nourished by this true meat once more.

The Rev’d Sam Aldred

Assistant Curate, Central Swansea

Elected Cleric, Diocese of Swansea and Brecon

**Appendix 3**

**A Bill to authorise and regulate Minor Variations to Authorised Liturgies**

**Explanatory Memorandum**

Since the introduction of the revised Book of Common Prayer in 1984, a number of alternative rites have been incorporated within the Book by legislation passed in Governing Body. In more recent years, the Bench has commissioned from the Standing Liturgical Advisory Commission a number of pieces of supplemental liturgical material, either by way of seasonal material which could be used to enhance the experience of the use of liturgies from the Book of Common Prayer with the consent of Governing Body, or by way of occasional liturgies for use on specific occasions or in specific contexts by use of their existing *ius liturgicum* (a bishop’s right to order liturgical life in their diocese, subject to the law of the Church in Wales).

More recently a question has arisen concerning the extent of variation to the liturgies of the Book of Common Prayer that may be used in connection with such material, and the lawfulness of any such variations, mindful that all clergy promise at their institution or licensing to use only those ‘forms of service which are allowed by lawful authority’.

This bill seeks to clarify the canon law surrounding variations within the liturgical life of the Church in Wales by specifying the nature and extent that clergy may authorise or adopt such variations (Clause 1). Clause 2 requires any and all variations to fit certain criteria, while Clauses 4 to 7 give further details of the way in which the canon should be applied in the Church in Wales. Clause 3 permits the Bench of Bishops and the Governing Body to prepare or compile material which may be used by ministers in accordance with Clause 1. Clause 5 places certain limits on the permission given in Clause 1 by excluding matters of explicit doctrinal import, or material within experimental rites.

*Memorandum approved by the Standing Committee 8 July 2021*